

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

Meeting: January 10, 2022
 Applicant: One Stop Building Supply, Inc.
 Address: 236 JT Connell Highway, TAP 04-078
 Petition: Amend Petition *Section 17.65.020 Use Regulations, c. Maker (MK), Innovation Hub* of the City's Zoning ordinance.
 Parcels: Tax Assessor's Plat: 03 Lots: 001, 029, 031
 Tax Assessor's Plat: 04 Lots: 003, 078, 080

The Applicant has petitioned the City Council to amend the zoning for the six (6) parcels located within the Maker (MK) subdistrict of the City's *Innovation Hub* zoning. The Applicant is proposing limited amendments to the allowed and specially permitted uses of *Section 17.65.020 Use Regulations*, of the base *Innovation Hub* zone. The petition requests, "...that the use tables in the (MK) Maker District be amended to bring the present uses consistent with the uses in the (UV) Urban Village District, which is immediately adjacent to the (MK) Maker District."

The Maker (MK) subdistrict is designed to protect the existing city wastewater treatment facility (TAP03, AL001, TAP04, ALs003, 080) from incompatible adjacent uses, while limiting heavy industrial uses from further impacting nearby residential areas. This area allows industrial uses that are not negatively impacted by proximity to the wastewater treatment facility. Future development in that area shall protect and enhance the adjacent "rail/trail" corridor. All residential uses are prohibited in this subdistrict for public health and safety reasons.

There are currently 17 uses permitted by right. The Applicant is seeking to add thirteen (13) uses to be permitted by right, and to eliminate four (4) uses currently permitted by right

Table 1, Proposed Permitted Uses

	Use	UV	MT	MK	MK, new	Plan	CI
18	Family Day Care	P	P	No	P	No	No
19	Park, playground, playing field...	P	P	No	P	P	P
20	Commercial indoor recreation	P	No	No	P	No	P
21	Standard restaurant	P	No	No	P	No	P
22	Stores where goods are sold..retail	P	No	No	P	No	P
23	Stores, nautical goods	P	No	No	P	No	P
24	Advanced manufacturing	P	P	No	P	No	P
25	Banks and financial inst.	P	P	No	P	No	P
26	Marine research lab	P	P	No	P	No	No
27	Professional and business office	P	P	No	P	No	P
28	Professional office, maritime	P	P	No	P	No	P
29	Research and development facility	P	P	No	P	No	
30	Research laboratory	P	P	No	P	No	P

There are currently 10 uses permitted by a Special Use Permit. The Applicant is seeking to add eighteen (18) uses to be permitted by Special Use Permit.

Table 2, Proposed Uses permitted by Special Use Permit

	Use	UV	MT	MK	MK, new	Plan	CI
11	Agricultural and horticultural society	S	S	No	S	No	S
12	Arcade	S	No	No	S	No	S
13	Automobile dealership	S	No	No	S	No	No
14	Convention Center	S	No	No	S	No	S
15	Church	S	S	No	S	P	P
16	Cultural Inst	S	No	No	S	No	No
17	Drive thrus*	S					
18	Fast Food, no drive thru	S	No	No	S	No	S
19	Federal, state, municipal building*	S					
20	Hospital	S	No	No	S	No	No
21	Religious, philanthropic...	S	S	No	S	No	S
22	Museum	S	S	No	S	No	S
23	Schools (dormitories)	S	No	No	S	No	S
24	Schools, limited instruction	S	S	No	S	P	P
25	Commercial recreation facility	S	No	No	S	No	P
26	Parking garage	S	S	No	S	No	No
27	Theater	S	No	No	S	No	P
28	Transient guest facility	S	No	No	S	No	P
29	Vacation guest facility	S	No	No	S	No	P
30	Undertakers establishment	S	No	No	S	No	No

*Currently allowed in Maker subdistrict by SUP

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 Rhode Island General Law § 45-24-30:

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

- Residential uses were prohibited under the previous Commercial-Industrial zone for health and safety reasons. The Commercial-Industrial zone was a heavy industrial zone with many permitted uses incompatible with residential uses. In order to open up the Innovation Hub for mixed-use development, the proposed Innovation Hub zone creates subdistricts to balance heavy industrial and residential uses.

(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.

- The subdistrict protects existing industrial uses, and the removal of residential areas from consideration through the NEUP protects residential areas.

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

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

- This subdistrict supports industrial uses that are not negatively impacted by proximity to the wastewater treatment facility

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

- The proposed zoning amendment does not impact soil characteristics, topography or groundwater pollution.

