

March 28, 2024

Re: House Bill 7981

Dear Committee Members

I am a member of the Cranston City Plan Commission, and I am writing to express my opposition to House Bill 7981. This legislation will generally require municipalities to allow residential uses in property zoned for commercial and industrial uses. It interferes with local control over land use and zoning issues. There are three major problems with this legislation.

First, the legislation will likely have long-term negative fiscal impacts on municipalities. There is usually a limited amount of commercial or industrial zoned land in any community. By making residential uses a by-right use in commercial and industrial zones, it will likely result in reducing the available land for economic development. Commercial and industrial properties usually have a net positive fiscal impact on a municipality while residential properties usually have a net negative fiscal impact because residential properties demand more municipal services than they generate in tax revenues.

Second, allowing residential uses in commercial and industrial zones will lead to situations where the residents of these newly constructed homes will seek to restrict the operation of their neighboring commercial and industrial enterprises. Certain land uses are basically incompatible with one another. Zoning emerged a century ago to separate incompatible uses. The noises, smells, and other impacts of certain businesses can negatively affect the ability of nearby residents to enjoy their home. If new residences are allowed to be built in commercial and industrial zones, these new residents may complain about the activities of their neighboring businesses, and seek to have restrictions placed on the operation on them. For example, in 2021 through 2023, in Cranston, the members of a condominium association sought to place various restrictions on the development of industrially zoned land which they directly abutted. This legislation would create more of these difficult situations.

Third, this legislation ignores the fact that allowing residential uses in commercial or industrial zones may negatively affect municipal services. Allowing residences in commercial or industrial zones could have a negative impact on the local school system if the local elementary school near the commercial or industrially zoned property is near capacity. For example, as discussed in the minutes of Cranston School Committee for its October 10, 2023 meeting, the elementary schools “Orchard Farms and Oaklawn” located in western Cranston “are at maximum capacity.” If residential uses are allowed by-right in commercial and industrial zoned land in western Cranston, the increase in school children will likely impose additional costs for local taxpayers.

Lastly, this legislation is unnecessary. If a residential development is proposed in an appropriate location, but the land is zoned only for commercial or industrial use, local communities have the ability to rezone the land to allow for residential development at that location. In Cranston, from 2022 through 2023, four residential multi-family projects were approved on land that had been zoned for commercial and industrial uses.

Municipalities should retain the flexibility they currently have to decide when a residential use should be permitted on land that is currently zoned for commercial or industrial uses. Local officials, not state officials, are in the best position to know the unique characteristics of the land in their municipalities. A statewide, one-size fits all approach related to land use and zoning, which is what this legislation is, usually proves unworkable and leads to negative unforeseen consequences.

Steve Frias

Cranston Planning Commissioner