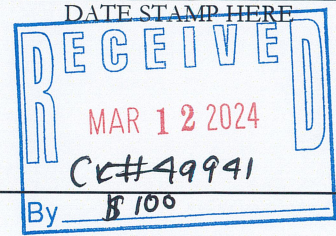




Newport Zoning Application

ZBR 2024 - Apr - 011

(This box for staff use only)



Date: 3.12.24

Board members:

The undersigned hereby petitions the Zoning Board of Review for a special use permit or a variance in the application of the provisions or regulations of the Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

Location of Premises

Street & No: 0 Spring Street & Pelham Street, 0 Pelham Street

Tax Assessor's Plat: 27 Lot: 11 & 284 Zoning District: R-3

Special Use Permit (Non-Conforming Alteration) Regulatory (Dimensional) Variance

Special Use Permit (New Use) Use Variance Modification

Property Owner: La Farge Restoration Fund at Newport Congregational Church

Mailing Address: 73 Pelham Street, Newport RI 08240

Email Address: pfmiller1523@gmail.com

Phone Number: (401) 662-6483

How long have you been the owner of the above premise? 12 years

Legally Authorized Representative *if applicable: Michael Monti

Mailing Address: 130 Bellevue Avenue

Email Address: mmonti@srt-law.com and pregan@srt-law.com Phone Number: (401) 849-3040

Lessee: n/a

Mailing Address: _____

Email Address: _____ Phone Number: _____



Newport Zoning Application

Property Characteristics

Lot 11

Dimensions of lot-frontage: 100' (Spring) 138' (Pelham) ft. Lot Area: 12,785 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 7,897 sq. ft.

Total square footage of the footprint of proposed buildings: 7,897 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	12,785	3,000	No Change
Coverage Area (sq. ft)	7,897	7,897	No Change
Lot Coverage (%)	61.77%	45%	No Change
Dwelling Units	0	0	No Change
Parking (# of spaces)	0	65	No Change
Front Setback (ft.)	0' (Pelham) and 33.63' (Spring)	0'	No Change
Side Setbacks (ft.)	0' (west) and 20.76' (south)	3'	No Change
Rear Setback (ft.)	n/a	0'	No Change
Height (ft.)	72.25'	30'	No Change



Newport Zoning Application

Property Characteristics

Lot 284

Dimensions of lot-frontage: 36.5' ft. Lot Area: ± 4,275 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: ± 3,023 sq. ft.

Total square footage of the footprint of proposed buildings: ± 3,203 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	± 4,275	3,000	No Change
Coverage Area (sq. ft)	± 3,023	1,923	No Change
Lot Coverage (%)	± 70.7%	45%	No Change
Dwelling Units	0	0	No Change
Parking (# of spaces)	0	65	No Change
Front Setback (ft.)	2.38'	0'	No Change
Side Setbacks (ft.)	0' & 3.39'	3'	No Change
Rear Setback (ft.)	1.02'	5'	No Change
Height (ft.)	37.33'	30'	No Change



Newport Zoning Application

All of the following information and questions must be filled in and answered completely.

Present use of Premise: Space for arts/education and preservation

Proposed use of Premise: Museum

Summary of Proposed Alterations

The Applicant seeks a special use permit to operate the Newport Congregational Church (A.P. 27 Lot 11) and its former Parish Hall (A.P. 27 Lot 284), which properties are located at the corner of Spring Street and Pelham Street, as a museum.



Newport Zoning Application

Applicant Statement

How does your application meet the required standards for variance(s) or special use permit(s)?
(See page 6 for most common applicable standards)

Applicant seeks to operate the Newport Congregational Church (A.P. 27 Lot 11) and its former Parish Hall (A.P. 27 Lot 284) as a museum. The properties are located in the R-3 District, in which district museums are permitted by special use permit. The properties are uniquely appropriate for use as a museum.

The Newport Congregational Church was erected in 1857 and its sanctuary was decorated by the American artist John La Farge (1835-1910) beginning in 1879. The interior of the sanctuary is the only surviving comprehensive architectural interior by the artist. The La Farge Restoration Fund is a 501(c)(3) nonprofit created in 1995 for the specific purpose of pursuing the "restoration and preservation for the public benefit" of the Newport Congregational Church, "which building contains significant murals and works of art of John La Farge."

