

CITY OF EAST PROVIDENCE
MINUTES/JOURNAL-REGULAR COUNCIL MEETING
TUESDAY, MAY 18, 2021
CALL TO ORDER: 6:30 P.M.
145 TAUNTON AVENUE-CITY COUNCIL CHAMBERS
EAST PROVIDENCE, RHODE ISLAND
EXECUTIVE SESSION: CONFERENCE ROOM A

OPEN SESSION WILL IMMEDIATELY FOLLOW EXECUTIVE SESSION

City Council:
Council President, Robert Britto - Ward 1
Council Vice-President: Bob Rodericks - At Large
Councilwoman Anna Sousa - Ward 2
Councilman Nate Cahoon - Ward 3
Councilman Ricardo Mourato - Ward 4

City Solicitor, Michael J. Marcello
City Clerk, Samantha N. Burnett

As a result of the COVID-19 pandemic, this meeting will be both in person and virtually, through an application called, "Zoom".

IN ORDER TO PARTICIPATE VIRTUALLY, USE THE FOLLOWING OPTIONS:

By phone:
Call the toll free number: 1-877-853-5247 (audio only) and enter the following information:
MEETING ID: 993-0796-0324
You do not need a meeting passcode.

By computer or smartphone (this is the audio and video option):
To participate visually (with audio) you will need to log into the following from your computer or smart phone, go to: www.zoom.us
Enter the following information when prompted
MEETING ID: 993-0796-0324
Once entered, you will be able to join the meeting. At the appropriate time for public comment the moderator will allow you to provide comment at the meeting.
The meeting will also be available live on our city website, located at:
http://www.clerkbase.com/RI_EastProvidence_Live_CityCouncil.html

REGARDING PUBLIC COMMENT

In addition, written public comment on any agenda item can be submitted by 4:00 p.m. on Tuesday, May 18, 2021 in the following delivery methods:

Email the City Clerk at: sburnett@eastprovidenceri.gov
Deliver your written comment in person to the City Clerk
Location: City Hall 145 Taunton Avenue East Providence, Rhode Island 02914

IF YOU WISH TO PARTICIPATE IN PUBLIC COMMENT VIA ZOOM, YOU MUST USE THE "RAISE HAND" FUNCTION VIA ZOOM NO LATER THAN 6:45 P.M. TO BE RECOGNIZED BY THE MODERATOR OF THE MEETING.

I. CALL TO ORDER

Council President Britto called the meeting to order. All members were present for the exception of Councilwoman Sousa and Councilman Cahoon at the time roll call was announced. Councilman Cahoon who joined shortly after roll call was completed.

II. INVOCATION OF EXECUTIVE SESSION

Council may meet in Executive Session, pursuant to RIGL 46-45 (a) 2 relating to collective bargaining.

Motion to meet in Executive Session made made by Council Vice President Rodericks. Motion seconded by Councilman Mourato. Motion passes unanimously, 4-0 with Councilwoman Sousa absent. The Council leaves the Chambers to go into Executive Session in Conference Room A.

Member	Aye	Nay
Sousa		
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

III. EXECUTIVE SESSION – PURSUANT TO RIGL 46-45 (a) 2

1. City Council Ratification of the East Providence School Department Administrative Assistants' contract. (Article 10, Section 10-4 of the Home Rule Charter)
2. City Council Ratification of the East Providence Teachers' contract. (Article 10, Section 10-4 of the Home Rule Charter)

IV. OPEN SESSION – The Council reconvenes in Open Session. 

V. PLEDGE OF ALLEGIANCE – Council President Britto leads the Pledge.

VI. MOTION TO SEAL THE MINUTES FROM EXECUTIVE SESSION

Motion to seal the minutes from Executive Session made by Councilman Cahoon. Motion seconded by Council Vice President Rodericks. Motion passes unanimously, 4-0 with Councilwoman Sousa absent.

Member	Aye	Nay
Sousa		
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

VII. APPROVAL OF THE CONSENT CALENDAR 

1. COUNCIL JOURNALS:

- MAY 4, 2021 REGULAR MEETING MINUTES
- MAY 4, 2021 EXECUTIVE MEETING MINUTES
- MAY 6, 2021 SPECIAL MEETING MINUTES
- NOVEMBER 24, 2020 – AMENDED MINUTES, PREVIOUSLY FILED

2. TAX ABATEMENTS: 2020: \$117.39

Motion to approve the Consent Calendar made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes unanimously, 4-0 with Councilwoman Sousa absent.

