

# ***INNOVATION DISTRICT***

***Revised Draft***

**City of Newport, Rhode Island**

**Prepared as an Addendum to the City of Newport Code of Ordinances, Title 17 – Zoning**

**March 18, 2019**



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## EXECUTIVE SUMMARY

The Innovation District represents a specific area of the City of Newport that is subject to the following zoning ordinance and all requirements contained herein. Any zoning issues not directly addresses by this ordinance will be subject to the standard Zoning Code for the City of Newport.

The area for which this Ordinance applies is described in Exhibit A, which comprises six (6) Planning Areas, each of which is subject to the specific “opt-in” use and development standards contained within this ordinance. The property described in Exhibit A is generally bounded by Peary Street on the north; Girard Avenue, Malbone Road and Hillside Avenue on the east; Van Zandt Avenue on the south; and Third Street and the Narragansett Bay on the west. The District boundaries coincide with existing platted ownership parcels and the center of public rights-of-way for a total area of approximately 247 acres. Properties whose owners have not (or not yet) selected to opt-in to their Planning Area shall be regulated by the Innovation District, and subsequently, any applicable ordinances regulating legally non-conforming uses and/or properties.

The purpose of the Innovation District is to create a specialized area to implement economic goals of the Newport Comprehensive Plan. The creation of an Innovation District will allow for new employment opportunities in diverse fields of high technologies, maritime research, cyber security, climate change, and alternative energy research and development, resulting in a more resilient community. Other benefits include reducing the dependence on a tourism-based economy and encouraging the renovation and redevelopment of underutilized properties.

The intent of the Innovation District is to support the development of incubator/accelerator type businesses focused in these employment fields, their support sub-sectors, associated training and job creation center, as well as financial, commercial and retail/hospitality support services along with high density residential uses in support of the innovation sector development and their employees.

The Innovation District focuses on connecting assets, improving mobility, creating development opportunities, and resilience opportunities. The District is geared towards lifestyle preferences often sought by highly-skilled employees including mixed retail, residential and office space connected by mobility options and green space to create value from innovation, engagement, and investment.

**CITY OF NEWPORT**

**ORDINANCE**

**OF THE**

**COUNCIL**

**NO. 2019-\_\_**

AN ORDINANCE IN AMENDMENT OF TITLE SEVENTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 17.65 of the Codified Ordinances of the City of Newport, RI, revision of 1994, entitled, "Innovation District," is hereby created as follows:

**17.65.10. Legislative intent.**

- A. The (ID) Innovation District is an area consisting of six (6) Planning Areas to allow for new employment opportunities in diverse fields of high technologies; defense (underwater, maritime and cyber security); meta data acquisition, analytics, and related computation technologies; ocean, resilience/climate change, and alternative energy research and development; and digital industries. The intent of this district is to support the development of incubator/accelerator type businesses focused in these employment fields and their support sub-sectors through complete supply-chain opportunities, associated training and job creation, as well as financial, commercial and retail/hospitality support services along with high density residential uses in support of the innovation sector development and their employees. This district focuses on connecting assets, improving mobility, and creating development and resilience opportunities through enhanced supply chain networks. The District is geared towards lifestyle preferences often sought by highly-skilled employees including mixed retail, residential and office space connected by mobility options and green space to create value from innovation, engagement, and investment.
- B. Official Zoning Map of the City of Newport, a part of the Newport Code of Ordinances, is hereby changed to designate the land described in Exhibit A, attached hereto (the "Real Estate"), as the Innovation District (the "district") to be known as the Innovation District.
- C. Property owners within the district may elect to opt-in to the specific Planning Areas as depicted in Exhibit A and adhere to the respective development standards for each Planning Area.

**17.65.20. Use Regulations**

- A. The following uses are permitted by right:
1. Professional and business offices
  2. Research and development laboratories, indoor only
  3. Banks and other financial institutions
  4. Clean energy research and development
  5. Defense systems research and development
  6. Data storage / center
  7. Technology campus
  8. Medical and pharmaceutical development
  9. Advanced manufacturing
  10. Cultural and educational facilities
  11. Churches and places of worship
  12. Transient guest facilities
  13. Commercial entertainment, indoor
  14. Open space, public and private
  15. Business park
  16. Warehousing, wholesale business; and wholesale business warehousing Retail sales of new merchandise
  17. Indoor automobile sales and service
  18. Standard restaurants
  19. Commercial parking lot / structure
  20. Civic uses, including public and private utility facilities
  21. Residential uses, subject to Chapter 17.16. – R-3 Residential District development standards

B. The following uses require a special use permit from the zoning board of review:

1. Mixed-use, horizontally-integrated
2. Single-family dwelling
3. Research and development, outdoor
4. Surface parking as a principal use
5. Tavern
6. Drive-through uses
7. Commercial entertainment, with outdoor component
8. Automotive uses, including refueling, washing, and service

**17.65.30. Dimension requirements.**

- A. The minimum lot area shall be ten thousand (10,000) square feet.
- B. The minimum lot width shall be one hundred (100) feet.

**17.65.40. Setback requirements.**

The minimum setback requirements are:

- A. Front line, fifteen (15) feet;
- B. Side line, ten (10) feet;
- C. Rear line, ten (10) feet.

**17.65.50. Lot coverage requirements.**

The portion of a lot covered by buildings shall not exceed seventy (70) percent.

**17.65.60. Building height requirements.**

Building Height shall not exceed sixty (60) feet.

**17.65.70. Architecture & Design**

Reserved.

**17.65.80. Lighting**

- A. Pedestrian lighting shall be located along trails and within Open Spaces when trails or pedestrian ways are accessible after sunset.

- B. Street lighting shall be consistent with the City's standard for public street lighting, however, special fixtures specific to an Innovation District theme may be used provided specifications meet City standard.
- C. All lighting shall be positioned and shielded downward to reduce light pollution and glare. Under no circumstance, shall light spread exceed 1.0 foot-candle (or equivalent Nit, Lux, or Lumen calculation) at any property line shared with existing single-family residential uses.

