



Committee on Ordinances

Regular Meeting

~ Agenda ~

Monday, March 9, 2020 Upon the Rise of the 5:00 o'clock p.m. Committee "B" (City Hall)
Public Hearing

PRESENT: Chairwoman Jo-Ann Ryan Chairwoman, Vice-Chairwoman
Carmen Castillo, Nicholas J. Narducci, Jr., Councilwoman Mary Kay Harris and
Councilor Rachel M. Miller – 5.

Also present are Council President Sabina Matos, Council President Pro
Tempore Michael J. Correia; Councilwoman Katherine A. Kerwin; Councilman
James E. Taylor; Etie Lee Schaub, Law Department; Erlin Rogel, City Council
Office; Leo Perrotta, Department of Public Works; Robert Azar, Department of
Planning & Development; Billy Kerwin, City Council Office; Aaron Easter
Gardner, Mayor's Office; John J. Garrahy, Esquire; Peter Casale; Eric Weiss; Bob
Barry; Rachel Peterson; Bryan Bishop; Lisa Burkin; Bob Warlow; Paul Grassuck;
Tina L. Mastroianni, First Deputy City Clerk and Jennifer L. Emidy, Assistant
Clerk.

CHAIRWOMAN RYAN: Can I have a motion to take the agenda out of
order and have the Clerk read agenda item number 2 into the record.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Councilman Narducci
SECONDER:	Vice-Chairwoman Castillo
AYES:	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller – 5.

- 2. An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, to amend the Use Definition of a Rehabilitation Center.**

Discussion was held relative to the foregoing matter.

RESULT: CONTINUED WITH VOTE [UNANIMOUS]
MOVER: Councilman Narducci
SECONDER: Vice-Chairwoman Castillo
AYES: Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller – 5.

3. **Petition from John J. Garrahy, John J. Garrahy Law, LLC, 2088 Broad Street, Cranston, Rhode Island 02905, dated February 15, 2019, requesting to amend Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: “The City of Providence Zoning Ordinance”, Approved November 24, 2014, as amended, by further adding the following provision as Section 1202 L.6. of the Zoning Ordinance, “Alterations in an R-1 or R-1A Zone”.**

Discussion was held relative to the foregoing matter.

RESULT: CONTINUED INDEFINITELY [UNANIMOUS]
MOVER: Vice-Chairwoman Castillo
SECONDER: Councilman Narducci
AYES: Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller – 5.

4. **Petition from Rithy Thay, 16 Long Court, Cranston, Rhode Island 02920, requesting a zone change for the property located on Assessor's Plat 43, Lots 504, 505 and 539, located at 759 Potters Avenue, from R-3 to C-1.**

Discussion was held relative to the foregoing matter.

RESULT: CONTINUED (WITH VOTE) [UNANIMOUS]
MOVER: Councilman Narducci
SECONDER: Councilwoman Harris
AYES: Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller – 5.

5. **Petition from Joseph P. Brennan, Esquire, Law Offices of K. Joseph Shekarchi, 33 College Hill Road, Suite 15E, Warwick, Rhode Island 02888, requesting a Zone Change for the property located on Assessor's Plat 89, Lot 391, located at 121 Stamford Avenue, from R-2 to R-4.**

CHAIRWOMAN RYAN: Can I have a motion to Exhibit 5A a letter from the CPC into the record.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Councilman Narducci
SECONDER:	Councilwoman Harris
AYES:	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller – 5.

Discussion was held relative to the foregoing matter.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Councilman Narducci
SECONDER:	Vice-Chairwoman Castillo
AYES:	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller – 5.

- An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance," Approved November 24, 2014, As Amended, to change the Zoning Districts of Plat 63, Lot 346 and Plat 35, Lot 562 to include said lots in the Historic District Overlay District.**

Discussion was held relative to the foregoing matter.

RESULT:	CONTINUED WITH VOTE [UNANIMOUS]
MOVER:	Councilwoman Harris
SECONDER:	Councilman Narducci
AYES:	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller – 5.

- Petition from John J. Garrahy, Esquire, John J. Garrahy Law, LLC, 2088 Broad Street, Cranston, Rhode Island 02905, requesting a Zone Change for the property located on Assessor's Plat 14, Lot 537 (189 Waterman Street), from R-3 to RP.**

CHAIRWOMAN RYAN: Can I have a motion to enter Exhibit 7A a letter from the CPC into the record.

RESULT: PASSED [UNANIMOUS]
MOVER: Councilman Narducci
SECONDER: Vice-Chairwoman Castillo
AYES: Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,
Councilwoman Harris and Councilor Miller – 5.

Discussion was held relative to the foregoing matter.

RESULT: APPROVED [UNANIMOUS]
MOVER: Vice-Chairwoman Castillo
SECONDER: Councilman Narducci
AYES: Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,
Councilwoman Harris and Councilor Miller – 5.