Member	Aye	Nay
Sousa		
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

PUBLIC COMMENT 

Each speaker will be limited to three (3) minutes. The order of the speakers will be on a first come, first serve basis and the maximum time for public comment shall be limited to thirty (30) minutes per meeting. Public comments must pertain to a docket item.

- Heather Andrade of Wampanoag Trail spoke against Metacomet*
- Sarah Smalley of Pawtucket Avenue spoke against Overlay Ordinance*
- Terrance Propper of South Broadway spoke against regarding Metacomet Substantial Change*
- “Kathy” on Zoom but there was no connection due to mute issue. Council President tried twice to reach her through the A/V technician.*
- David Sisson of 5th Street spoke in favor of 345 Taunton Avenue*
- Miles Bonalewicz spoke in favor of the Zoning Change*

VIII. MAYORAL APPOINTMENTS WITH COUNCIL APPROVAL 

1. Jason Rafferty, Juvenile Hearing Board – Alternate Member

Term: 11/02/2020-10/01/2023
Motion to approve this appointment was made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes unanimously, 4-0 with Councilwoman Sousa absent.

Member	Aye	Nay
Sousa		
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

IX. LICENSES NOT REQUIRING PUBLIC HEARING 

1. One Day Entertainment License

Business Name: HeARTspot Gallery
 Applicant: Jennifer Gillooly Cahoon
 Date: 05/27/2021 from 6:00 p.m. to 8:00 p.m.
 Event: Gallery Opening
Councilman Cahoon announced his recusal for this item and did not participate in this item in any regard. Applicant was present to answer any questions from the Council. Motion to approve made by Councilman Mourato. Motion seconded by Council Vice President Rodericks. Motion passes unanimously.

Member	Aye	Nay
Sousa		
Cahoon		
Mourato	x	
Rodericks	x	
Britto	x	

2. Mobile Food Establishment License/Permit

Business Name: Moving Dough Pizza Company, LLC
 Applicant: Joseph Cantone
 Location: 1 Industrial Court, 02915
Applicant available to answer any questions from the Council. Motion to approve made by Councilman Mourato. Motion seconded by Councilman Cahoon. Motion passes unanimously, 4-0 with Councilwoman Sousa absent.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks		
Britto		

3. Application for Hawker License

Business Name: Keystone Novelties Distributors, LLC.

Applicant Name: Alex Mutzabaugh

Location: 1235 Wampanoag Trail, 02915

Applicant was present via Zoom to answer any questions from the Council. Motion to approve was made by Council Vice President Rodericks. Motion seconded by Councilman Mourato. Motion passes unanimously, 4-0 with Councilwoman Sousa absent.

Member	Aye	Nay
Sousa		
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

X. NEW BUSINESS

A) Discussion and Vote (Pursuant to Section 19-76 of the East Providence Zoning Ordinance) Regarding Petition For Zone Change for Property at: 500 Veterans Memorial Parkway (Map 107, Block 15, Parcel 001) and determination of a “substantial change of circumstances” and potential referral to the Planning Board

Applicant and Owner: Metacomet Property, LLC.

Applicant was present to answer any questions from the Council. Motion that there was a substantial change of circumstances and refer to the Planning Board made by Councilman Cahoon. Motion seconded by Council Vice President Rodericks. Motion passes 3-1, with Councilwoman Sousa absent. City Clerk, Samantha Burnett, will transmit the necessary and submitted documents to Planning.

Member	Aye	Nay
Sousa		
Cahoon	x	
Mourato		x
Rodericks	x	
Britto	x	

A) COUNCIL COMMUNICATIONS

1. Discussion and Vote: City Council Jurisdiction Over School Department Employee Contracts Council Vice President Rodericks

Council Vice President Rodericks declined to present this item. No action was made.

Member	Aye	Nay
Sousa		
Cahoon		
Mourato		
Rodericks		
Britto		


2. Announcement and Discussion: American Legion Riverside Post 10 Memorial Day Parade and Festivities – Councilman Mourato

Councilman Mourato was present to make the announcement of the parade and plans for this event.