### **17.65.90. Landscaping**

- A. The following landscaping requirements shall apply to the Innovation District in addition to the landscaping requirements of Title 17 – Zoning. Deviations from the landscaping requirements may be approved by the Planning Board provided the deviations advance the intent of the District and represent a reallocation of required landscaping (i.e. not a reduction of the overall requirement).

#### 1. Intent & Concept

- (i) The landscape theme for The Innovation District should provide a high-quality appearance, which harmonizes with the architecture. Special attention should be paid to earth forms, site drainage, plant forms and placement, hardscape materials, and ground plane treatments. It will be necessary for all landscape plans to address soil types and climate. It is also the intent to promote low water use plant material.

#### 2. Overall Grading and Drainage Requirement

- (i) All grading shall gradually transition into existing slopes. No final grading shall extend beyond existing lot lines or designated building envelopes, unless by special approval of the Planning Board, Technical Review Committee and affected property owner(s). All landscape plans shall be prepared so that all plant material is clearly identified by common name, botanical name, size, spacing, quantity and special planting notation, as required.

#### 3. Landscape Features

- (i) A detail of the following features must be submitted with a Landscape Plan and approved by the Planning Board prior to installation:
  - 1) fences & walls
  - 2) attached and free-standing structures
  - 3) gardens
  - 4) large rocks
  - 5) pools, hot tubs



- 6) play equipment
  - 7) outdoor lighting
  - 8) sculptures & outdoor artwork
  - 9) irrigation plan
- (ii) The Planning Board shall review and approve a written and illustrated landscape pruning and maintenance schedule prior to construction of the proposed development.
4. Landscape Requirements. Requirements must be satisfied prior to the issuance of certificate of occupancy. This includes landscaping in the street right-of-way in all Planning Areas. Street trees along public streets in the Innovation District will be provided and maintained by the developer. In addition:
- (i) Street trees along arterial and collector streets shall be required at a quantity calculated at one (1) tree for every thirty-five (35) linear feet. The minimum size for all street trees on arterial, collectors, and local streets is 2.5-inch caliper.
  - (ii) Tree lawns (area between back of curb and detached sidewalk) must be minimum of eight (8) feet wide and seventy-five (75) percent of area must have living ground cover.
  - (iii) Service areas and utility cabinets must be screened from view of street and adjacent properties by appropriate plant materials.
  - (iv) Native and low water use plant materials shall be used whenever possible, except in drainage retention basins where it can be demonstrated that the provided landscape materials accelerate the absorption of standing water without requiring additional water when the basin is dry.
5. Parking Lot
- (i) Ten (10) percent of parking lot areas shall be comprised of landscape islands of no less than nine (9) feet by eighteen (18) feet. Dimensions are measured from back of curb.
  - (ii) No parking stall shall be more than twelve (12) spaces from a landscaped area.
  - (iii) Each row of parking must have an island of no less than eight (8) feet wide (inside measurement) located at its terminus.

**17.65.100. Parking**

- A. Parking. The minimum number of parking spaces to be provided shall be computed in accordance with the Newport parking regulations.
- B. Loading and Service Areas.
  - 1. Loading docks, solid waste facilities, recycling facilities, and other service areas shall be placed to the rear or side of buildings.
  - 2. For buildings larger than eight thousand (8,000) square feet in area, but smaller than twenty thousand (20,000) square feet in area, at least one dedicated loading space shall be provided. This space shall be no smaller than ten (10) feet by twenty (20) feet.
  - 3. For buildings larger than twenty thousand (20,000) square feet in area, at least two (2) dedicated loading spaces or one (1) loading berth shall be provided. Loading spaces shall be no smaller than ten (10) feet by twenty (20) feet and loading berths shall be no smaller than twelve (12) feet by forty (40) feet. Loading areas shall be screened from public view with adequate landscaping or architecturally-integrated screen walls.
  - 4. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and buffering shall be achieved through walls, fences, and landscaping, shall be a minimum of five (5) feet tall, and shall be visually impervious. Recesses in the Building, or depressed access ramps may be used.

**17.65.110. Parks and Open Space**

- A. The intent of open space is to allow for a balance between natural areas and the built environment and to provide for the overall beautification of the development. Open space shall consist of manicured or natural open spaces, storm water detention areas, ponds, creeks, recreational sports fields, and trail easements. Water features and structures such as gazebos, arbors, pergolas, etc., that are associated with outdoor pedestrian use areas may be used to enhance the space. All open space shall be maintained by the property owner except where dedicated directly to the City of Newport.
- B. Open Space for Multi-Family: A minimum of twenty (20) percent open space will be required for multi-family developments. The open space should consist of both passive and active spaces. Active spaces, such as plazas, fountains, and courtyards shall be integrated into the landscape to provide a useable outdoor space for the residents of the development. Passive space, such as lawn areas and living landscape materials, should express quality and integrate the architecture into the landscape.
- C. Public pedestrian access shall be provided between all Planning Areas within the Innovation District to permit and encourage pedestrian movement between Planning Areas and surrounding developments and to discourage utilizing motorized vehicles for access. Pedestrian travel ways should be separated from vehicular traffic with

landscaping, on-street parking, bollards, special paving, or any other feature which identifies the pedestrian space. To further promote a higher level of pedestrian safety and awareness, the use of alternate paving materials to designate pedestrian traffic areas from vehicular use areas and travel lanes shall be required. All sidewalks shall be detached by no less than two (2) feet in all residential areas unless within a mixed-use/commercial district. Off-street trail corridors shall be maintained by the property owner.

