City of Providence
STATE OF RHODE ISLAND
◆

CHAPTER 2024-70

No. 479 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, REQUESTING A TEXT CHANGE TO AMEND SECTION 2001 OF THE ZONING ORDINANCE OF THE CITY OF PROVIDENCE, ENTITLED: "NON-CONFORMING USES"

Approved Decemver 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 changing Section 2001 of the Zoning Ordinance of the City of Providence, Entitled: "Non-Conforming Uses".

B. Expansion

A nonconforming use of a structure or land cannot be expanded, except as otherwise provided herein. 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.

Notwithstanding the foregoing or anything contained in this Ordinance to the contrary, the gross floor area of a nonconforming use may be expanded by obtaining a special use permit from the Zoning Board of Review. In addition to meeting the requirements for a special use permit pursuant to Section 1901 of this Ordinance, an applicant seeking to expand the gross floor area of a nonconforming use shall also present evidence to the Zoning Board of Review that:

1. The expansion of the use is not an increase in excess of five percent of the total gross floor area of the use;
2. All uses on the property shall be brought into conformance with all applicable standards listed in Article 12.
3. The entire property shall be brought into conformance with the landscaping regulations of Article 15.

SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
NOV 21 2024
FIRST READING
READ AND PASSED

Tina L. Mastracarn
CLERK

IN CITY COUNCIL
DEC 05 2024
FINAL READING
READ AND PASSED

Rachel
RACHEL M. MILLER, PRESIDENT

Tina L. Mastracarn
CLERK

I HEREBY APPROVE.

Brett P. Smith
Mayor

Date: 12/9/24

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 3586 – Amendment to allow for expansion of nonconforming uses
Petitioner: Nick Hemond

Dear Chairman Espinal,

The petitioner is proposing to amend Section 2001 of the ordinance pertaining to nonconforming uses. The amendment would allow for some expansion of nonconforming uses subject to obtaining a special use permit from the zoning board of review and fulfillment of certain conditions. Per the amendment, the gross floor area of a nonconforming use can be expanded by no more than 5%, all uses shall be brought into conformance with applicable use standards from section 12 of the ordinance, and the property shall be brought into conformance with the landscaping regulations of Article 15.

The CPC found that the amendment would allow for a degree of flexibility that may be required for nonconforming uses to modernize or to be brought into closer conformance with the ordinance. The requirements that any expanded uses be brought into conformance with the ordinance and meet the landscaping requirement, would offset the increase of 5% in area, which does not appear to be significant.

The CPC found that the change would conform to the purposes of zoning outlined in section 101 of the zoning ordinance as the criteria include definition of a range of uses and allowable intensities appropriate to the City's character and providing efficient review of development proposals.

Expansion of nonconforming uses
Referral 3586
8/23/24

RECOMMENDATION

On a motion by Commissioner Lipschitz, seconded by Commissioner Sanchez, the CPC voted to recommend that the City Council approve the proposed amendment.

The CPC voted as follows:
AYE: C. Lipschitz, N. Sanchez, M. Quezada, D. Caldwell, M. Gazdacko

Sincerely,

Choyon Manjrekar
Administrative Officer

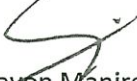---

Expansion of nonconforming uses
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City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITON TO THE HONORABLE CITY COUNCIL

The undersigned respectfully petitions your honorable body

I, Nicholas J. Hemond, Esq., hereby petition this Honorable City Council of the City of Providence to amend Section 2001 of the Zoning Ordinance of the City of Providence, entitled "Non-Conforming Uses" as follows:

A nonconforming use of a structure or land cannot be expanded, except as otherwise provided herein. 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.

Notwithstanding the foregoing or anything contained in this Ordinance to the contrary, the gross floor area of a nonconforming use may be expanded by obtaining a special use permit from the Zoning Board of Review. In addition to meeting the requirements for a special use permit pursuant to Section 1901 of this Ordinance, an applicant seeking to expand the gross floor area of a nonconforming use shall also present evidence to the Zoning Board of Review that:

1. The expansion of the use is not an increase in excess of five percent of the total gross floor area of the use;
2. All uses on the property shall be brought into conformance with all applicable use standards listed in Article 12.
3. The entire property shall be brought into conformance with the landscaping regulations of Article 15.

By: /s/ Nicholas J. Hemond, Esq.
Title: Attorney, on behalf of RAB Properties, LLC

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