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

- The proposed zoning amendment does not impact these values.

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

- The proposed zoning amendment does not impact these values.

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

- Some of the largest roads in Newport are in this area. The area is well served with private services. The City Yard is in this area. A new fire station is being planned for this area and a branch library is being explored. Additional necessary infrastructure is being prioritized.

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

- The proposed zoning amendment creates opportunity for additional uses to meet Newport's growth needs.

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

- The proposed zoning amendment does not include and 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 amendment is limited to use and does not provide for control of pollution or erosion.

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

- The proposed zoning amendment is limited to use and does not provide for protection of natural, historic, and scenic character of the city. Cultural related uses are proposed to be included.

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

- This proposed zoning amendment adds uses related to open space and agriculture.

(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.

- It is unclear how the proposed amendment will provide for public investment in infrastructure.

(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.

- This subdistrict does not allow for housing.

(I) Providing opportunities for the establishment of low- and moderate-income housing.

- This subdistrict does not allow for housing

(J) Promoting safety from fire, flood, and other natural or unnatural disasters.

- The proposed zoning amendment will have no impact on promoting safety from fire, flood and other unnatural disasters.

(K) Promoting a high level of quality in design in the development of private and public facilities.

- The review process for development and interconnectedness with the NEUP promotes a high level of quality in design in the development of private and nonmunicipal facilities.

(L) Promoting implementation of the comprehensive plan of the city adopted pursuant to Title 45, Chapter 22.2 of the General Laws.

- The proposed amendment does not impact the implementation of the comprehensive plan.

(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 Commercial-Industrial zone will remain along Coddington Highway as a buffer to Middletown.

(N) Provide for efficient review of development proposals, to clarify and expedite the zoning approval process.

- The proposed amendment does 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 amendment does not impact the administration of the zoning ordinance.

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.

- This subdistrict does not allow for housing. New development to be constructed to ADA standards.

Required finding

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-1.1 – The City shall support implementation of efforts to diversify, redevelop and enhance the city's north end in collaboration with appropriate federal, state, regional, and private stakeholders, with a focus on developing employment opportunities, especially for young adults.

These amendments contribute to diversifying, redeveloping, and enhancing the city's north end in collaboration with appropriate federal, state, regional, and private stakeholders, with a focus on developing employment opportunities.

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

This amendment may encourage the upgrading and revitalization of the area.

Action LU-1A – Update City's Zoning Ordinance to add Mixed Use designations compatible with the designations included in this Comprehensive Plan.

Action LU-1B – Actively pursue implementation of all North End redevelopment projects and related initiatives.

Goal LU-3 – Achieve the vision put forth by the North End Urban Plan.

The proposed amendment is somewhat consistent with the North End Urban Plan.

Policy LU-3.3 – The city shall prioritize development that creates jobs in accordance with the North End Urban Plan.

Action LU-3C - Seek uses that bring new higher paying jobs to Newport and provide opportunity for growth, and work with residents to secure those jobs,

Action LU-3F - Encourage a mix of supportive uses in the North End reflective of the community's wants and needs.

The uses permitted by the zoning amendment support diversified development that creates jobs.

Goal ED-1 – To develop a robust and diverse economy, providing suitable employment opportunities for residents, and a stable tax base.

Policy ED-1.1 – The City shall support key economic drivers while also seeking to attract and grow its technology sector and businesses that represent new and innovative concepts and technologies.

Policy ED-1.2 – The City shall work to implement the Innovation Hub plans.

The proposed amendment supports diverse economic growth in the North End, as stipulated in the Comprehensive Plan.

Planning Department Recommendations

The following recommendations have been prepared by staff and are provided for the Board's consideration. The Planning Board is not obligated to accept these recommendations, and they may be altered or rejected at the Board's discretion.

Table 1. Proposed Permitted Uses

Of the proposed amendments to the uses allowed by right, staff recommends

1. no objection to the elimination of the following uses: Tavern, Yacht and sailing clubs, and schools which give special marine or nautical instruction.
2. retaining Co-working space as a permitted use, as it is consistent with the NEUP
3. supporting uses highlighted in Table 1, Proposed Permitted Uses, as generally consistent with the NEUP
4. consideration of comprehensive plan consistency with the remaining proposed uses.

Table 2, Proposed Uses Permitted by Special Use Permit

1. supporting uses highlighted in Table 2, Proposed Uses permitted by Special Use Permit, as generally consistent with the NEUP
2. consideration of comprehensive plan consistency with the remaining proposed specially permitted uses