In 2012, the Newport Congregational Church ceased holding services in the sanctuary and the La Farge Restoration Fund acquired ownership of both the Church and its former Parish Hall, which hall was constructed in 1908. Since acquiring the subject properties, and in accordance with its mission, the La Farge Restoration Fund has restored the structural integrity of both the Church and Parish Hall, made improvements to their exteriors, and undertaken historic preservation of the Church's interior. Today, the Church functions as a de facto museum in which visitors can view the historically significant decorations of John La Farge in the also historically significant architecture of the Church itself. In fact, the Church is listed as an area of historical significance in the City of Newport Comprehensive Plan and in 2012 was designated as a National Historic Landmark.

In addition to allowing the public access to this historically significant site, the La Farge Restoration Fund also hosts creative and cultural programming such as drawing courses and exhibitions by local artists. The City Council has also previously granted the La Farge Restoration Fund special event permits for performances in the Church sanctuary; for example, the Island Moving Company ballet performed in the sanctuary on two occasions in 2022. These events and offerings provide much needed, albeit moderate, financial assistance for the La Farge Restoration Fund to continue its mission of historic preservation while creating an interesting community-based venue for locals and visitors alike.

The Parish Hall also forms an important component of the proposed museum. The Parish Hall is presently made up of one administrative office and eight artists studios for visiting artists which are rented at below market rate and made open to the public at select hours. This use, accessory to the museum, also assists the La Farge Restoration Fund meet its financial obligations and lends the subject properties a breath of life, blending the historic with the modern.

The La Farge Restoration Fund therefore seeks a special use permit to formalize its operations as museum. The site has already been in operation as a de facto museum without disturbing its neighbors; there has been no deleterious effect on resulting traffic patterns or parking; the neighborhood has embraced the community aspect of the venue and the proposed use is therefore in harmony with the area; the proximity of public gathering places is not impacted; a total overhaul and modernization of the subject properties fire system is underway; and the proposed use is otherwise in conformance with the standards of the Zoning Code and with the City's Comprehensive plan which designates the Church as a place of historical significance.

The Applicant further submits the attached statement with respect to the category 2 special use permit criteria which apply to this application and an explanatory statement relative to onsite parking.

A museum is classified as “Category 2” under the City of Newport Special Use Permit Criteria. Applicant submits the following statement relative to the Category 2 criteria:

1. Parking and Loading Standards for Proposed Use.

The Parking and Loading standards are set forth in § 17.104.010 of the Zoning Code.

For the reasons set forth in Applicant’s Explanatory Statement Relative to Parking, Applicant is of the position that the parking and loading standards are inapplicable to this Application.

2. Performance Standards Designated.

The performance standards are set forth in § 17.96.020 of the Zoning Code. They are as follows:

A. Dust, Dirt, Fly Ash and Smoke. No dust, dirt, fly ash, smoke, spray, or other emissions shall be emitted into the air so as to endanger safety, value, and enjoyment of other property or to constitute a critical source of air pollution.

The museum use will not create dust, dirt, fly ash or smoke in a manner that endangers the safety, value, and enjoyment of other properties or such as to constitute a critical source of air pollution.

B. Odors, Gases and Fumes. No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air except for the odors connected with the spreading of manure or fertilizer.

The museum use will not create offensive odors, gases, or fumes.

C. Noise. With the exception of farm implements and farm animals, time signals, fire, police or ambulance sirens, burglar alarms, refrigerator system alarms and the noise customarily involved in the construction or demolition of buildings and other structures, no noise shall be permitted which is objectionable due to volume, intermittence, beat frequency or shrillness, including noise which results in one or more convictions for a noise disturbance as defined in Chapter 8.12 and occurring on premises on which the owner does not reside, which is transmitted outside the property on which it originates. The owner of premises on which a noise disturbance, as defined in Chapter 8.12 results in a conviction, may assert as a defense, reasonable efforts to take action against the perpetrators of the violation of the noise ordinance, including the initiation of eviction proceedings pursuant to the Rhode Island General Laws.

The museum use will not create objectionable noise.

D. Wastes. No offensive waste shall be discharged into any ocean, river, stream, or other body of water including wetlands.