- 1. An Ordinance Amending Chapter 23 "Streets, Sidewalks, and Public Places", Article I "In General" of the Code of Ordinances of the City of Providence, to add Section 38, "Alteration of Streets and Sidewalks".**

CHAIRWOMAN RYAN: May I have a motion to substitute the foregoing matter.

RESULT: PASSED [UNANIMOUS]
MOVER: Councilman Narducci
SECONDER: Vice-Chairwoman Castillo
AYES: Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,
Councilwoman Harris and Councilor Miller – 5.


CHAIRWOMAN RYAN: May I have a motion to enter Exhibit A into the record – letters of opposition.


RESULT: PASSED [UNANIMOUS]
MOVER: Vice-Chairwoman Castillo
SECONDER: Councilwoman Harris
AYES: Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,
Councilwoman Harris and Councilor Miller – 5.

Discussion was held relative to the foregoing matter.

RESULT:	CONTINUED WITH VOTE [UNANIMOUS]
MOVER:	Vice-Chairwoman Castillo
SECONDER:	Councilwoman Harris
AYES:	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilwoman Harris and Councilor Miller – 4.
ABSENT:	Councilman Narducci – 1.

ADJOURNMENT: On motion of Vice-Chairwoman Castillo, Seconded by Councilwoman Harris, it is voted to adjourn at 8:18 o'clock P.M.


First Deputy City Clerk


Assistant Clerk

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE AMENDING CHAPTER 23 "STREETS, SIDEWALKS, AND PUBLIC PLACES", ARTICLE I "IN GENERAL" OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, TO ADD SECTION 38, "ALTERATION OF STREETS AND SIDEWALKS"**

Be it ordained by the City of Providence:

WHEREAS, the City of Providence is duly empowered to enact certain laws related to the construction, alteration, and management of its public rights-of-way; and

WHEREAS, the City of Providence City Council has particular concerns related to the feasibility and impacts that alteration of its public rights-of way may have on the local community, including adverse traffic impacts, negative impact on commerce, and reduction in surrounding property values; and

WHEREAS, the City of Providence intends to protect its local residents by providing a level of oversight in how roadway improvements are implemented within the City.

Now Therefore, Be it ordained by the City of Providence:

Section 1. Chapter 23, "Streets, Sidewalks, and Public Places," Article I "In General" is hereby amended to add Section 38, "Alteration of Streets and Sidewalks" as follows:

(a) Any project that requires the alteration of a street, defined as the removal or expansion of on-street parking, installation of bicycle lanes, or installation of traffic calming measures, shall be required to fulfill all requirements of a Major Land Development Project as defined in the City of Providence Land Development and Subdivision Regulations including review by the City Planning Commission. ~~Notice of Public Meeting Required: Whenever the Director of Public Works shall receive or consider, a project that requires the alteration of a street, including but not limited to, removal or expansion of on-street parking, installation of bicycle lanes, installation of traffic calming measures, or any change to existing traffic patterns, the Director shall first provide written notice to:~~

- ~~1) Property owners and all tenants in possession of the adjacent lots along the entirety of the proposed project length;~~
- ~~2) The Fire Chief;~~
- ~~3) The Chief of Police;~~
- ~~4) The Director of Public Safety;~~
- ~~5) The Council member(s) for the ward within which the project is proposed; and~~
- ~~6) All public utilities within the area of the proposed project~~

~~Said notice shall provide a detailed description of the proposed project, including a copy of all plans submitted in connection with the proposal, as well as identify a date and location for a public meeting to address the project. The Director shall further cause notice to be published in a newspaper of general circulation in the City of Providence, or an equivalent electronic medium, not less than ten (10) days prior to the public hearing and be posted in the office of the city clerk.~~

(b) In addition to any notice provisions required for Major Land Development Projects, any street alteration project shall be required to provide written notice to all property owners and tenants in possession of the adjacent lots along the entirety of the proposed project lengthy, as well as the council member(s) for the ward(s) within which the project is proposed. *Required Documentation:* ~~Prior to approving any project subject to this Section, the Director of Public Works must receive the following:~~

- ~~1) A detailed analysis of any existing infrastructure challenges and how the proposed project impacts those challenges;~~
- ~~2) A maintenance plan which includes snow and trash removal;~~
- ~~3) Written approval from a majority of the abutting lot owners along the proposed length of the proposed project;~~
- ~~4) In the event a proposed project is receiving any city infrastructure funding, a fiscal note outlining expenditures shall be required; and~~
- ~~5) A comprehensive feasibility and public safety impact report of the proposed project including items 1-4 of this subsection, as well as final plans for the proposed project.~~

~~Failure to obtain the items required in this subsection (b) shall result in an automatic denial and no permits may be issued by the City in connection with the application.~~

(c) *Exemptions:* The following projects are exempted from the requirements of this section:

- i. Alterations to sidewalks or curb cuts required for development on a privately-owned lot;
- ii. Installation or maintenance of any public utility;
- ~~iii. Any projects implemented by the Rhode Island Department of Transportation;~~
- iii. Installation of signs; speed bumps; raised cross walks or striping;
- iv. Any routine maintenance and repair performed by the Department of Public Works; and
- v. Any alterations made in response to an urgent need to ensure the health and safety of the public.

