

Sec. 19-471. Definitions.

Amend as follows:

“Adaptive reuse” means the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.

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Sec. 19-481. Schedule of use regulations.

Amend table as follows:

Under ‘Residential and Related Uses’, add ‘Adaptive reuse’ as permitted in all subdistricts

Sec. 19-482. Performance standards.

(a) Flexible and creative lot layout and site design is encouraged to promote a mix of residential, commercial, office and public uses in a vibrant pedestrian oriented environment. The following performance standards delineate provisions for site development for uses permitted in the various sub-districts in the waterfront district. Performance standards for adaptive reuse projects are contained within subsection (b) following the table below.

The intent of the performance standards is to control the location of buildings to define and contain the street space, and to concentrate and reinforce pedestrian activity. Buildings in the waterfront district should reinforce the characteristics consistent with urban waterfront areas, with "build to" lines maintained for most of their frontage at the edge of the public right-of-way.

[table follows]

(b) Standards for adaptive reuse projects. 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.

(1) Eligibility. Adaptive reuse development must include at least 50% of existing gross floor area developed into residential units. The property must have no environmental land use restrictions recorded by the RIDEM or United States Environmental Protection Agency preventing conversion to residential use.

(2) Density calculations. For projects that meet the following criteria, the maximum residential density permitted shall be no less than fifteen (15) dwelling units per acre:

i. 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.

ii. The development includes at least twenty percent (20%) low- and moderate-income housing onsite.

iii. 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.

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 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. The density proposed for any adaptive reuse project shall be determined to meet all public health and safety standards.

(3) Dimensional requirements.

- i. Notwithstanding any other provisions of this section, existing building setbacks shall remain and are considered legal nonconforming.
- ii. No additional encroachments shall be permitted into any nonconforming setback unless relief is granted by the permitting authority.
- iii. 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.
 - i. Any rooftop construction necessary for building or fire code compliance, or utility infrastructure is included in the height exemption.

(4) Parking requirements. 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. The parking requirements and design standards in Sec. 19-482 and 19-483 shall apply to all uses proposed as part of the project unless otherwise approved by the commission. The number of parking spaces required shall apply for uses other than residential.

(5) Allowed uses. 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. Any nonresidential uses proposed as part of an adaptive reuse project must comply with the provisions of Sec. 19-481 for the zoning district in which the structure is located.