

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 20 REGARDING THE NONCONFORMITY OF EXISTING SELF-STORAGE FACILITIES**

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 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 and D (Relocation) and shall be permitted to expand, intensify and relocate within the existing Self-Storage Facility and/or on the Lots where it is located as a matter of right.

SECTION 2: This ordinance shall take effect upon passage.