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE", APPROVED NOVEMBER 24, 2014, AS AMENDED, TO AMEND THE USE DEFINITION OF A REHABILITATION CENTER**

Be it ordained by the City of Providence:

SECTION 1: Chapter 27 of the Code of Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance," approved November 24, 2014, as amended, is hereby further amended by making the following changes to the Use Matrix of Article 12, Section 1201, and the Use Definitions of Article 12, Section 1204, with additions underlined and deletions struck out:

ARTICLE 12. USES

1201 USE MATRIX

Table 12-1: Use Matrix																					
Key: P = Permitted // S = Special Use																					
Use	R-1A	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-MU	I-1	I-2	PS	OS	CD	Use Standard
Rehabilitation Center						<u>S</u>	<u>S</u>	S	SP	P	S		P		<u>P</u>	P	S				

1204 USE DEFINITIONS

Rehabilitation Center. A facility for treatment of alcohol or drug addiction that is licensed, certified, or accredited by the appropriate local, state, or federal agencies, in which ~~unrelated persons-patients~~ are provided ~~treatment~~, addiction diagnosis and medication to treat addiction. The facility may also provide housing, food and supportive services.

SECTION 2: This ordinance shall take effect upon passage.

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

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Be it ordained by the City of Providence:

WHEREAS, the City of Providence is duly empowered to enact certain laws related to the construction, alteration, and management of its public rights-of-way; and

WHEREAS, the City of Providence City Council has particular concerns related to the feasibility and impacts that alteration of its public rights-of way may have on the local community, including adverse traffic impacts, negative impact on commerce, and reduction in surrounding property values; and

WHEREAS, the City of Providence intends to protect its local residents by providing a level of oversight in how roadway improvements are implemented within the City.

Now Therefore, Be it ordained by the City of Providence:

Section 1. Chapter 23, "Streets, Sidewalks, and Public Places," Article I "In General" is hereby amended to add Section 38, "Alteration of Streets and Sidewalks" as follows:

(a) Any project that requires the alteration of a street, defined as the removal or expansion of on-street parking, installation of bicycle lanes, or installation of traffic calming measures, shall be required to fulfill all requirements of a Major Land Development Project as defined in the City of Providence Land Development and Subdivision Regulations including review by the City Planning Commission. ~~*Notice of Public Meeting Required:* Whenever the Director of Public Works shall receive or consider, a project that requires the alteration of a street, including but not limited to, removal or expansion of on-street parking, installation of bicycle lanes, installation of traffic calming measures, or any change to existing traffic patterns, the Director shall first provide written notice to:~~

- ~~1) Property owners and all tenants in possession of the adjacent lots along the entirety of the proposed project length;~~
- ~~2) The Fire Chief;~~
- ~~3) The Chief of Police;~~
- ~~4) The Director of Public Safety;~~
- ~~5) The Council member(s) for the ward within which the project is proposed; and~~
- ~~6) All public utilities within the area of the proposed project~~

~~Said notice shall provide a detailed description of the proposed project, including a copy of all plans submitted in connection with the proposal, as well as identify a date and location for a public meeting to address the project. The Director shall further cause notice to be published in a newspaper of general circulation in the City of Providence, or an equivalent electronic medium, not less than ten (10) days prior to the public hearing and be posted in the office of the city clerk.~~

(b) In addition to any notice provisions required for Major Land Development Projects, any street alteration project shall be required to provide written notice to all property owners and tenants in possession of the adjacent lots along the entirety of the proposed project lengthy, as well as the council member(s) for the ward(s) within which the project is proposed. *Required Documentation:* Prior to approving any project subject to this Section, the Director of Public Works must receive the following:

- ~~1) A detailed analysis of any existing infrastructure challenges and how the proposed project impacts those challenges;~~
- ~~2) A maintenance plan which includes snow and trash removal;~~
- ~~3) Written approval from a majority of the abutting lot owners along the proposed length of the proposed project;~~
- ~~4) In the event a proposed project is receiving any city infrastructure funding, a fiscal note outlining expenditures shall be required; and~~
- ~~5) A comprehensive feasibility and public safety impact report of the proposed project including items 1-4 of this subsection, as well as final plans for the proposed project.~~

~~Failure to obtain the items required in this subsection (b) shall result in an automatic denial and no permits may be issued by the City in connection with the application.~~

(c) *Exemptions:* The following projects are exempted from the requirements of this section:

- i. Alterations to sidewalks or curb cuts required for development on a privately-owned lot;
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- ~~iii. Any projects implemented by the Rhode Island Department of Transportation;~~
- iii. Installation of signs; speed bumps; raised cross walks or striping;
- iv. Any routine maintenance and repair performed by the Department of Public Works; and
- v. Any alterations made in response to an urgent need to ensure the health and safety of the public.