3. Discussion and Vote: Use of Council Funds for Riverside Memorial Day Parade Needs – Councilman Mourato

Discussion but no vote was taken on this item. Napoleon Gonsalves stated that there are additional options for funds for the post parade barbeque.

Member	Aye	Nay
Sousa		
Cahoon		
Mourato		
Rodericks		
Britto		

3. Discussion and Vote: City Council Ratification of the East Providence Teachers' contract. (Article 10, Section 10-4 of the Home Rule Charter) – Councilman Cahoon 

Motion to approve made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes unanimously, 4-0 with Councilwoman Sousa absent.

Member	Aye	Nay
Sousa		
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

4. Discussion and Vote: City Council Ratification of the East Providence School Department Administrative Assistants' contract. (Article 10, Section 10-4 of the Home Rule Charter) – Councilman Cahoon

Motion to approve made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes unanimously, 4-0 with Councilwoman Sousa absent.

Member	Aye	Nay
Sousa		
Cahoon		
Mourato		
Rodericks		
Britto		

B) COMMUNICATIONS – OFFICE OF THE MAYOR

All announcements were announced as listed below:

Items for Correspondence:

1. Appointment of Joyce May to Director, East Providence Library
2. American Legion Riverside Post 10, Memorial Day Press Release

3. National Police Week: May 9-15, 2021 and National Peace Officers Memorial Day: May 25, 2021- Proclamation

4. Declaration of Municipal Emergency Executive Order 2021-012

-Request for extension of Municipal Emergency until June 15, 2021 – FOR COUNCIL VOTE

Director Gonsalves present for the Council to answer additional questions they may have. Motion to approve the extension of the Executive Order made by Councilman Cahoon. Motion seconded by Council Vice President Rodericks. Motion passes unanimously, 4-0 with Councilwoman Sousa absent.

Member	Aye	Nay
Sousa		
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

C) REPORTS OF OTHER CITY OFFICIALS

1. Boards and Commissions Report – City Clerk, Samantha Burnett

No application update, but City Clerk, Samantha Burnett suggested with expanding the choices for ethnicity/race options for the applicants applying to boards and commissions.

D) ORDINANCES FOR FIRST PASSAGE

Full ordinances on ClerkBase, under 05/18/2021 agenda: <https://www.clerkshq.com/eastprovidence-ri>

1. AN **ORDINANCE** IN AMENDMENT OF CHAPTER 4 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “BUILDINGS AND BUILDING REGULATIONS” (Section 4-147) -Council President Britto

Motion to approve the ordinance made by Councilman Cahoon. Motion seconded by Council Vice President Rodericks. Motion passes unanimously, 4-0 with Councilwoman Sousa absent.

Member	Aye	Nay
Sousa		
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

2. AN **ORDINANCE** IN AMENDMENT OF CHAPTER 2 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "ADMINISTRATION" (Section 2-283) -Council President Britto

Motion to table this ordinance to a date certain of June 1, 2021 by Council Vice President Rodericks. Motion seconded by Councilman Cahoon. Motion passes unanimously 4-0 with Councilwoman Sousa absent. City Clerk, Samantha Burnett will add this to the June 1, 2021 docket.

Member	Aye	Nay
Sousa		
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

E) ZONING ORDINANCES FOR FINAL PASSAGE (AND PUBLIC HEARING)

Full ordinances on ClerkBase, under 05/18/2021 agenda:

<https://www.clerkshq.com/eastprovidence-ri>

1. AN **ORDINANCE** IN AMENDMENT OF CHAPTER 19 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND 1998, AS AMENDED, ENTITLED “ZONING” - MIXED USE OVERLAY DISTRICT (Section 19-322)

-Councilwoman Sousa

Public Hearing was held. Resident, Ruarri Miller, spoke regarding this ordinance. Shortly after Public Hearing was closed, as others spoke earlier on this item during Public Comment.

Motion to approve the amendment the ordinance was made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes unanimously 4-0 with Councilwoman Sousa absent.

Member	Aye	Nay
Sousa		
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

Motion to approve the passage as amended made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes unanimously, 4-0 with Councilwoman Sousa absent.

Member	Aye	Nay
Sousa		
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

XI. RECONVENE IN EXECUTIVE SESSION (if necessary)

The Council did not find it necessary to reconvene in Executive Session.

