

CHAPTER 2021-32

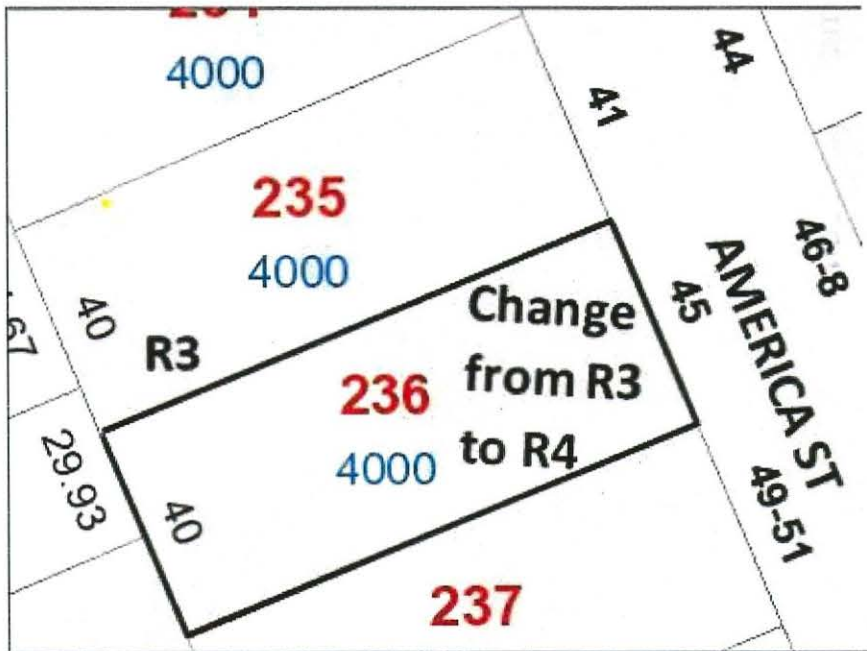
No. 350

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 DISTRICT ON THE OFFICIAL ZONING MAP FOR THE PROPERTY LOCATED ON ASSESSOR'S PLAT 28, LOT 236 (45-47 AMERICA STREET), FROM R-3 RESIDENTIAL DISTRICT TO AN R-4 RESIDENTIAL DISTRICT; SAID LOT IS NOT SUBJECT TO ARTICLE 4, TABLE 4-1 RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS, R-4 BULK STANDARDS, MINIMUM LOT AREA: SAID LOT IS COMPLIANT WITH ARTICLE 14, SECTION 1410 (B) (8) EXISTING STRUCTURE PARKING EXEMPTIONS; SAID LOT IS SUBJECT TO THE CONDITION THAT THERE BE NO MORE THAN FOURTEEN (14) EFFICIENCY DWELLING UNITS WITH A MINIMUM SQUARE FOOTAGE OF 340 PER DWELLING UNIT

Approved August 2, 2021

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 changing the Zoning District on the Official Zoning Map for the Property located on Assessor's Plat 28, Lot 236 (45-47 America Street), from R-3 Residential District to an R-4 Residential District; said lot is not subject to Article 4, Table 4-1 Residential District Dimensional Standards, R-4 Bulk Standards, Minimum Lot area: said lot is compliant with Article 14, Section 1410 (B) (8) existing structure parking exemptions; said lot is subject to the condition that there be no more than Fourteen (14) efficiency dwelling units with a minimum square footage of 340 per dwelling unit.



I HEREBY APPROVE.

SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
JUL 15 2021
FIRST READING
READ AND PASSED

Anna L. Mastromeo
CLERK
ACTING

IN CITY COUNCIL
JUL 21 2021
FINAL READING
READ AND PASSED

John J. Igliazzi
JOHN J. IGLIOZZI, PRESIDENT
Anna L. Mastromeo
CLERK
ACTING

Date:

[Signature]
Mayor
8/2/21

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE HONORABLE CITY COUNCIL

The undersigned respectfully petitions your honorable body

DNC Acquisitions, LLC hereby petitions the *City Council* to:

Amend the Zoning Designation for the property located at A.P. 28, Lot 236, further identified as 45-47 America Street, Providence Rhode Island, and shown on the accompanying Zoning Certificate, from R-3 Residential District to an R-4 Residential District: said lot is not subject to Article 4, Table 4-1 Residential District Dimensional Standards, R-4 Bulk Standards, Minimum Lot area; said lot is compliant with Article 14, Section 1410 (B) (8) existing structure parking exemptions; said lot is subject to the condition that there be no more than Fourteen (14) efficiency dwelling units with a minimum square footage of 340 per dwelling unit.