D. Public Dedication of Parks, Trails, and Open Space:

1. Intent. This Section is intended to provide adequate sites for the location of public facilities necessitated by the impacts created by new development. Such sites should be dedicated to the City based upon criteria set forth in this Section.
2. Land for Parks, Trails, and Open Space
  - (i) Applicability and Purpose. Land for parks, trails, and open space based on demand generated by the proposed use shall be provided. In general, these lands shall be suitable for the development of active play areas, passive open areas, trails, and preservation of unique landforms or natural areas.
  - (ii) Residential Park Development of a minimum of one (1) acre in area and up to fifteen (15) percent of the developable site area, whichever is greater.
3. General Standards for Dedicated Park Land and Open Space Lands
  - (i) Identification of Land. Land proposed for Park and Open Space dedication shall be clearly identified on any submitted plat including the number of acres for each site and the total acreage proposed for each Park or Open Space dedication within the project.

E. Drainage Detention Areas.

1. Requirements regarding the dedication of drainage detention areas dedicated to the City or used as part of an open space: If a proposal is made to dedicate a detention area to the City, the City shall determine if the detention area is designed to public standards and serves the public interest. Public interest shall be based on ease of maintenance, potential use of the area for open space or recreation uses by the public, whether the area meets the minimum criteria for the Park, whether the area would complement the City's park or trail system, and/or whether funding is available for ongoing maintenance of the facility. If the City accepts dedication of a detention area, or if the detention area is intended to be part of a Neighborhood, Pocket Park or common open space area, regardless of ownership or maintenance, the following standards shall apply:
2. Slopes shall comply with City construction standards and specifications, but in no case shall exceed a slope of 4:1.
3. Adequate access shall be provided to the detention area for pedestrians, the physically disabled and maintenance equipment.

4. Drainage structures shall be designed and located to facilitate maximum use of the detention area for recreational use.

F. Park Development Standards.

1. Active park land within the District is divided into three (3) categories: District, Neighborhood, and Pocket Parks/Urban Plazas. Land will not be considered for park dedication if it is an exclusive utility or other easement, public street right-of-way or pedestrian walkway required under other regulations or contains topographical or hazardous obstructions that would preclude development as a park. All District Parks shall be developed and maintained by the City of Newport. All Neighborhood and Pocket Parks/Urban Plazas shall be developed and maintained by the property owner.

G. Trails. Trails may be considered for acceptance for the open space dedication requirements if all the following criteria are met:

1. Lands dedicated for public trails shall be at locations identified in the Newport Comprehensive Plan Bicycle and Pedestrian Map or approved by the Planning Director.
2. The City shall not accept land for public trail dedication if the land is an exclusive utility or other easement, public street right-of-way or pedestrian walkway required under other regulations, or if the land contains topographical or hazardous obstructions that would preclude development of a trail.
3. All trails shall provide for easy, safe and secure usage and allow for sufficient easement or right-of-way to accommodate pedestrian, bike and equestrian uses, which shall require a minimum twenty-five (25) foot wide easement or right-of-way width.
4. To the maximum extent practicable, parks, trails and open space shall be organized to create integrated systems of open areas that connect with the following types of lands located within or adjacent to the development:
  - (ii) Dedicated parks or trails;
  - (iii) Dedicated school sites;
  - (iv) Other dedicated or common open spaces;
  - (v) Neighborhood shopping and activity centers; and
  - (vi) Adjacent employment centers.

**17.65.120. Planning Area Development Standards.**

- A. The following standards shall apply to development within the six (6) Planning Areas of the Innovation District designated as Planning Areas (PA) 1 through 6. Planning Area boundaries are conceptual by nature and may be adjusted at the time of platting; however,

any change in area greater than twenty (20) percent shall require an amendment to this ordinance.

**17.65.130. Planning Area One (PA-1)**

All uses, new construction, alterations and additions within this Planning Area shall be in accordance with this Section.

A. **Character.** This Planning Area is located east of Highway 238 (JT Connell Hwy) and south of Highway 138 (Admiral Kalbfus Road) and is comprised of approximately 73.2 gross acres. This Planning Area shall allow for a diverse mix of land uses of a moderate scale and intensity, which include following:

1. Commercial: Office, Research & Development, Retail
2. Residential: As support for the main functions of the Innovation District, use may include single family attached and multifamily dwelling units.
3. Open Space: As an amenity to the primary functions of the Innovation District, open space may take the form of small pocket parks, trail corridors, and or urban plazas.
4. Ideally, the development of this area will mix these uses (commercial on the first floor, office or residential on the second floor and residential on the third floor) to create an Urban Village. Trail connections will allow pedestrian access to other areas within the Innovation District and to the existing adjacent neighborhoods where supported. The Urban Village character will be defined as an integrated organization and design of uses that emphasizes a pedestrian-friendly environment that does not promote excessive automobile usage or parking areas.

B. **Use Regulations.**

1. The following uses are permitted by right:
  - (i) Commercial:
    - 1) Office Park – research and development, indoor
    - 2) Warehousing, wholesale business; and wholesale business warehousing Retail sales of new merchandise
    - 3) Alternative energy research, development, manufacturing
    - 4) Medical research and development
    - 5) Defense systems research and development
    - 6) Transient guest facilities

- 7) Stores where goods are sold, or service is rendered primarily at retail; single-user limited to 15,000 square feet each; aggregate limitation of 500,000 square feet
  - 8) Mixed-use, vertical or horizontal integration
  - 9) Commercial entertainment, indoor
  - 10) Civic uses, including public and private utilities
  - 11) Convention or conference center
  - 12) Commercial parking lot / structure parking (no closer than 300 feet to existing single-family residential uses)
- (ii) Residential:
- 1) Single-Family Dwelling, Attached
  - 2) Townhomes
  - 3) Multifamily Dwellings
  - 4) Live/Work Dwellings
- (iii) Open Space:
- 1) Small Parks
  - 2) Trail Corridors
  - 3) Urban Plazas
- (iv) Community Gardens (not eligible for dedication to the City of Newport)
- (v) Green Roofs (not eligible for dedication to the City of Newport)
- (vi) Detention/Drainage Areas
2. The following uses require a special use permit from the zoning board of review:
- (i) Home occupations
  - (ii) Wireless communications facilities
  - (iii) Hospitals, including heliport
  - (iv) Mental / behavioral health facility