XII. ADJOURNMENT

Motion to adjourn the meeting was made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes 4-0 with Councilwoman Sousa absent. Meeting is adjourned.

Member	Aye	Nay
Sousa		

Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

If communication assistance is needed or any other accommodations to ensure equal participation, please contact the City Clerk, Samantha Burnett at 401.435.7596 at least 48 hours prior to the meeting date.

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STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 4 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“BUILDINGS AND BUILDING REGULATIONS”

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Subdivision II entitled “Responsibilities of Owner and Occupant” of Division 5 entitled “Minimum Residential Standards” of Article III entitled “Minimum Property Standards” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations” is hereby amended by adding thereto the following:

Sec. 4-147. Boat Storage.

- (a) Except as provided for in statute, local law, ordinance or other regulations, boats shall not be parked, kept, or stored on any residential premises, except as follows:
 - i. The boat is not visible from a public right of way; or
 - ii. The boat is stored within a garage; or
 - iii. Up to one (1) boat, no greater than twenty-four feet (24’) in length, may be stored on a lawful paved driveway so long as the boat remains in regular, seasonal use.
- (b) Under no circumstances shall more than two (2) boats be located on a residential premises.
- (c) Hardship waiver. If compliance with this section may negatively impact a property owner’s ability to comply with some other section of zoning or minimum housing standards, including but not necessarily limited to off-street parking requirements, the Zoning Officer or Minimum Housing Inspector may grant a waiver from this section. Such waiver shall be in the form of a written letter and it shall include the reasons why such waiver is being granted.

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Given first passage _____ and referred to _____ at 6:30 p.m. for a hearing and consideration of final passage; and adopted _____.

Attest:

City Clerk of the City of East Providence, RI

Introduced by: Council President Britto

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

**AN ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
"ADMINISTRATION"**

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Article VI entitled "Municipal Court" of Chapter 2 entitled "Administration" of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:

Sec. 2-283. Building Code Violation Fines, Zoning Code Violation Fines, Minimum Housing Code Violation Fines.

- a) There is hereby created a reserve fund account whereby all revenues generated by fines resulting from Building Code Violations, Zoning Code Violations, and/or Minimum Housing Code Violations shall be deposited. Such funds shall only be used in the manner prescribed as follows:
 - a. Low-income homeowner loans. The Director of Finance shall create a loan program for the benefit of persons appearing before municipal court related to Building Code Violations, Zoning Code Violations, and/or Minimum Housing Code Violations. Such program will require the following:
 - i. The applicant must be before the Municipal Court for Building Code Violations, Zoning Code Violations, and/or Minimum Housing Code Violations; and
 - ii. The applicant must be an individual person, and not a corporation of any form; and
 - iii. The property to benefit must be owned by an individual person, and not a corporation of any form; and
 - iv. The property to benefit must be the primary residence of the owner; and
 - v. The property owner must qualify for the loan by way of a means test whereby applicants shall only qualify if they fall below income thresholds to be annually established by the Director of Finance; and
 - vi. The loan shall be a low interest loan; and
 - vii. The loan shall be secured by a lien against the property; and
 - viii. The loan may only be used to cure any and all Building Code Violations, Zoning Code Violations, and/or Minimum Housing Code Violations; and
 - ix. The loan must effectively cure all Building Code Violations, Zoning Code Violations, and Minimum Housing Code Violations at the property.
 - b. Capital Improvements Budget. The Director of Finance may, annually at the time

of budget, take funds from this reserve fund and transfer them to the Capital Budget whenever such funds are not needed to support the Low-income homeowner loan program.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Given first passage _____ and referred to _____ at 6:30 p.m. for a hearing and consideration of final passage; and adopted

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Council President Britto

**STATE OF RHODE ISLAND
CITY OF EAST PROVIDENCE
CHAPTER**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE REVISED
ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND 1998,
AS AMENDED, ENTITLED “ZONING”**

SECTION I. Section 19-322 of Division 15 entitled “Mixed Use Hub Overlay District” of Article IV entitled “Supplementary District Regulations” of Chapter 19 entitled “Zoning” is hereby amended to read as follows:

DIVISION 15. MIXED USE HUB OVERLAY DISTRICTS*

Sec. 19-322. Main Street and Neighborhood Center Overlay Districts.