The attached zoning certificate currently depicts the zoning district of R-3, if the requested amendment is approved, the subject lot would be amended to R-4 (as opposed to its current designation of R-3).

The site is zoned R-3, and a multifamily development is not permitted in a R-3 zone. A zone change to R-4 is being requested to accommodate the multi-family development with a minimum square footage of 340 square feet per dwelling unit. The current structure, a multi-family dwelling, is comprised of two separate structures with a total amount of 18 bedrooms. The petitioner seeks to merge the two structures and develop 14 efficiency residential units.

The multifamily development will have a similar density as the structure currently stands and the proposed amendment is consistent with the City's Comprehensive Plan as well as the applicable purposes of zoning, as delineated in Section 101 of the City's Zoning Ordinance.

DNC Acquisitions, LLC

Signature: /s/. John O. Mancini, #6067

Title: Attorney, on behalf of DNC Acquisitions, LLC

Telephone: (401) 343-7000

Email Address: jmancini@mancinicartr.com



City Plan Commission
Jorge O. Elorza, Mayor

June 16, 2021

Councilman Nicholas Narducci
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Shawn Selleck, City Clerk

Re: Referral 3494 – Petition to rezone 45-47 America Street (AP 28 Lot 236) from R-3 to R-4

Petitioner: DNC Acquisitions LLC

Dear Chairman Narducci,

The City Plan Commission (CPC) reviewed the petition to rezone 45-47 America Street (AP 28 Lot 236) from R-3 to R-4 with certain conditions to combine the buildings to permit a total of 14 efficiency units within a single building. Per the petition, table 4-1 of the zoning ordinance—residential district dimensional standards—would not apply. Exemptions include the provision of 1,200 SF of minimum lot area per dwelling unit and the parking requirement. The fourteen efficiency units would provide 340 SF of lot area per dwelling unit with no parking.

FINDINGS OF FACT

The lot is currently occupied by two buildings providing a total of 18 bedrooms. Per the Future Land Use Map of Providence Tomorrow—which the comprehensive plan states is not intended for parcel level analysis—this area is intended for medium density residential development, which the plan describes as areas where the lot sizes vary from 3,200 SF to 5,000 SF and are occupied by one to multi-family buildings. The CPC found that the lot's existing configuration meets this description, providing 18 bedrooms in two buildings on a lot that is nonconforming by dimension. The zone change would allow for fourteen units to be contained within a single building. Given the land use description for this area, the CPC found that the rezoning would be in conformance with the comprehensive plan.

The lot is currently nonconforming by parking, the amount of impervious surface and number of units. The CPC found that the zone change would allow for a reduction in the number of

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bedrooms and account for the existing nonconformities. Rezoning would be appropriate given the character of the surroundings and the configuration of the lot. However, it is the CPC's opinion that the applicant could make some improvements to the site by introducing some pervious surface and meeting the canopy coverage requirement offsite to counter the dense development. The CPC found that the rezoning is not expected to negatively affect health, safety and welfare and is consistent with the purposes of zoning in Section 101 of the Zoning Ordinance if these changes were to be implemented,

RECOMMENDATION

On a motion by Commissioner Gazdacko, seconded by Commissioner Bilodeau, the CPC voted to recommend that the City Council approve the proposed zone change to R-4 with the conditions that the dimensional standards of table 4-1 do not apply to the lot. In accordance with their action, the CPC recommends that the zone change be approved subject to the following condition:

The applicant shall make an effort to introduce pervious surface on the site and meet the canopy coverage requirement by making plantings under the supervision of the City Forester.

The CPC voted as follows:

Aye: M. Gazdacko, H. Bilodeau, L. Torrado, M. Quezada, C. West

Sincerely,



Choyon Manjrekar
Administrative Officer