**C. Residential Standards.**

1. Minimum Gross Density: 6 dwelling units per acre, calculated per development
2. Maximum Gross Density: 30 dwelling units per acre, calculated per development
3. Maximum Residential Units: 1,000
4. Bulk Standards:

	<b>Single Family, Attached Dwellings</b>	<b>Townhomes</b>	<b>Multifamily Dwellings</b>	<b>Live/Work Dwellings</b>
<b>Minimum Gross Density</b>	<b>6 du/ac</b>	<b>8 du/ac</b>	<b>18 du/ac</b>	<b>8 du/ac</b>
<b>Maximum Gross Density</b>	<b>10 du/ac</b>	<b>15 du/ac</b>	<b>30 du/ac</b>	<b>15 du/ac</b>
<b>Garage Setback</b>				
Front Loaded	18’*	N/A	N/A	18’*
Alley Loaded	5’	N/A	N/A	5’
<b>Building Setback (livable portion)</b>				
Front Yard	10’	20’	20’	5’
Rear Yard	15’	20’	20’	8’
Side Yard	5’	N/A	N/A	N/A; No more than 5 consecutive units per building.
Street Side	10’	20’	20’	10’
Between Buildings	10’	15’	15’	8’
Single-family Residential	See front, rear, side setbacks above	15’ for single story units  20’ for Multi-Story Units, Basements are Excluded as a Story	30’	15’ for Single Story Units  20’ for Multi-Story Units, Basements are Excluded as a Story
Internal Drives	N/A	8’ Side and Rear of Building  12’, Front of Building	5’ Side and Rear of Building  10’, Front of Building	5’ Side and Rear of Building  10’, Front of Building
<b>Minimum Lot Area</b>	N/A	N/A	10 ac	N/A
<b>Maximum Lot Area</b>	30% of PA-1	25% of PA-1	25% of PA-1	40% of PA-1
<b>Maximum Lot / Parcel Coverage</b>	70% (Lot)	N/A	60% (Parcel)	80% (Lot)
<b>Maximum Building Height</b>	30’	36’**	48’	30’
*To be measured from the back of sidewalk where one exists, otherwise setbacks shall be measured from the property line.				
**30’ maximum building height permitted at setback with an additional 1’ height increase for each additional 2’ of setback from single-family residential uses.				

**D. Non-Residential Standards.**

1. Maximum non-residential F.A.R.: 3.0 F.A.R.
2. Bulk Standards:

<b>Setbacks</b>	
Street	50% Building Height for buildings up to 30' 40% Building Height for buildings 30' tall or taller.
Interior lot lines	0'
From Single-family Residential	150% Building Height
From Multifamily Residential	75% Building Height
<b>Maximum Height</b>	60'*
*48' maximum building height permitted at setback with an additional 1' height increase for each additional 2' of setback from single-family residential uses.	

**17.65.140. Planning Area Two (PA-2)**

All uses, new construction, alterations and additions within this Planning Area shall be in accordance with this Section.

A. **Character.** This Planning Area is located between Third Street and JT Connell Highway and between Admiral Kalbfus Road and Van Zandt Avenue and is comprised of approximately 48.5 gross acres. The Urban Village character will be defined as an integrated organization of uses of a transitional nature between existing single-family residential and more intense commercial and civic uses that emphasizes a pedestrian-oriented environment and does not promote automobile dominance in the area.

**B. Use Regulations.**

1. The following uses are permitted by right:
  - (i) Commercial:
    - 1) Office Park – research and development, indoor
    - 2) Warehousing, wholesale business; and wholesale business warehousing
    - 3) Stores where goods are sold, or service is rendered primarily at retail
    - 4) Technology development
    - 5) Data center
    - 6) Alternative energy research, development, manufacturing
    - 7) Medical research and development



- 8) Defense systems research and development
  - 9) Transient guest facilities
  - 10) Transit station
  - 11) Light manufacturing
  - 12) Advanced manufacturing
  - 13) Indoor auto sales
  - 14) Stores where goods are sold, or service is rendered primarily at retail, single-user limited to 10,000 square feet each; aggregate limitation of 250,000 square feet
  - 15) Mixed-use, vertical or horizontal integration
  - 16) Commercial entertainment, indoor
  - 17) Civic uses, including public and private utilities
  - 18) Convention or conference center
  - 19) Commercial parking lot / structure parking (no closer than 300 feet to existing single-family residential uses)
  - 20) Educational and cultural facilities
- (ii) Residential:
- 1) Single-Family Dwellings, Attached
  - 2) Townhomes
  - 3) Multifamily Dwellings
  - 4) Live/Work Dwellings
- (iii) Open Space:
- 1) Small Parks
  - 2) Trail Corridors
  - 3) Urban Plazas
  - 4) Community Gardens
  - 5) Green Roofs

## 6) Detention/Drainage Areas

2. The following uses require a special use permit from the zoning board of review:

- (i) Home occupations
- (ii) Wireless communications facilities
- (iii) Hospitals, including heliport
- (iv) Mental / behavioral health facility

