

City of Newport
Department of Planning and Economic Development
Staff Report to the Planning Board
Zoning Amendments

Meeting: March 7, 2022

Ordinance of the City Council as referred to the Planning Board on January 1, 2022

Amendment: *Amend Section 17.08.010 to add the definition “Short term rental or short term rentals” See “Guest Facilities”, supra.*

Amend Section 17.16.020 Use Regulations, Section 17.20.020 Use Regulations, Section 17.28.020 Use Regulations and Section 17.32.020 Use Regulations to remove (B)2. Guest houses from each Section. And to Delete Section 17.52.020(A)3. Guest houses and to add (B)15. Guest houses to Section 17.52.020 Use Regulations of the Codified Ordinances of the City of Newport.

As part of the review of zoning amendments outlined in Rhode Island General Law (RIGL) § 45-24-50 through 53, and Section 17.120 of the Newport Code of Ordinances, the Planning Board “shall report to the city council giving its findings and recommendations.” As part of this review, the Planning Board shall “include a statement on the general consistency of the proposal with the comprehensive plan including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as outlined in RIGL § 45-24-30 and Section 17.04.020 of the Newport Code of Ordinances.”

Standards of Review

The following standards include analysis prepared by staff and is provided for the Board’s consideration in accordance with the below mentioned required considerations and findings. The Planning Board is not obligated to accept this analysis, and it may be amended, altered or rejected at the Board’s discretion.

Purposes of Zoning

In making this finding of general consistency with the Comprehensive Plan, the Planning Board must recognize and consider the purposes of zoning, as presented in the Newport Zoning Ordinance, Section 17.04.20 of the Newport Code of Ordinances, and RIGL § 45-24-30:

(A) Promoting the public health, safety, and general welfare.

- Defining short term rentals in the zoning ordinance and redirecting short term rentals away from Residential Districts would help to protect the long-term health, safety and welfare of year-round residents of the city.

(B) Providing for a range of uses and intensities of use appropriate to the character of the city and reflect current and expected future needs.

- Including a short term rental definition to the ordinance and refining the allowable location of this use now that the city has had an opportunity to examine the impacts, supports the use being contained to the General Business, Waterfront and Limited Business districts.

(C) Providing for orderly growth and development which recognizes:

(1) The goals and patterns of land use contained in the comprehensive plan;

- The proposed amendments are in keeping with the existing residential patterns of city as well as those proposed in the Future Land Use Plan and as called for in the North End Urban Plan.

(2) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;

- Further containing the location of short term rentals will reduce environmental impacts on the already stressed natural environment.

(3) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;

- The proposed zoning amendments which limit this use in many locations will have an overall positive impact on these features, while still providing limited waterfront locations where this activity can occur.

(4) The values of unique or valuable natural resources and features;

- The proposed zoning amendments should reduce strains on the environment in general by consolidating this use to limited locations around the city.

(5) The availability and capacity of existing and planned public and/or private services and facilities;

- The amendments will result in different service requirements in different locations, but overall this should be a net benefit to the city.

(6) The need to shape and balance urban and rural development; and

- The proposed zoning amendments create opportunity for additional use restrictions to help meet Newport's growth needs, while also controlling where this type of use is permitted.

(7) The use of innovative development regulations and techniques.

- The proposed zoning amendments do not include new regulations or techniques.

(D) Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.

- The proposed zoning amendments are limited to use and do provide controls for some of the concerns stated but not all.

(E) Providing for the protection of the natural, historic, cultural, and scenic character of the city or areas therein.

- The proposed zoning amendments are limited to use in certain areas unless "grandfathered" helping to reduce some of impacts identified.

(F) Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.

- This proposed zoning amendments are limited to use and do not provide for natural resource control.

(G) Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.

- The proposed amendments will consolidate the location of the use thus reducing the need for some public service expansions in certain areas. The population utilizing short term rentals puts different demands on public services compared to year-round residents.

(H) Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.

- Proposed amendments recognize the current and anticipated need for additional affordable and moderate level housing.