The museum use will not result in waste discharge into bodies of water.

E. Vibrations. With the exception of vibration necessarily involved in the construction or demolition of buildings and other structures, no vibration shall be transmitted outside the property on which it originates.

The museum use will not transmit vibration outside the property.

F. Danger. No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured or disposed of except in accordance with applicable codes and regulations of the city, the state and the federal government.

The museum use will not create a danger of explosion or otherwise.

G. Interference. No radio frequency interference shall be transmitted outside the property on which it originates.

The museum use will not interfere with radio frequencies.

H. Outdoor Lighting. All external illumination shall be directed or shielded in such a manner that the illuminated areas are confined essentially to the property on which the illumination originates.

There is no proposed change to the outdoor lighting and item H is therefore inapplicable.

I. Drainage. No structure shall be used, erected or expanded, and no land shall be graded or hard surfaced, unless provisions have been made for the proper control of drainage water and sedimentation, particularly from parking areas and driveways, from areas contiguous to property lines and from low areas which tend to collect water.

There is no proposed change to the exterior of the property associated with this application and therefore drainage is unaffected.

J. Trash. No person shall allow or permit debris, mounds of dirt, soil, gravel or rock, rubbish, trash, junked automobiles, tin cans, broken glass, bottles, papers, filth and stagnant water to accumulate, or a dense growth of trees, vines, weeds,

hedges, grass or underbrush to develop, on any lot, tract or parcel of land in the city to such an extent that it constitutes a menace to life, property or the public health, safety or welfare, or creates a fire hazard.

The museum use will not create a trash issue.

3. Development Standards.

The Development Standards for museums are located at § 17.100.220 of the Zoning Code. In particular, those standards require that the federal income tax exemption of the museum owner be maintained; that only certain specified uses be permitted at the museum; that off street parking and loading meets the setback requirements for accessory structures/uses; and that all exterior mechanic systems conform to the setback requirements for accessory structures/uses and are permanently screened.

Applicant is a registered 501(c)(3). The anticipated uses are set forth in the Applicant's primary application statement and conform with the requirements set forth in § 17.100.220. In particular, the artists' studio located in the Parish Hall represent "laboratories for study and conservation." Finally, the regulations relative to parking/loading are inapplicable per the statement submitted herewith, and those regulations relative to exterior mechanical systems do not apply as the proposal does not involve any exterior construction.

4. For new construction and alterations exceeding fifty (50) percent of any building dimension, provision of a minimum of two bicycle parking spaces located on site and within one hundred (100) feet of the entrance to the primary building.

No new construction is proposed; item 4 is therefore inapplicable.

5. For new construction and alterations exceeding fifty (50) percent of any building dimension, provision of sidewalks connecting the parking area(s) and building entrance(s), and sidewalks connecting with public sidewalks and bicycle and scooter parking within one hundred (100) feet of the property lines.

No new construction is proposed; item 5 is therefore inapplicable.

6. No net increase in stormwater runoff from the site.

No new construction is proposed; item 6 is therefore inapplicable.

7. The proposed development shall not result in the reduction of the level of service (los) for roadways and intersections within two hundred (200) feet of the property lines.

The level of service for roadways and intersections is unaffected by the change of use. The property has been in operation as a de facto museum without a deleterious impact.

8. The provision or preserving of a landscape buffer. The buffer shall be a minimum of six feet in height with plant material spaced to provide a continuous screen at maturity.

There is no exterior alteration proposed. The application is strictly for approval of the museum use; item 8 is therefore inapplicable.

9. All proposed lighting is Dark-Sky complaint.

There is no proposed lighting relative to the special use application; item 9 is therefore inapplicable.

10. For new construction, parking lots shall be located in the rear or side yard of the property.

No new construction is proposed; item 10 is therefore inapplicable.

Explanatory Statement Relative to Parking at A.P. 27, Lots 11 and 284

Assessor's Plat 27, Lots 11 and 284 do not have any off-street parking. Notwithstanding, it is Applicant's understanding that it is not required to apply for a parking variance with respect to its Application for Special Use Permit to formalize its operation of the properties as a museum. The rationale for this conclusion is that the parking required for the previously approved uses of the properties exceed the parking that would otherwise be required for operation of a museum. In particular, pursuant to Newport City Ordinance § 17.104.020 C, the Newport Congregational Church, located at Lot 11, would alone likely have required 300 off-street parking spaces. Together, the Newport Congregational Church and Parish Hall when in operation as a museum would require just 65 off-street parking spaces. Due to the decrease in intensity, it is Applicant's conclusion that no parking variance is required.