**C. Residential Standards**

1. Maximum Gross Density: 30 dwelling units per acre

2. Bulk Standards:

	Single Family, Attached Dwellings	Townhomes	Multifamily Dwellings	Live/Work Dwellings
<b>Minimum Gross Density</b>	<b>6 du/ac</b>	<b>8 du/ac</b>	<b>18 du/ac</b>	<b>8 du/ac</b>
<b>Maximum Gross Density</b>	<b>10 du/ac</b>	<b>15 du/ac</b>	<b>30 du/ac</b>	<b>15 du/ac</b>
<b>Garage Setback</b>				
Front Loaded	18’*	N/A	N/A	18’*
Alley Loaded	5’	N/A	N/A	5’
<b>Building Setback (livable portion)</b>				
Front Yard	10’	20’	20’	5’
Rear Yard	15’	20’	20’	8’
Side Yard	5’	N/A	N/A	N/A; No more than 5 consecutive units per building.
Street Side	10’	20’	20’	10’
Between Buildings	10’	15’	15’	8’
Single-family Residential	See front, rear, side setbacks above	15’ for single story units  20’ for Multi-Story Units, Basements are Excluded as a Story	30’	15’ for Single Story Units  20’ for Multi-Story Units, Basements are Excluded as a Story
Internal Drives	N/A	8’ Side and Rear of Building  12’, Front of Building	5’ Side and Rear of Building  10’, Front of Building	5’ Side and Rear of Building  10’, Front of Building
<b>Minimum Lot Area</b>	N/A	N/A	10 ac	N/A

	Single Family, Attached Dwellings	Townhomes	Multifamily Dwellings	Live/Work Dwellings
Maximum Lot Area	30% of PA-1	25% of PA-1	25% of PA-1	40% of PA-1
Maximum Lot / Parcel Coverage	70% (Lot)	N/A	60% (Parcel)	80% (Lot)
Maximum Building Height	30'	36'***	48'	30'

**D. Non – Residential Standards.**

1. Maximum non-residential F.A.R.: 2.0
2. Bulk Standards:

Setbacks	
Street	50% Building Height for buildings up to 30' 40% Building Height for buildings 30' tall or taller.
Interior lot lines	0'
From Single-family Residential	150% Building Height
From Multifamily Residential	75% Building Height
<b>Maximum Height</b>	60'*
*48' maximum building height permitted at setback with an additional 1' height increase for each additional 2' of setback from single-family residential uses.	

**17.65.150. Planning Area Three (PA-3)**

All uses, new construction, alterations and additions within this Planning Area shall be in accordance with this Section.

A. **Character.** This Planning Area is located west of Third Street between Dorsey Road and Cypress Street. PA-3 is comprised of the former Navy Hospital site and contains approximately 9.38 acres. The highly visible site at the foot of the Pell Bridge and located directly on Narragansett Bay will encourage a waterfront character for the land uses.

B. **Use Regulations.**

1. The following uses shall be permitted by right:
  - (i) Commercial:
    - 1) Office Park – research and development, indoor
    - 2) Warehousing, wholesale business; and wholesale business warehousing
    - 3) Alternative energy research, development, manufacturing

- 4) Medical research and development
  - 5) Defense systems research and development
  - 6) Transient guest facilities
  - 7) Marina
  - 8) Stores where goods are sold, or service is rendered primarily at retail, single-user limited to 5,000 square feet each; aggregate limitation of 100,000 square feet
  - 9) Mixed-use, vertical or horizontal integration
  - 10) Commercial entertainment, indoor / outdoor
  - 11) Civic uses, including public and private utilities
  - 12) Educational and cultural facilities
- (ii) Residential:
- 1) Multifamily Dwellings
- (iii) Open Space:
- 1) Trail Corridors
  - 2) Urban Plazas
  - 3) Green Roofs (not eligible for dedication to the City of Newport)
2. The following uses require a special use permit from the zoning board of review:
- (i) Civic Uses, Permanent and Temporary
  - (ii) Utilities, Public and Private

**C. Residential Standards.**

1. Maximum Gross Density: 30 dwelling units per acre
2. Bulk Standards:

	Single Family, Attached Dwellings	Townhomes	Multifamily Dwellings	Live/Work Dwellings
<b>Minimum Gross Density</b>	6 du/ac	8 du/ac	18 du/ac	8 du/ac
<b>Maximum Gross Density</b>	10 du/ac	15 du/ac	30 du/ac	15 du/ac
<b>Garage Setback</b>				
Front Loaded	18**	N/A	N/A	18**
Alley Loaded	5'	N/A	N/A	5'
<b>Building Setback (livable portion)</b>				
Front Yard	10'	20'	20'	5'
Rear Yard	15'	20'	20'	8'
Side Yard	5'	N/A	N/A	N/A; No more than 5 consecutive units per building.
Street Side	10'	20'	20'	10'
Between Buildings	10'	15'	15'	8'
Single-family Residential	See front, rear, side setbacks above	15' for single story units  20' for Multi-Story Units, Basements are Excluded as a Story	30'	15' for Single Story Units  20' for Multi-Story Units, Basements are Excluded as a Story
Internal Drives	N/A	8' Side and Rear of Building  12', Front of Building	5' Side and Rear of Building  10', Front of Building	5' Side and Rear of Building  10', Front of Building
<b>Minimum Lot Area</b>	N/A	N/A	10 ac	N/A
<b>Maximum Lot Area</b>	30% of PA-1	25% of PA-1	25% of PA-1	40% of PA-1
<b>Maximum Lot / Parcel Coverage</b>	70% (Lot)	N/A	60% (Parcel)	80% (Lot)
<b>Maximum Building Height</b>	30'	36***	48'	30'
*To be measured from the back of sidewalk where one exists, otherwise setbacks shall be measured from the property line. **30' maximum building height permitted at setback with an additional 1' height increase for each additional 2' of setback from single-family residential uses.				

#### D. Non-Residential Standards.

1. Maximum non-residential F.A.R.: 3.0 F.A.R.
2. Bulk Standards:

<b>Setbacks</b>	
Street	50% Building Height for buildings up to 30' 40% Building Height for buildings 30' tall or taller.
Interior lot lines	0'
From Single-family Residential	150% Building Height
From Multifamily Residential	75% Building Height
<b>Maximum Height</b>	60'*
*48' maximum building height permitted at setback with an additional 1' height increase for each additional 2' of setback from single-family residential uses.	

### **17.65.160. Planning Area Four (PA-4)**

All uses, new construction, alterations and additions within this Planning Area shall be in accordance with this Section.