(a) Application. ~~The Main Street and Neighborhood Center Overlay includes all those parcels directly fronting on the northerly and southerly sides of Taunton Avenue from the westerly side of its intersection with Walnut Street and going easterly on the southerly side of Taunton Avenue to its intersection with Cora Avenue, and on the northerly side of Taunton Avenue to its intersection with Irving Avenue, as shown on the East Providence Zoning Map, and as defined in R.I.G.L. 45-24 (Overlay Districts). All properties located within the Main Street and Neighborhood Center Overlay District may choose either to develop or redevelop subject to the provisions of division 15, section 19-322 or may choose to develop or redevelop under the current underlying zoning of the property (C-1, C-2, C-3, and TA). Districts within the City shall include the following designated districts:~~

1. ~~Taunton Avenue Overlay District – All those parcels directly fronting on the northerly and southerly sides of Taunton Avenue from the westerly side of its intersection with Walnut Street and going easterly on the southerly side of Taunton Avenue to its intersection with Carlton Avenue, and on the northerly side of Taunton Avenue to its intersection with Irving Avenue, as shown on the East Providence Zoning Map, and as defined in R.I.G.L. 45-24 (Overlay Districts). All properties located within the Taunton Avenue Overlay District may choose either to develop or redevelop subject to the provisions of Division 15, section 19-322 or may choose to develop or redevelop under the current underlying zoning of the property (C-1, C-2, C-3, and (Taunton Avenue) TA).~~
2. ~~Waterman Avenue Overlay District - All those parcels directly fronting on the northerly and southerly sides of Waterman Avenue, commencing on the western terminus from its intersection with Massasoit Avenue and North Brow Street, proceeding easterly, and terminating at its intersection with Pawtucket Avenue, as shown on the East Providence Zoning Map, and as defined in R.I.G.L. 45-24 (Overlay Districts). All properties located within the Waterman Avenue Overlay District may choose either to develop or redevelop, subject to the provisions of Division 15, section 19-322 or may choose to develop or redevelop under the current underlying zoning of the property (C-1, C-2 and C-3).~~

3. Warren Avenue Overlay District - All those parcels directly fronting on the northerly and southerly sides of Warren Avenue, commencing on the western terminus of Warren Avenue from its intersection with Waterfront Drive, proceeding easterly, and terminating at its intersection with Boyd Avenue, as shown on the East Providence Zoning Map, and as defined in R.I.G.L. 45-24-31 (Overlay Districts). All properties located within the Warren Avenue Overlay District may choose either to develop or redevelop, subject to the provisions of Division 15, section 19-322 or may choose to develop or redevelop under the provisions of the current underlying zoning of the property (C-1, C-2, C-3 and Bold Point Harbor (BPH)).
4. (Additional Districts) Reserved.

(b) Intent.

- (1) It is the intent of Section 19-3322 to encourage new opportunities for mixed land use(s), in “Main Street” and/or neighborhood center configurations. ~~The Main Street designation is land that has, or is planned to have commercial and/or mixed use development~~ that promote a mixture of land use(s), including multi-unit residential and a variety of neighborhood oriented commercial land uses and to realize commercial and/or mixed use development with a storefront character using a typical Main Street build-to-line* configuration with buildings at the sidewalk and front ~~(Taunton Avenue)~~ property line, whenever feasible. Main Street uses primarily provide convenience retail sales and services to the surrounding residential neighborhood and gives priority to the access and convenience of pedestrians. Building types are small commercial structures, multi-story mixed use, and ~~some~~ residential structures (by special use permit). Non-residential uses typically occupy the street front, although residential uses are conditionally permitted by special use permit. These uses may include, but are not limited to, a combination of commercial use(s), offices, retail, residential, personal convenience service businesses, cultural activity* and public and civic uses. Land uses may be mixed by floor (vertically within a building) or horizontally on a parcel of land. Pedestrian linkages from mixed commercial/residential, retail, personal service and recreational land uses to existing areas of neighborhood residential land use shall be encouraged. The scale of mixed use may range from a single stand-alone retail use with office or residential use on the upper stories to a larger scale development such as a neighborhood center* that integrates commercial, retail, offices, housing and public spaces, or to a stand-alone residential facility.
- (2) Neighborhood center* may only be developed on a lot consisting of not less than a minimum of 50,000 square feet. A neighborhood center* means a development consisting of a building or buildings used for mixed land use, that has a community or civic space that is open to the public. A neighborhood center development shall include a location for a public transit stop (when applicable to available transit routes), provide pedestrian linkages to surrounding neighborhoods, while also providing a buffered edge between the center and abutting residentially used or zoned land. A neighborhood center* should be adjacent to a residential district(s) they are intended to serve. A neighborhood center should be oriented to streets with pedestrian amenities. The mixed land use in a neighborhood center* may include multi-family dwelling* provided that the commercial, retail, office, and/or personal convenience use(s) comprises more than 50 percent of the gross leasable area of the total building(s) area either of an existing or proposed building(s) on the parcel. Neighborhood centers* and mixed uses are destinations for people and draw the public to

