**Adaptive reuse is now a permitted use in all zoning districts. The language below in red is directly from state law and must be inserted into the local zoning ordinance. The additional language in black is derived from best practices and examples of adaptive reuse regulations and ordinances. Those sections are recommended to accompany the red text and provide guidance to applicants and the municipality. The municipality can rely on existing development standards such as lighting, landscaping, and signage as they deem appropriate.**

**UNDER DEFINITIONS SECTION, ADD:**

Adaptive reuse**[[1]](#footnote-1)**. The conversion of an existing structure from the use for which it was constructed to a new use by maintaining the elements of the structure and adapting such elements to a new use.

**UNDER PERMITTED USES SECTION, ADD:**

* 1. *Adaptive Reuse Projects.*
1. Permitted Use.Adaptive reuse for the conversion of any commercial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed-use developments is a permitted use, under the criteria described below under Eligibility.
2. Eligibility.
3. Adaptive reuse development must include at least 50% of existing gross floor area developed into residential units.
4. There are no environmental land use restrictions recorded on the property preventing the conversion to residential use by RIDEM or the US EPA.
5. Density calculations.
6. For projects that meet the following criteria, the residential density shall be no less than fifteen (15) dwelling units per acre:
	1. Where the project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building fire code, and utility requirements.
	2. The development includes at least twenty percent (20%) low- and moderate-income housing.
	3. The development has access to public sewer and water service or has access to adequate private water, such as well and/or wastewater treatment systems approved by the relevant state agency for the entire development as applicable.
7. 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**[[2]](#footnote-2)** and has access to public sewer and water services or has access to adequate private water, such as well and wastewater treatment systems approved by the relevant state agency for the entire development, as applicable.
8. The density proposed for any adaptive reuse project shall be determined to meet all public health and safety standards.**[[3]](#footnote-3)**
9. Dimensional requirements.
10. Notwithstanding any other provisions of this section, existing building setbacks shall remain and are considered legal nonconforming.
11. No additional encroachments shall be permitted into any nonconforming setback unless relief is granted by the permitting authority.**[[4]](#footnote-4)**
12. Notwithstanding other provisions of this section, the height of the structure shall be considered legal nonconforming if it exceeds the maximum height of the zoning district in which the structure is located.
	1. Any rooftop construction necessary for building or fire code compliance, or utility infrastructure is included in the height exemption.
13. Parking requirements.
14. Adaptive reuse developments shall provide one parking space per dwelling unit. The applicant may propose additional parking in excess of one space per dwelling unit.**[[5]](#footnote-5)**
15. The parking requirements and design standards in [INSERT LOCAL ORDINANCE AND/OR REGULATION SECTION REFERENCE] shall apply to all uses proposed as part of the project unless otherwise approved by the applicable authority. The number of parking spaces required shall apply for uses other than residential.
16. Allowed uses within an adaptive reuse project.
17. Residential dwelling units are a permitted use in an adaptive reuse project regardless of the zoning district in which the structure is located, in accordance with the provisions of this section.
18. Any nonresidential uses proposed as part of an adaptive reuse project must comply with the provisions of [INSERT LOCAL SECTION REFERENCE] for the zoning district in which the structure is located.**[[6]](#footnote-6)**
	1. *Development and Design Standards.* Site design shall be in accordance with the [development regulations].

## *Procedural requirements.*

1. Adaptive reuse project shall be subject to the procedural requirements of [INSERT LOCAL SECTION REFERENCE] and undergo [development plan review, minor, or major land development review] as determined in that section.
2. In addition to the checklist requirements for the applicable review process, the applicant shall provide the following information:
	1. The proposed residential density and the square footage of nonresidential uses.
	2. A floor plan to scale for each building indicating, as applicable, the use of floor space, number of units, number of bedrooms, and the square footage of each unit.
	3. Specific and objective provisions**[[7]](#footnote-7)**
3. The specific and objective criteria for adaptive reuse projects are found in the following sections of the regulations [LIST SECTIONS]

**NOTES:**

* We recommend that 1.3.b 1 and 2 should be added to local checklists
1. RIGL §42-64.22-2 defines the term adaptive reuse. This definition was added to §45-24-31 as part of the amendments to the enabling legislation. [↑](#footnote-ref-1)
2. This language is from the state law, and it will be up to municipalities to determine how this is interpreted. There could be minimum housing standards in the local codes as well as the State Minimum Housing Code; see 45-24.2 and 45-24.3 [↑](#footnote-ref-2)
3. It appears that density may be determined on a case-by-case basis after reviewing “public health and safety” standards; “public health and safety” not otherwise defined but referenced in both 24.2 and 24.3 chapters of Title 45. [↑](#footnote-ref-3)
4. Amended RIGL §45-24-37(h)(1)(iii) permits a municipality to provide for reduced setbacks specifically for adaptive reuse projects. If the municipality chooses to provide further relief for additional encroachment into setback, it must be stated here. [↑](#footnote-ref-4)
5. RIGL §45-24-37(h)(1)(i) limits a municipality from requiring more than one parking space per dwelling unit for adaptive reuse projects. A municipality can require less than one space per dwelling unit if desired. [↑](#footnote-ref-5)
6. Municipalities should determine if they want to permit commercial and/or retail uses in adaptive reuse projects that would not typically be permitted in the zoning district in which the structure is located. Any allowance for such nonresidential uses needs to be specifically permitted in the ordinance or the zoning district provisions of the use table for that zone will prevail. [↑](#footnote-ref-6)
7. Specific and objective provisions are required to be within the zoning ordinance per §45-24-37(h)(1). Municipalities should consult with their solicitor to determine if a reference to the regulations will satisfy this requirement. [↑](#footnote-ref-7)