

3 Land Use



The City of Newport covers a geographic area of about 11.5 square miles. This includes approximately 3.5 square miles of inland waters, and about 8 square miles on land and subject to the land use policies in this chapter.

The city’s relatively small area supports a resident population of roughly 25,000, but also supports 3.5 million tourists on an annual basis (as of 2015). Since the majority of the City of Newport’s revenues are derived from property taxes, and roughly 26% of the property (by value) is tax exempt, Newport must impose a significant burden on the remaining taxable properties within the city. This burden undermines the ability to implement the initiatives it needs in order to broaden and diversify its tax base, protect its residents and their quality of life and to retain and expand existing commerce.

According to the Office of the Tax Assessor, there are 10,123 parcels of real estate in Newport. Of the total parcels, 421 parcels are tax-exempt. The City of Newport, State of Rhode Island or the federal government owns exempt properties. Exempt parcels also include cemeteries, churches, the library, schools, the hospital and property exempted by charter and approved by the General Assembly. The total value of the city is estimated to be \$9.44 billion. Of that number, \$3.6 billion, or 38%, is tax exempt. This number is misleading as it includes the Newport Naval Base, which functions as a separate community. Excluding the Newport Naval Base from the calculation reduces the tax-exempt portion of the city to 17%.

Given this financial burden, Newport must be creative and focused in order to succeed, especially with the city’s small land area and the fact that most of Newport’s land use patterns are well established and cannot, as a practical matter, change in any substantive way.

This chapter describes Newport’s existing land use, land use patterns and intended future land use adjustments necessary to accomplish the goals and policies included in this plan.

3.1 Existing Conditions

Land Use

Newport’s land use development patterns are well established. Mostly developed prior to the inception of zoning and the invention of the automobile, Newport’s core matured into a compact city with dense neighborhoods and comparatively narrow streets. The exception is the city’s south end, where soils and other constraints have greatly limited development, and the “mansion” area where large tracts with grand “cottages” are the primary type of land use.



The City of Newport is 90% built out. Future land developments will primarily be focused on redevelopment projects and infill development.



Newport's current land uses and their patterns evolved from an early period where commerce was oriented around the harbor and a system of principal roads, which followed the shoreline and radiated out from the harbor. Being the southernmost community on a small island greatly limited the extent of rail and highway infrastructure. This limited the scale of industrial and manufacturing uses in Newport, with the notable exception of shipbuilding and marine oriented crafts.

Improvements in road access, the U.S. Navy decision to locate in Newport's north end and the development of gilded age "cottage" communities, all led to increased development which ultimately took the form of smaller detached homes on a conventional street grid. Major streets developed as corridors of mixed use, which largely continues to this day.

In very general terms, land use in Newport is divided into three main areas. North to south, these include the following:

- **Newport's North End**

Broadly defined as the area north of Route 138/238, Admiral Kalbfus Road and Miantonomi Avenue, but includes the Newport Grand Casino and adjacent development along Halsey Street. Although easterly portions of this area are predominantly residential, the remaining portions of the north end are a mix of industrial, service, residential, institutional, commercial, and other uses. This area is and will continue to be, the focus of public investment and economic diversification efforts.

- **The Central Corridor**

This area extends from the north end south to the "Ocean Drive" neighborhood and includes the area commonly referred to as the "Fifth Ward" neighborhood. Broadway and Bellevue define a north-south "spine" for this developed area, which includes the harbor, the historical city center, The Point, the mansion district/areas and a number of residential neighborhoods. The land use and street patterns in this area are fairly well established and will not change in any substantive way within the plan horizon.

- **Newport Neck**

This largely undeveloped area extends to the south and west of the "Fifth Ward" neighborhood and includes all of the remaining land in Newport. This area includes Lily and Almy Ponds, the Newport Country Club, Brenton Point State Park, Fort Adams and the Fort Adams State Park. Land use in this area has been limited and it is anticipated that this pattern will remain for the term of the plan horizon.

Map 3-1 shows existing land use patterns for the entire city. The general distinctions in the land use character of the areas described above are apparent on Map 3-1.

As reflected in Table 3-1, the existing land use pattern found in Newport is predominately characterized as residential, with 54% of the total land area dedicated to either low density residential (28%), Medium Density Residential (25%) or High Density Residential (1%).