a space. A public feature such as a gazebo, garden, art, etc., that provides consumers with an attractive amenity is encouraged.

- (3) Development proposals shall comply with all applicable sections of Chapter 19, Zoning, and shall be consistent with all city rules, standards, regulations and ordinances (including adopted plans). For all the parcels within this district, development may alternatively occur as is currently allowed within the zoning district in which parcel(s) is located and not under the provisions of section 19-322, Main Street and Neighborhood Center Overlay Districts.
- (4) All commercial and mixed-use development and redevelopment under this division, other than minor modifications to existing permissible land uses, shall minimally be reviewed in accordance with Article VIII., Development Plan Review. Purely residential land uses that comply with the requisite off-street parking regulations as described within this section, shall be deemed permissible, and likewise reviewed in accordance with Article VIII., Development Plan Review. Purely residential land uses that fail to comply with the requisite off-street parking regulations as described within this section, shall necessitate both Development Plan Review, as well as a Special Use Permit pursuant to Section 19-39, provided the degree of deficiency does not exceed 25% of the overall development, otherwise both a Special Use Permit (Section 19-39) and corresponding dimensional variance pursuant to Section 19-45, shall be required.

(c) Uses.

- (1) Mixed use is permitted subject to the following: Any use permitted by right in either a C-1, C-2, C-3 and/or Taunton Avenue TA or Bold Point Harbor (BPH) zoning district, as well as any other accessory or special uses as may be permitted generally by Chapter 19, zoning, and under Section 19-98, schedule of use regulations and Section 19-171, accessory uses, shall be allowed, except that the following shall be prohibited uses:

Self-storage, mini-storage: automotive repair shop*, auto body, or soldering or welding shop: limited manufacturing*: motel*, thrift shops and similar type of uses, and retail uses with across the board maximum pricing or “everything under” pricing and surplus goods: and cash checking operations.

- (2) In addition to those uses permitted under Section 19-98, Chapter 19, zoning in the underlying zoning districts other uses are permitted, and may include, but are not limited to, the following:
 - (a) Mixed use;
 - (b) Incubator*;
 - (c) Photography studio;
 - (d) Black box theatre*;

- (e) Cafe*;
- (f) Cultural activity*;
- (g) Gallery*;
- (h). Co-worker space*;
- (i) Museum* (art, history, fashion, etc.), small design showroom*, e.g., lighting, interior design, handcrafted furniture;
- (j) Film studio;
- (k) Recording studio;
- (l) Design studio;
- (m) Yoga or pilates studio (not a commercial full-service gym);
- (n) Live/work space*;
- (o) Small fabricating shops not to include industrial trade schools, and further provided that the activity does not include a use that is prohibited in the C-4, C-5, I-1, I-2 and/or I-3 zoning districts;
- (p) Cigar lounge;
- (q) Tattoo parlors;
- (r) Previously owned goods and merchandise including antiques, collectibles, coins, consignment and stamps, excluding pawn shops;
- (s) Transit shelters, drop off-points, bicycle rack(s) and/or corrals, and informational or retail kiosks, as accessory uses to permitted principal land use(s). Layover locations for buses shall be prohibited;
- (t) Public structure or public use including, but not limited to, public and private park, community or civic space, museum, gallery, or community center, as accessory uses to permitted principal land use(s).
- (u) Bicycle paths and/or road bike lanes and pedestrian paths, bicycle racks or corrals, as accessory uses to permitted principal land use(s).
- (v) Multi-family dwelling* - Subject to the provisions described under Section 19-322 (c)(3)

(3) Multi-family dwelling* in Mixed Use Development "Main Street" parcels: **or without the presence of any commercial entit(ies).**

a. Multi-family dwelling* in "Main Street" configuration. Multi-family dwelling* is permitted ~~(in the areas of the overlay district with the underlying zoning districts of C-1 and C-2)~~ and when mixed with a commercial, retail, and/or office use in a Main Street configuration at a density that is proportional to the ability to provide fifty percent (50%) of the total off-street parking spaces required if the uses were calculated separately based upon Section 19-284, off-street parking. (See Section 19-322).