- (I) *Providing opportunities for the establishment of low- and moderate-income housing.*
 - Limiting the potential location of short term rentals from residential districts should help provide opportunities for low and moderate-income housing in existing residential districts.
 - (J) *Promoting safety from fire, flood, and other natural or unnatural disasters.*
 - The proposed zoning amendments will have no impact on promoting safety from fire, flood and other unnatural disasters other than to limit where tourist populations are in the event of an emergency and to ensure that any structures being used for those uses are inspected through the guest house regulations inadvertently updating structures around the city.
 - (K) *Promoting a high level of quality in design in the development of private and public facilities.*
 - The proposed zoning amendments do not specially provide for high level quality in design in the development of private and public facilities, but rental market forces will dictate some improvement.
 - (L) *Promoting implementation of the comprehensive plan of the city adopted pursuant to Title 45, Chapter 22.2 of the General Laws.*
 - The proposed amendments do not directly impact the implementation of the comprehensive plan, but the redirection of this activity helps the city move closer to numerous goals.
 - (M) *Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.*
 - The proposed amendments are for uses within the city and will have no impact on outside coordination.
 - (N) *Provide for efficient review of development proposals, to clarify and expedite the zoning approval process.*
 - The proposed amendment do not impact the efficiency of review of development proposals.
 - (O) *Provide for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.*
 - The proposed amendments do not really impact the administration of the zoning ordinance. The use still exists and “grandfathered” properties will still have to meet regulations requirements.
- RIGL § 45-24-30 (16) Provide opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.*
- The proposed amendments do not change this requirement.

Required Findings

General consistency of the proposal with the Comprehensive Plan including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan. Relevant goals, policies, and actions as outlined in the goals and policies statement and implementation program include:

Goal LU-1 – To provide a balanced city consisting of residential, commercial and employment uses consistent with the character, environmental resources and vision of the community

Policy LU-1.6 – The City shall encourage upgrading, beautification, revitalization, and environmentally appropriate reuse of existing commercial areas.

Policy LU-1.7 – The City shall protect the existing character of residential neighborhoods while encouraging local neighborhood business.

Goal H-1 – To preserve and protect existing housing resources in the community.

Policy H-1.1 – The City will support on-going programs to educate property owners of City plans, codes, standards and other applicable information.

Policy H-1.2 – The City shall make a priority the enforcement of code that relate to the protection of existing housing and neighborhoods.

Policy H-1.3 – The City shall continue to support the repair, revitalization or rehabilitation of residential structures and neighborhoods.

Goal H-2 – To preserve and enhance moderate workforce and low moderate income (LMI) housing.

Policy H-2.1 – The City shall emphasize the provision of housing that is priced to meet the needs of Newport’s workforce.

Policy H-2.3 – The City shall monitor public and private actions to identify potential negative impacts on the supply of workforce and LMI housing.

Policy H-2.4 – The City shall consider the impacts of proposals for rehabilitated housing in regards to meeting the housing needs of workforce and LMI housing.

Action H-2A – Monitor Newport’s housing market data and trends through new development, sales, and other market transactions.

Goal H-3 – To reduce the number of seasonally vacant homes and increase neighborhood stability and vitality.

Policy H-3.1 – The City shall identify and implement actions to limit or reduce the percentage of City homes that are vacant on a seasonal basis, focusing on neighborhoods most affected by these homes.

Policy H-3.2 – The City shall identify and implement actions to enforce short term rental regulations.

Policy H-4.1 – The City shall support market based efforts to accommodate the City’s aging population, both in terms of new housing options and assistance to allow aging homeowners to remain in their homes.

Policy H-4.3 – The City shall evaluate innovative ideas to utilize secondary units and accessory structures that can be used for senior housing.

Planning Department Recommendations

The Department finds the proposed amendments to the City of Newport Codified Ordinance are generally consistent with the Comprehensive Plan. The Department’s recommendation is that the Planning Board forward a favorable recommendation to the City Council for the requested zoning amendments.

Amendment of the ordinance will substantially forward the City’s regulation of the short-term rental market. The rise in short-term rentals has had a profound impact on many aspects of life in Newport. From a land use perspective, they spread commercial uses into residential areas. They take housing units offline and increase housing costs. They provide additional income opportunities to some year-round residents and diversify lodging opportunities. The elimination of future short term rentals in residential districts and increased short term rental possibilities in other districts will address numerous real and potential impacts of this use on the city for future wellbeing of the community, its inhabitants and visitors for years to come.