

Zoning Ordinance

§ 728 ADAPTIVE REUSE OF COMMERCIAL BUILDINGS.

~~(A) – (A)~~ Notwithstanding any other provisions of this chapter, adaptive reuse for the conversion of any commercial building, including offices, schools, religious facilities, medical buildings, mills, and malls into residential units or mixed use developments which include the development of at least 50% of the existing gross floor area into residential units, shall be a permitted use in all districts and allowed subject to provisions of this section., ~~except where such use is prohibited by environmental land use restrictions recorded on the property by the State of Rhode Island Department of Environmental Management or the United States Environmental Protection Agency preventing the conversion to residential use.~~

a. Prohibitions. Adaptive reuse under this section shall not be allowed where:

- i. Residential use is prohibited by environmental land use restrictions recorded on the property by the State of Rhode Island Department of Environmental Management or the United States Environmental Protection Agency.
- ii. In any industrial or manufacturing zoning use district, or portion thereof, where residential use is prohibited for public health and safety reasons which are based on specific and detailed findings.
- i.iii. In any building previously used for industrial or manufacturing use(s), which has been vacant of an industrial use for less than one year prior to the submission of the permit or application for adaptive reuse.

(B) All adaptive reuse projects are subject to development plan review, and must comply with all other applicable requirements of this chapter except as indicated in this section.

~~– (C) Adaptive reuse developments shall be required to provide one off-street parking space per dwelling unit:~~

~~(D) Density.~~

~~— (1) For projects that meet the following criteria, high density development is permitted up to 15 dwelling units per acre;~~

~~— (a) Where the project is limited to the existing building footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building and fire codes and utilities; and~~

~~— (b) The development includes at least 20% low- and moderate-income housing; and~~

~~—(c) The development has access to public sewer and water service or has access to adequate private water, such as a well and/or wastewater treatment systems(s) approved by the relevant state agency for the entire development as applicable.~~

~~—(2) For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing and has access to public sewer and water service or has access to adequate private water, such as a well, and wastewater treatment system(s) approved by the relevant state agency for the entire development, as applicable. The density proposed shall be determined to meet all public health and safety standards.~~

~~Provided that all minimum building, rehabilitation and fire code requirements are met for all residential units, as applicable; and provided that, for projects with more than four (4) residential units, not less than ten percent (10%) of low- or moderate-income housing is provided, there is no maximum density of residential units. If less than ten percent (10%) of low- and moderate-income housing is provided, then the maximum density shall be **one (1) dwelling unit per 3,000 square feet of land.**~~

(ED) Dimensional Requirements

- a. Building envelope. The development shall be limited to the existing building envelope, except that the envelope is allowed to be expanded to accommodate upgrades of non-occupiable space related to the building and fire codes and utilities such as HVAC equipment, stairs, and elevators.
- b. Parking. Adaptive reuse developments shall be required to provide one (1) off-street parking space per dwelling unit with up to two (2) bedrooms, and two (2) parking spaces per dwelling unit with three (3) or more bedrooms.
- c. Existing setbacks. Notwithstanding any other provisions of this chapter, for adaptive reuse projects, existing building setbacks shall remain and shall be considered legal nonconforming, but no additional encroachments shall be permitted into any nonconforming setback.

~~a. —~~

- d. Height. ~~(F)~~ For adaptive reuse projects, notwithstanding any other provisions of this chapter, the height of the existing structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any non-occupiable rooftop construction, such as HVAC equipment and stairs or elevator towers, but excluding rooftop decks, shall be included within the height exemption.

b- (E) Water and sewer. The development shall have access to public water and sewer services or shall have access to adequate private water, such as a well(s) and/or on-site wastewater treatment system(s) approved by the relevant state agency.

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