

## 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 CHANGE CERTAIN TEXT IN ARTICLE 12 REGARDING THE INCINERATOR/WASTE FACILITY USE CATEGORY**

*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, with deletions struck out:

### ARTICLE 12. USES

#### 1201 USE MATRIX

<b>Table 12-1: Use Matrix Key: P = Permitted // S = Special Use</b>																					
Use	R 1 A	R 1	R 2	R 3	R 4	R P	C 1	C 2	C 3	D 1	W 2	W 3	M 1	M 2	M M U	I 1	I 2	P S	O S	C D	Use Standar d
<del>Incinerator/Waste facility</del>												P		P							

#### 1204 Use Definitions

~~**Incinerator/Waste Facility.** A facility for the incineration and/or processing of waste, including sewage disposal facilities or solid waste transfer station, operated by or for a state or municipal agency.~~

**SECTION 2:** This ordinance shall take effect upon passage.

# Providence City Plan Commission

May 19, 2020



## AGENDA ITEM 2 ■ AMENDMENT OF ORDINANCE

### OVERVIEW

<b>SPONSOR:</b>	Councilman Pedro J. Espinal, Councilwoman Helen D. Anthony, Councilwoman Rachel M. Miller	<b>RECOMMENDATION:</b>	Recommend denial of the proposed amendment
<b>CASE NO./ PROJECT TYPE:</b>	CPC Referral 3472  Zoning Ordinance Amendment		
<b>PROJECT DESCRIPTION:</b>	Amendment of zoning ordinance to prohibit the use of incinerator/waste facility in all zones	<b>PROJECT PLANNER:</b>	Choyon Manjrekar

#### Discussion

The sponsors are proposing to amend Table 12-1 of the zoning ordinance, pertaining to the use of Incinerator/Waste Facility. The subject use is prohibited in all zones except for W-3 and M-2. The amendment would delete the use from the table, effectively prohibiting it, as uses that are not included in the matrix are prohibited in all zones.

Per section 1204 of the ordinance, the subject use is defined as, 'A facility for the incineration and/or processing of waste, including sewage disposal facilities or solid waste transfer station, operated by or for a state or municipal agency.' Based on the definition, an Incinerator/Waste Facility cannot be operated by a private entity. Further, all such facilities are regulated by the Rhode Island Department of Environmental Management (RIDEM).

The DPD is concerned that passage of the amendment would render any existing facilities, like the transfer station operated by the Department of Public Works (DPW), or the Narragansett Bay Commission's sewage treatment plant, nonconforming. They would thus be prohibited from being altered or expanded. As private facilities are already prohibited, and there is an existing structure for operation and maintenance of public facilities, the DPD is not in favor of approving the amendment.

#### Recommendation

Based on the foregoing discussion, the DPD recommends that the CPC recommend denial of the amendment based on the discussion above.