

CHAPTER 2024-68

No. 477 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 20 REGARDING THE NONCONFORMITY OF EXISTING SELF-STORAGE FACILITIES

Approved December 9, 2024

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 additions underlined:

ARTICLE 20. NONCONFORMITIES AND USES BY VARIANCE OR SPECIAL

USES 2001 NONCONFORMING USE

A. Definition

A nonconforming use is the use of a structure or land that at one time was allowed use within a zoning district but because of subsequent amendments to the Ordinance is no longer allowed.

B. Expansion

A nonconforming use of a structure or land cannot be expanded. This includes expansion, extension, or relocation of a nonconforming use to any other structure on the lot, additional gross floor area devoted to the nonconforming use, or occupying any land area currently not occupied by such nonconforming use.

C. Intensification

A nonconforming use of a structure or land cannot be intensified in any manner. Intensification includes, but is not limited to, increasing hours of operation, increasing the number of dwelling units, increasing the number of parking spaces, reducing total lot area to below that which is required for a new subdivision, or increasing the seating or occupancy capacity of any use. However, this does not prohibit the reconfiguration of existing dwelling units within a structure so long as such reconfiguration complies with the requirements of item B above.

D. Relocation

A nonconforming use cannot be relocated, in whole or in part, to any other location on the same lot. The nonconforming use may only be relocated to another structure or lot if the use conforms to all regulations of the zoning district where it is relocated.

E. Change of Use

1. Residential Districts

Within any residential district, a nonconforming use may not be changed to any other nonconforming use. Within residential districts, a portion of a building containing a nonconforming use may be converted to a single dwelling unit, regardless of the maximum number of units permitted by the dimensional regulations in this Ordinance

2. Non-Residential Districts

Within any non-residential district, a nonconforming use may be changed to another nonconforming use by special use permit if the Zoning Board of Review deems the proposed use to be less intensive than the existing use.

F. Discontinuation or Abandonment

1. If a nonconforming use is abandoned, it may not be reestablished. Abandonment of a nonconforming use consists of some overt act, or failure to act, which leads one to believe that the owner of the nonconforming use neither claims nor retains any interest in continuing the nonconforming use unless the owner can demonstrate an intent not to abandon the use. An involuntary interruption of nonconforming use, as by fire and natural catastrophe, does not establish the intent to abandon the nonconforming use.

However, if any nonconforming use is halted for a period of one year, the owner of the nonconforming use is presumed to have abandoned the nonconforming use, unless that presumption is rebutted by the presentation of sufficient evidence of intent not to abandon the use.

G. Damage or Destruction

In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created, and the degree of the previous nonconformity is not increased. If the structure containing the nonconforming use is a nonconforming structure, the structure may only be rebuilt, restored, repaired, or reconstructed in accordance with Section 2002. However, if a building permit is not obtained within one year of the date of damage or destruction, then the nonconforming use may not be reestablished.

H. Notwithstanding the fact that a Self-Storage Facility is no longer permitted in any zoning district and therefore is a non-conforming use under the definition of item A above, a Self-Storage Facility which obtained a building permit prior to the enactment of Ordinance 2023-16. No. 324 on July 25, 2023 shall be exempt from the restrictive requirements of items B (Expansion), C (Intensification), D (Relocation as pertaining to relocating, in whole or in part, to any other location on the same lot) and may be permitted to expand, intensify and relocate within the existing Self-Storage Facility and/or Lots where it is located by special use permit.

This subsection shall only apply to those properties located within an M-1 zoning district that are subject to land use restrictions prohibiting residential use. These prohibitions include, but are not limited to, Land Use Restrictions imposed by the Rhode Island Department of Environmental Management.

SECTION 2: This ordinance shall take effect upon passage.

IN CITY COUNCIL
NOV 21 2024
FIRST READING
READ AND PASSED

Lina L. Mastrosianni
CLERK

IN CITY
COUNCIL
NOV 21 2024
FINAL READING
READ AND PASSED

Rachel M. Miller
RACHEL M. MILLER, PRESIDENT
Lina L. Mastrosianni
CLERK

I HEREBY APPROVE.

Brett P. Smith
Mayor

Date: 12/9/24



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY

August 23, 2024

Councilman Pedro Espinal
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Tina Mastroianni, City Clerk

Re: Referral 3585 – Amendment to allow for expansion of storage space facilities
Petitioner: John Garrahy

Dear Chairman Espinal,

The petitioner is requesting to amend Section 2001 of the zoning ordinance which pertains to nonconforming uses, to exempt storage spaces from restrictions on expansion, relocation and intensification. The amendment would permit storage spaces (nonconforming uses) to expand, intensify and relocate within the existing building and on lots where they are located with the addition of subsection 2001.H.

When storage spaces were prohibited, the City Council found that their propagation was counter to supporting health, safety and welfare as they provided little employment relative to their size and prevented using land for housing. The CPC does not object to intensification by increasing the floor area within an existing storage space building as it would allow for modernization of facilities and some flexibility in operation. However, additions to storage spaces and relocation to different parts of a lot could have a negative effect on neighborhood character by intensifying a prohibited use.

It is the CPC's opinion that the amendment should be restricted to expansion within an existing structure and shall not apply to expansion of the structure or relocation to other parts of a lot. The change would conform to the purposes of zoning outlined in section 101 as it would promote health, safety and welfare and provide for orderly growth which recognizes the goals and land use patterns of the comprehensive plan.

DEPARTMENT OF PLANNING & DEVELOPMENT

JOSEPH A. DOORLEY JR. MUNICIPAL BUILDING, 444 WESTMINSTER ST, PROVIDENCE RI 02903
PHONE 401.680.8400 | WWW.PROVIDENCERI.GOV/PLANNING

Expansion of storage spaces
Referral 3585
8/23/24

RECOMMENDATION

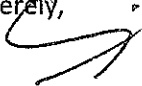
On a motion by Commissioner Lipschitz, seconded by Commissioner Quezada, the CPC voted to recommend that the City Council approve the proposed amendment subject to the following condition:

The amendment should specify that only expansion within an existing building is acceptable. Proposed language pertaining to exemption from restrictions on expansion and relocation should be struck.

The CPC voted as follows:

AYE: C. Lipschitz, M. Quezada, D. Caldwell, N. Sanchez, M. Gazdacko

Sincerely,



Choyon Manjrekar
Administrative Officer