

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

Meeting: February 7, 2022, continued from January 10, 2022
Applicant: Local Advisory Group
Petition: Petition of Local Advisory Group, a project of the Newport Health Equity Zone, to amend *Chapter 17.65 Innovation Hub, 17.66 Innovation Hub Floating Overlay Zone and Section 17.08.010 Definitions* of the City’s zoning ordinance.
Parcels: All parcels located within the Innovation Hub zoning district.

The Applicant has petitioned the City Council to amend the zoning parcels located within the Innovation Hub zoning district. The Applicant is proposing limited amendments to Section 17.08.010 Definitions and to Chapters 17.65 and 17.66.

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 the Planning Department and is provided for the Board’s consideration. The 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.

- 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 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 proposed amendments recognize the current and expected future need for additional affordable housing.

(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 consistent with the land patterns 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;*

- 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. Allowing for the aggregation of Open Space may benefit the area's unique natural resources and features.

(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 does not impact the balance of urban and rural development.

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

- The proposed zoning amendment is innovative in its language, supporting workforce house and Community Benefit Agreements. The proposed zoning amendment references the City's Green and Complete Streets Ordinance.

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

- The proposed amendment to Section 17.08.010 defines a Community Impact Statement as one that includes consideration of noise and odor.

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

- The proposed zoning amendment supports and protects the cultural character of the North End Residential neighborhood.

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

- This proposed zoning amendment does not effect this purpose.

(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.*

- The proposed zoning amendment provides incentives for workforce housing affordable to households earning 60% to 120% of the area median income (AMI).

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

- The proposed zoning amendment provides incentives for workforce housing affordable to households earning 60% of the area median income.

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

- The proposed zoning amendment will have no impact on this purpose.

(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 zoning amendment provides incentive for workforce housing and clear language regarding Community Benefit Agreements.

(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.

- The proposed amendment complies with this purpose. 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-1.6 – The City shall encourage upgrading, beautification, revitalization, and environmentally appropriate reuse of existing commercial areas.

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.

Policy LU-3.4– The City shall work to mitigate educational, wealth, opportunity, and geophysical disparities through public process and community benefits.

Action LU-3D – Determine the impact of development projects on residential areas and identify benefits that may help mitigate any negative impact.

Provide community benefits that re informed by and improve the quality of life for residents.

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

Action LU-3G - Develop and understanding of factors that contribute to displacement and implement solutions such as ...community benefits or other development incentives to support neighborhood stability and mitigate displacement.

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

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.

Action H-5-A.1 - Monitor and respond to displacement in neighborhoods within the North End.

Action NR-1D- Continue to expand the urban forest in the city's North End.

Action NR-1E – Promote tree canopy in the North End urban communities to help combat climate change.

Planning Department Recommendations

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

After recognizing and considering the purposes of zoning, the Staff recommends the Board find the petition generally consistent with the Comprehensive Plan and recommends approval of the zoning amendment, subject to the following stipulations:

1. That proposed amendment be reviewed by the City Solicitor prior to City Council review.