A. **Character.** This Planning Area is located between JT Connell Highway and Third Street/Newport Secondary Rail Line and between Admiral Kalbfus Road on the south to Peary Street. PA-4 is comprised of a mix of uses allowing for the continuation of existing uses and the potential for redevelopment in support of the Innovation District functions and uses. This Planning Area is approximately 43.4 gross acres in size.

#### **B. Use regulations.**

1. The following uses are permitted by right:

(i) Commercial:

- 1) Professional and business offices
- 2) Stores where goods are sold, or service is rendered primarily at retail
- 3) Mixed Use
- 4) Transient guest facilities
- 5) Civic Uses/Utilities
- 6) Institutional Uses

(ii) Open Space:

- 1) Small Parks
- 2) Trail Corridors
- 3) Urban Plazas
- 4) Community Gardens (not eligible for dedication to the City of Newport)

- 5) Green Roofs (not eligible for dedication to the City of Newport)
- 6) Detention/Drainage Areas

2. The following uses require a special use permit from the zoning board of review:

- (i) Home Occupations
- (ii) Civic Uses, Permanent and Temporary
- (iii) Single-Family Dwellings, Attached
- (iv) Multifamily Dwellings
- (v) Townhomes
- (vi) Live/Work Dwellings

**C. Residential Standards**

1. Maximum Gross Density: 30 dwelling units per acre

2. Bulk Standards:

	Single Family, Attached Dwellings	Townhomes	Multifamily Dwellings	Live/Work Dwellings
<b>Minimum Gross Density</b>	6 du/ac	8 du/ac	18 du/ac	8 du/ac
<b>Maximum Gross Density</b>	10 du/ac	15 du/ac	30 du/ac	15 du/ac
<b>Garage Setback</b>				
Front Loaded	18’*	N/A	N/A	18’*
Alley Loaded	5’	N/A	N/A	5’
<b>Building Setback (livable portion)</b>				
Front Yard	10’	20’	20’	5’
Rear Yard	15’	20’	20’	8’
Side Yard	5’	N/A	N/A	N/A; No more than 5 consecutive units per building.
Street Side	10’	20’	20’	10’
Between Buildings	10’	15’	15’	8’

	Single Family, Attached Dwelling Units	Townhomes	Multifamily Dwelling Units	Live/Work Dwelling Units
<b>Building Setback (livable portion)</b>				
Single-family Residential	See front, rear, side setbacks above	15' for single story units  20' for Multi-Story Units, Basements are Excluded as a Story	30'	15' for Single Story Units  20' for Multi-Story Units, Basements are Excluded as a Story
Internal Drives	N/A	8' Side and Rear of Building  12', Front of Building	5' Side and Rear of Building  10', Front of Building	5' Side and Rear of Building  10', Front of Building
<b>Minimum Lot Area</b>	N/A	N/A	10 ac	N/A
<b>Maximum Lot Area</b>	30% of PA-1	25% of PA-1	25% of PA-1	40% of PA-1
<b>Maximum Lot / Parcel Coverage</b>	70% (Lot)	N/A	60% (Parcel)	80% (Lot)
<b>Maximum Building Height</b>	30'	36'**	48'	30'
*To be measured from the back of sidewalk where one exists, otherwise setbacks shall be measured from the property line.				
**30' maximum building height permitted at setback with an additional 1' height increase for each additional 2' of setback from single-family residential uses.				

**D. Non-Residential Standards.**

1. Maximum non-residential F.A.R.: 2.0 F.A.R.
2. Bulk Standards:

<b>Setbacks</b>	
Street	50% Building Height for buildings up to 30'  40% Building Height for buildings 30' tall or taller.
Interior lot lines	0'
From Single-family Residential	150% Building Height
From Multifamily Residential	75% Building Height
<b>Maximum Height</b>	60'*
*48' maximum building height permitted at setback with an additional 1' height increase for each additional 2' of setback from single-family residential uses.	



**17.65.170. Planning Area Five (PA-5)**

All uses, new construction, alterations and additions within this Planning Area shall be in accordance with this Section.

A. **Character.** This Planning Area is located east of Highway 238 (JT Connell Highway) and north of Highway 138 (Admiral Kalbfus Road). The area provides the opportunity for development of former highway property and opportunity for redevelopment into uses that support the Innovation District goals and functions. This Planning Area is comprised of approximately 59.2 gross acres.

B. **Use regulations.**

1. The following uses are permitted by right:

(i) Commercial:

- 1) Office/Research & Development
- 2) Stores where goods are sold, or service is rendered primarily at retail
- 3) Mixed Use
- 4) Transient guest facilities
- 5) Civic Uses/Utilities
- 6) Institutional Uses

(ii) Residential:

- 1) Single-Family Dwellings, Attached, only on parcels adjacent to existing single-family residential uses.
- 2) Townhomes, only on parcels adjacent to existing single-family residential uses.
- 3) Multifamily Dwellings, prohibited where adjacent to existing single-family residential uses.
- 4) Live/Work Dwellings

(iii) Open Space:

- 1) Small Parks
- 2) Trail Corridors
- 3) Urban Plazas

- 4) Community Gardens (not eligible for dedication to the City of Newport)
- 5) Green Roofs (not eligible for dedication to the City of Newport)
- 6) Detention/Drainage Areas

2. The following uses require a special use permit from the zoning board of review:

- (i) Utilities, Public and Private

**C. Residential Standards**

- 1. Maximum Gross Density: 30 dwelling units per acre
- 2. Bulk Standards:

