

**AN ORDINANCE AMENDING VARIOUS ARTICLES AND SECTIONS OF THE
SMITHFIELD ZONING ORDINANCE TO COMPLY WITH CHANGES MADE TO THE
LAND USE ENABLING ACTS OF THE STATE OF RHODE ISLAND**

IT IS HEREBY ORDAINED BY THE TOWN OF SMITHFIELD AS FOLLOWS:

Section 1. Article 4 Use Regulations is hereby amended by adding the following new section entitled “Adaptive Reuse Projects”:

ARTICLE 4 USE REGULATIONS

Section 4.7 Adaptive Reuse Projects

- A. 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.**
- B. Eligibility.**
1. Adaptive reuse development must include at least 50% of existing gross floor area developed into residential units.
 2. There are no environmental land use restrictions recorded on the property preventing the conversion to residential use by RIDEM or the US EPA.
- C. Density.**
1. For projects that meet the following criteria, the residential density shall be no less than fifteen (15) dwelling units per acre:
 - a) 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.
 - b) The development includes at least twenty percent (20%) low- and moderate-income housing.
 - c) 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.
 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 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.

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

D. Dimensional requirements.

1. Notwithstanding any other provisions of this section, existing building setbacks shall remain and are considered legal nonconforming.
2. No additional encroachments shall be permitted into any nonconforming setback unless relief is granted by the permitting authority.
3. 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.
 - a) Any rooftop construction necessary for building or fire code compliance, or utility infrastructure is included in the height exemption.

E. Parking requirements.

1. 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.
2. The number of parking spaces required, as defined in Article 7, shall apply for uses other than residential.

F. Performance Standards

1. The performance standards set forth in Article 6.3 shall apply to all adaptive reuse projects.

G. Allowed uses within an adaptive reuse project.

1. 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.

- H. No project under this section shall be approved without a written certification from the Fire Chief that said project meets the requirements necessary to ensure the health and safety of the residents that will reside therein. The Applicant shall be responsible for obtaining said certification.

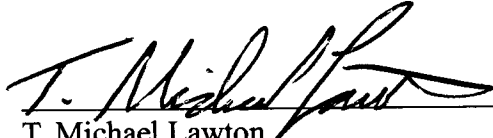
Section 2. These Ordinance Amendments shall take effect Thirty (30) days after their adoption by the Smithfield Town Council.

APPROVED AS TO FORM AND LEGALITY:

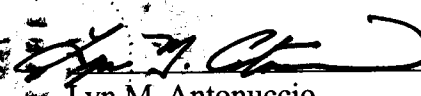


Anthony M. Gallone, Jr.
TOWN SOLICITOR

ADOPTED: June 18, 2024



T. Michael Lawton
TOWN COUNCIL PRESIDENT



Lyn M. Antonuccio
TOWN CLERK