~~b. Multi-family dwelling* in a neighborhood center*. Multi-family dwelling* use may be included in a neighborhood center* provided that the other commercial, retail, office, and/or personal convenience use comprises more than 50 percent of the gross leasable area of the total building(s) area either of an existing or proposed building(s) on a parcel.~~

b. Multi-family dwelling* without the presence of any commercial entit(ies) is likewise a permissible land use, provided requisite off-street parking is appropriately furnished. Residential density will be based upon the provision of one (1) off-street parking space per residential dwelling unit, and compliance with all other applicable regulations pursuant to Section 19-284, off-street parking. Off street parking that fails to meet the referenced one (1) to one (1) ratio, but does not exceed a 25% deficiency, or a minimum of .75 spaces per residential unit, may still be permitted by special use permit pursuant to Section 19-39. Any deficiency greater than 25%, shall necessitate both a special use permit pursuant to section 19-39 and a dimensional variance pursuant to Section 19-45.

c. A neighborhood center* shall be permitted on lots of not less than 50,000 square feet and such a development shall consist of a building or buildings used for mixed land use. The mixed land use in a neighborhood center* may include multi-family dwelling* provided that the other commercial, retail, office, and/or personal convenience uses comprises more than 50 percent of the gross leasable area of the total building(s) area either of an existing or proposed building(s) on the parcel. The neighborhood center* provides a location for a public transit stop **(when applicable to available transit routes)**, linkages to surrounding neighborhoods and properties, while also providing a buffered edge between the center and abutting residentially used or zoned land. Neighborhood centers* are destinations for people. The mixed use draws the public to the space and a public feature such as a gazebo, garden, art, etc. provides consumers with an attractive amenity.

d. Other uses shall be permitted in the Main Street and Neighborhood Center Overlay District when provided as an integral part of the overall development and such use(s) are consistent with the stated purposes of Chapter 19, Zoning, and which are intended to serve the commercial and residential users of a mixed use development. Other uses shall be suitable to the proposed development, consistent with the comprehensive plan, and compatible with the surrounding land uses. Said determination shall be made by the zoning officer in consultation with the director of planning.

- (d) *Off-street parking and off-street loading.*
- (1) For those properties proposing development in the Main Street Overlay **Districts**, and not "neighborhood center" scale development, off-street parking shall be provided at no less than 50 percent of the total off-street parking spaces required if the uses were calculated separately based upon Section 19-284, off-street parking, provided that the proposal meets the intent of the overlay district of subsection 19-322(b). Additionally, required employee parking that is stacked or in tandem shall be permitted and counted towards the total number of off-street parking spaces required provided there is a written agreement among the individual tenants of a building provided to the zoning officer. The zoning officer shall have the authority to monitor such an arrangement and require modified parking or a petition to the zoning board of review regarding the off- street parking if it is apparent that the stacked employee parking arrangement is unfeasible and/or there are unforeseeable impact to adjoining streets with overflow parking, particularly local residential streets. **A purely residential development shall not require introduction of any off-street loading, and shall be subject to the off-street parking density referenced in Sub-section (c)(3)(b) above.**
 - (2) A neighborhood center development shall provide off-street parking as required by Section 19-284. However, this amount may be reduced by ten percent provided that the applicant/owner shall submit a valet parking plan, including certification that a valet is on-duty during business hours, and documenting authorized use of a satellite parking area to the zoning officer such that a modification may be granted. An applicant or developer of a neighborhood center* may further reduce parking subject to the provisions of Section 19-279, joint use and shared use, where the applicant and/or owner are able to provide a shared parking study and plan to the zoning officer, and provided that the procedures of Section 19-279 regarding joint and shared and parking shall be followed.
 - (3) Bonus height structured parking incentive. An additional one (12 foot) building story shall be permitted for every story of structured parking provided in a building, with the overall height not to exceed five stories or 60 feet.
- (e) *Purposes.* Consistent with the City of East Providence Comprehensive Plan, the purposes of the Main Street and Neighborhood Center Overlay **Districts** are to:
- (1) Promote flexibility in the siting and design of new development to allow a mixture of complimentary land uses on a parcel(s) that may include, but is not limited to, commercial, housing, retail, offices, and personal convenience services to create economic and social vitality that otherwise might not be possible under conventional zoning regulations that separate land uses.
 - (2) To provide a desirable mix of land uses, including commercial and residential, that will serve the community interest in job creation, housing, and economic development, including uses related to the arts and culture.
 - (3) Encourage efficient use of land by facilitating centers and minimizing the amount of land that is needed for surface parking.