	Single Family Attached, Dwellings	Townhomes	Multifamily Dwellings	Live/Work Dwellings
<b>Minimum Gross Density</b>	6 du/ac	8 du/ac	18 du/ac	8 du/ac
<b>Maximum Gross Density</b>	10 du/ac	15 du/ac	30 du/ac	15 du/ac
<b>Garage Setback</b>				
Front Loaded	18’*	N/A	N/A	18’*
Alley Loaded	5’	N/A	N/A	5’
<b>Building Setback (livable portion)</b>				
Front Yard	10’	20’	20’	5’
Rear Yard	15’	20’	20’	8’
Side Yard	5’	N/A	N/A	N/A; No more than 5 consecutive units per building.
Street Side	10’	20’	20’	10’
Between Buildings	10’	15’	15’	8’
Single-family Residential	See front, rear, side setbacks above	15’ for single story units  20’ for Multi-Story Units, Basements are Excluded as a Story	30’	15’ for Single Story Units  20’ for Multi-Story Units, Basements are Excluded as a Story
Internal Drives	N/A	8’ Side and Rear of Building  12’, Front of Building	5’ Side and Rear of Building  10’, Front of Building	5’ Side and Rear of Building  10’, Front of Building
<b>Minimum Lot Area</b>	N/A	N/A	10 ac	N/A

	Single Family, Attached Dwellings	Townhomes	Multifamily Dwellings	Live/Work Dwellings
<b>Maximum Lot Area</b>	30% of PA-1	25% of PA-1	25% of PA-1	40% of PA-1
<b>Maximum Lot / Parcel Coverage</b>	70% (Lot)	N/A	60% (Parcel)	80% (Lot)
<b>Maximum Building Height</b>	30'	36'***	48'	30'
*To be measured from the back of sidewalk where one exists, otherwise setbacks shall be measured from the property line. **30' maximum building height permitted at setback with an additional 1' height increase for each additional 2' of setback from single-family residential uses.				

**D. Non-Residential Standards.**

1. Maximum non-residential F.A.R.: 2.0 F.A.R.
2. Bulk Standards:

<b>Setbacks</b>	
Street	50% Building Height for buildings up to 30' 40% Building Height for buildings 30' tall or taller.
Interior lot lines	0'
From Single-family Residential	150% Building Height
From Multifamily Residential	75% Building Height
<b>Maximum Height</b>	60'*
*48' maximum building height permitted at setback with an additional 1' height increase for each additional 2' of setback from single-family residential uses.	

**17.65.180. Planning Area Six (PA-6)**

All uses, new construction, alterations and additions within this Planning Area shall be in accordance with this Section.

A. **Character.** This Planning Area is located south of Highway 138 (Admiral Kalbfus Road and between Malbone Road and Hillside Avenue and is comprised of approximately 11.5 gross acres. It is bounded on the south by Bedlow Avenue. This planning area is envisioned to be a transitional area between the more intensive uses of the Innovation District and the adjacent established neighborhoods.

B. **Use regulations.**

1. The following uses are permitted by right:
  - (i) Commercial:
    - 1) Professional and business offices
    - 2) Stores where goods are sold, or service is rendered primarily at retail

- 3) Transient guest facilities
  - (ii) Residential:
    - 1) Single-Family Dwellings, Attached
    - 2) Townhomes
    - 3) Live/Work Dwellings
  - (iii) Open Space:
    - 1) Small Parks
    - 2) Trail Corridors
    - 3) Community Gardens
2. The following uses require a special use permit from the zoning board of review:
- (i) Home Occupations
  - (ii) School
  - (iii) Utilities

**C. Residential Standards.**

- 1. Maximum Gross Density: 30 dwelling units per acre.
- 2. Bulk Standards:

	Single Family, Attached Dwellings	Townhomes	Multifamily Dwellings	Live/Work Dwellings
<b>Minimum Gross Density</b>	6 du/ac	8 du/ac	18 du/ac	8 du/ac
<b>Maximum Gross Density</b>	10 du/ac	15 du/ac	30 du/ac	15 du/ac
<b>Garage Setback</b>				
Front Loaded	18’*	N/A	N/A	18’*
Alley Loaded	5’	N/A	N/A	5’
<b>Building Setback (livable portion)</b>				
Front Yard	10’	20’	20’	5’
Rear Yard	15’	20’	20’	8’
Side Yard	5’	N/A	N/A	N/A; No more than 5 consecutive units per building.
Street Side	10’	20’	20’	10’

	Single Family, Attached Dwellings	Townhomes	Multifamily Dwellings	Live/Work Dwellings
<b>Building Setback (livable portion)</b>				
Between Buildings	10'	15'	15'	8'
Single-family Residential	See front, rear, side setbacks above	15' for single story units 20' for Multi-Story Units, Basements are Excluded as a Story	30'	15' for Single Story Units 20' for Multi-Story Units, Basements are Excluded as a Story
Internal Drives	N/A	8' Side and Rear of Building	5' Side and Rear of Building	5' Side and Rear of Building
		12', Front of Building	10', Front of Building	10', Front of Building
<b>Minimum Lot Area</b>	N/A	N/A	10 ac	N/A
<b>Maximum Lot Area</b>	30% of PA-1	25% of PA-1	25% of PA-1	40% of PA-1
<b>Maximum Lot / Parcel Coverage</b>	70% (Lot)	N/A	60% (Parcel)	80% (Lot)
<b>Maximum Building Height</b>	30'	36'***	48'	30'
*To be measured from the back of sidewalk where one exists, otherwise setbacks shall be measured from the property line. **30' maximum building height permitted at setback with an additional 1' height increase for each additional 2' of setback from single-family residential uses.				

**D. Non-Residential Standards.**

1. Maximum non-residential F.A.R.: 2.0 F.A.R.
2. Bulk Standards:

<b>Setbacks</b>	
Street	50% Building Height for buildings up to 30' 40% Building Height for buildings 30' tall or taller.
Interior lot lines	0'
From Single-family Residential	150% Building Height
From Multifamily Residential	75% Building Height
<b>Maximum Height</b>	60'*
*48' maximum building height permitted at setback with an additional 1' height increase for each additional 2' of setback from single-family residential uses.	

**17.65.190. Infrastructure**

- A. Rights-of-way and easements for accommodating public utilities shall be established with the platting of all parcels within the District.
- B. All subdivisions, public and private streets, public or private street rights of way, alleys (public or private) and general development shall adhere to the standards and design criteria set forth in the Newport Subdivision Regulations.