Applicant has provided its calculations to arrive at this conclusion below:

Parking Calculation for A.P. 27 Lots 11 and 284

Lot 11 (Newport Congregational Church)

The Newport Congregational Church was originally designed for 1,200 attendees. The "legal occupancy" at the time the building was used as such is not presently known. Assuming the legal occupancy was commensurate with its design intent, under the existing zoning code, the church would require 300 parking spaces onsite. *See* Newport City Ordinance 17.104.020 C. ("Churches, places of worship, theaters, assembly halls, auditoriums, or stadiums and the like: one space for four legal occupants and located on the same lot with the facility").

Lot 284 (Parish Hall)

The Parish Hall structure located on Lot 284 was previously granted a special use permit from this Board in 1975 to operate as a "film library and offices for the storage and distribution of cultural and educational films and related material." Pursuant to that special use permit, 0 on-site parking spaces were required for this use.

Lots 11 and 284 as a Museum

As a museum, Lots 11 and 284 would require 10 parking spaces plus 1 additional parking space per each 300 square feet of gross square footage in excess of 2,000 gross square feet. *See* Newport City Ordinance 17.104.020 D. The gross square footage of the Church located on Lot 11 is 11,757 gross square feet. The gross square footage of the Parish Hall located on Lot 284 is 6,562 gross square feet. Therefore, as a Museum, the combined onsite parking required for Lots 11 and 284 is 65 parking spaces (10 spaces base for museum use plus 55 for gross square footage in excess of 2,000 of the combined buildings).



Newport Zoning Application

Upon submittal of this application, please make sure you have also reviewed our Zoning Application Submittal Requirements packet, and included with your application, a copy of the Submittal Checklist which can also be found here: [Zoning Application Submittal Requirements](#). If an application is missing any submittal requirements and/or necessary application information, your application may be regarded incomplete. Incomplete applications will not be publicly advertised or appear on an agenda until the project is deemed complete.

By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read through this application thoroughly and understand what is required to submit a completed application.

La Farge Restoration Fund at Newport Congregational Church
By its Attorney, Michael Monk

Applicant Signature

Owner Signature

3-12-24

Date

Date

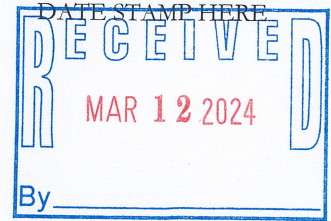


Newport Zoning Application Submittal Requirements

ZBR 2024 - Apr - 011

- Special Use Permit (new) Variance
- Special Use Permit (modification) Modification

(This box for staff use only)



SUBMITTAL REQUIREMENTS CHECKLIST

Applications that are missing materials in this checklist will not be accepted for review.

Section 1 – Application Forms – Page 3 of the Guide *Required for All Projects*

- A. Completed Zoning Project Application Packet comprised of the following individual sections:
 1. Zoning Project Application Form
 2. Completed copy of this Zoning Application Submittal Requirements Checklist (Page 2)
- B. Request to Waive any Submittal Requirements *(if applicable)*
- C. Application Fee (Please Refer to Current Fee Schedule)

Section 2 – Plan Package – Pages 4-7 of the Guide *Required for All Development Projects (Involving New Structures, Additions, Exterior Alterations, etc.) Individual requirements of the Plan Package (listed below) may differ depending on the project*

- A. Class I Site Survey
- B. Proposed Site Plan
- C. Lot Coverage Diagram
- D. Floor Plans
- E. Stormwater Management Plan
- F. Landscape Plan
- G. Building Elevations
- H. Change of Use

Section 3 – Supporting Documents, Studies, Graphics, and Depictions – Page 8 of the Guide *May be required for certain Development Projects*

- A. Site Photographs
- B. Photo Simulations
- C. Structural Evaluation
- D. Parking Survey
- E. Traffic Impact Analysis