- (4) Encourage quality development that facilitates utilization of public transportation, where applicable.
- (5) Provide opportunities to businesses within the districts for coordinated mixed use development, pedestrian and bicycle connections, and innovative site design.
- (6) Provide safe, comfortable and attractive pedestrian connections from existing areas such as residential and open space to currently predominantly commercial roadways and to public transportation, and to new areas of land use and new neighborhood centers*.
- (7) Reinforce public rights-of-way, shoulder sides of roadways and sidewalks, as public places that encourage pedestrian and bicycle travel.
- (8) Enhance linkages and pedestrian connections to residential areas, schools, and recreational space in the vicinity of the overlay districts for the convenience of the public.
- (9) Encourage the use of sidewalks for outdoor cafes, sitting, and shop displays where possible, and when new development or redevelopment is proposed, look for opportunities to widen the sidewalk/pedestrian area in front of the building(s) for outdoor cafe seating, sitting, restaurant and shop displays, and trees for shade.

(f) General standards. All applicants whose proposals require permits from other agencies, e.g., a state agency such as the Department of Transportation, shall obtain any and all such applicable permits, including city building permits and licenses. As with all other proposed development reviewed under this chapter, the proposal shall meet the general purposes of Section 19-2, Chapter 19, Zoning, and the following:

- (1) The design of the proposed development will be consistent with the goals of the city comprehensive plan and will implement the purposes of the Main Street and Neighborhood Center Overlay Districts.
- (2) Erosion will be adequately controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities and services; provisions have been made for storm water and drainage facilities, and that increased runoff due to development on the site will not be injurious to any nearby property owners or cause hazardous conditions on any streets.
- (3) The movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient and adequate provision has been made for snow removal.
- (4) All utilities, infrastructure, streets, roadways, sidewalks, walkways and parking are improvements will be provided for the development in a manner meeting the applicable requirements and standards of the city. Construction standards for utilities and improvements serving the public shall meet city standards.

- (5) The location, arrangement, appearance, and sufficiency of off-street parking and loading comply in all respects with Chapter 19, Zoning and/or the provisions of subsection 19-322(d) as applicable, and are adequate to serve the proposed development.
- (6) The proposed development and all uses and structures therein, shall comply in all respects with Chapter 19, Zoning. Nothing in this article shall prevent an applicant from seeking a variance from the zoning board of review.

(g) Dimensional criteria pursuant to Section 19-145. Development within the Main Street Overlay Districts will be given great flexibility and allowed to pursue the most lenient dimensional standard(s) prescribed in either the C-1, C-2, C-3, Taunton Avenue (TA) or Bold Point Harbor (BPH) districts, in accordance with Section(s) 19-145 or 19-481 (in the case of Taunton Avenue (TA) and Bold Point Harbor (BPH) districts), unless the subject Main Street Overlay Districts regulations permit even greater latitude, then they may take precedence.

- (1) To promote flexibility in the siting and design of new development to allow a mixture of complimentary land uses on a parcel(s) that may include , but not be limited to, commercial, housing, retail, offices, and personal convenience services to create economic and social vitality that otherwise might not be possible under conventional zoning regulations that separate land uses.*
- (2) To provide a desirable mix of land uses, including commercial and residential, that will serve the community interest in job creation, housing and economic development, including uses related to the art and culture.*

SECTION II. This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Adopted: _____

Attest:

 City Clerk of City of East Providence, Rhode Island

Introduced by: Councilwoman Sousa