**17.65.200. Owners and Declaration of Covenants.**

- A. Declarations of Covenant(s) shall be prepared by the Originating Developer and recorded with the Recorder of Newport County, Rhode Island. There may be multiple Declaration(s) of Covenants applicable to different portions of the District and multiple corresponding owners.
- B. Owners shall be responsible for the ongoing upkeep and maintenance of any privately owned common grounds, structures, signs, etc., as outlined in Covenants and any other specific development improvements noted as their responsibility in this Ordinance.

**17.65.210. Modification of Development Requirements.**

- A. The Zoning Board of Review may, upon petition of the Originating Developer, modify any requirement specified in this Ordinance.
- B. Modification of the Development Requirements, requested by the Originating Developer, may be approved by the Zoning Board of Review in accordance with the Board's policies and procedures.
- C. Any proposed modification of the development Requirements shall comply with the following guidelines:
  - 1. The modification shall be in harmony with the purpose and intent of this Ordinance.
  - 2. The modification shall not have an adverse impact on the physical, visual, or spatial characteristics of the District.
  - 3. The modification shall not have an adverse impact on the streetscape and neighborhood.
  - 4. The modification shall not result in configurations of lots or street systems which shall be unreasonable or detract materially from the appearance of the District.
  - 5. When applying the Development Requirements, the Board shall carefully weigh the specific circumstances surrounding the modification petition and strive for development solutions that promote the spirit, intent and purposes of this Ordinance.
  - 6. If the Board determines that the proposed modification will not have an adverse impact on development in the District, it shall grant a modification of the

Development Requirements. In granting modifications, the Board may impose such conditions as will, in its reasonable judgment; secure the objectives and purposes of this Ordinance.

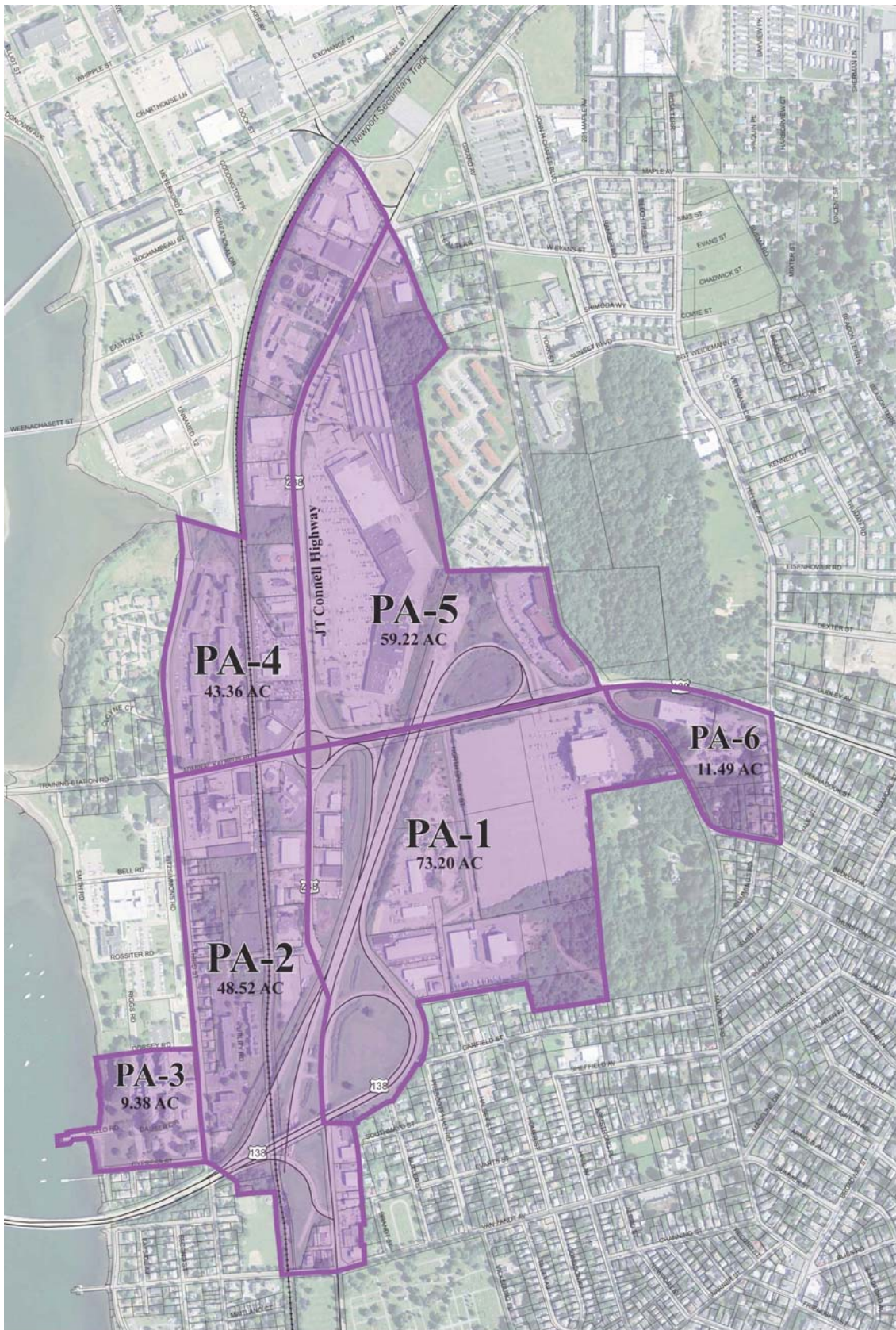
SECTION 2. This ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

IN COUNCIL  
READ AND PASSED  
\_\_\_\_\_, 2019

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Laura C. Swistak,  
City Clerk

# Exhibit A - Innovation District Map



## NEWPORT NORTH END PLANNING AREAS