Table 3-1 – City of Newport Existing Land Use Distribution

Use	Acres	Percentage
Commercial	246.5	5%
Utility	149.1	3%
Institutional	289	6%
Waterfront Business	77.1	2%
High-Density Residential	28.6	1%
Medium-Density Residential	1,141.3	25%
Low-Density Residential	1,268.1	28%
Open Space / Recreational	809.4	18%
Public	96.74	2%
Federal	386.62	8%
State	69.67	2%

Source: City of Newport, 2016

As previously mentioned, the City of Newport is 90% built out, with only a small portion of land within the community being vacant and available for development. For planning purposes of this document, buildout population is expected to be Newport’s peak population. At its peak in 1960, Newport’s population was 47,049; however, according to the 2015 estimate, Newport’s current population is 24,340. This represents a 48% decline in population since 1960. Furthermore, the Rhode Island Statewide Planning Program estimates that Newport’s population decline will continue into the future, with a projected population in the year 2040 of 18,758. Given this trend, it is fully expected that the City will be able to meet future housing unit demands should projected population trends reverse.

(Source: Rhode Island State Planning Program)

While the City’s year-round population continues to decline, its seasonal population has increased. Long-term projections for seasonal population in Newport have not been identified, however, Discover Newport, a non-profit organization that runs the Newport Visitors Center gathers current and historic data. In 2015, the Center reported that Newport received a total of 353,733 visitors through its doors. Of this total, approximately 64% or 228, 145 people visited during the summer months of May through July. On average this represents approximately 1,500 people on any given day during the summer season, (Source: Discover Newport, Newport Visitor Information Center, Number of Visitors). Given this daily average, Newport’s existing infrastructure capacity is expected to be sufficient for the future. However, seasonal populations tend to generate slightly higher usage rates which increase the wear and tear on infrastructure.

Seasonal population varies year over year, therefore it is difficult to project on-going increases or decreases. However, considering historical trends, seasonal population in Newport is expected to continue to grow at a modest rate. As a result, Newport’s challenge is to ensure sufficient amenities and accommodations for visitors as well as ensure a thorough Capital Improvement Planning process, one that considers increased wear and tear. One solution may be to consider adding 1 or 2 years on to the typical 5-year Capital Improvement planning horizon in order to more adequately forecast potential infrastructure replacement.

Since Newport is substantially developed, capacity for new development on vacant land is limited (primarily in the city’s North End), and much of this will be for industrial type uses. Other new development will likely occur as redevelopment in other parts of the city. As a result, the future year population will likely remain relatively stable with modest fluctuations and future land use patterns will largely resemble the city’s existing conditions identified in

the Table 3-1. Possible deviation may occur if the development of the city's North End, especially at the Innovation Hub area, is able to bring working wage jobs that enhance the ability for homeownership in the city. However, this change would primarily help to stabilize the city's population as opposed to leading to notable population growth. These changes will take years to implement, so impacts can be phased and programmed with minimal conflict from a land use and/or population perspective.

The following is a complete description of the existing land use categories shown on Map 3-1.

Commercial

Specific uses within the Commercial area include retail, shopping centers, offices, guest facilities, restaurants, etc. The most intensive commercial land uses are generally located in areas with adequate transportation infrastructure, such as the "North End" and "Downtown" neighborhoods. The "North End Commercial" neighborhood contains the largest geographic area of future commercial uses. The established zoning in the North End (CI, Commercial-Industrial) also allows industrial uses.



While the "North End Commercial" neighborhood has the largest geographic area of commercial land, it currently lies underutilized. The commercial uses in this neighborhood are currently big box chains and a casino, both surrounded by large parking lots. These developments are contradictory to Newport's dense, pedestrian-friendly urban core.

Utility

Utility land uses are for water, sewer, and stormwater systems typically on property owned by the City of Newport. No major expansion of the utility line infrastructure is planned; the City of Newport is however expanding plant facilities through major investments. The Utility land use category does not include roadways.

Institutional

Institutional land uses consists of schools, universities and colleges, governmental facilities (local, state, and federal), hospitals, cemeteries, and non-profit community organizations. For more information regarding specific institutional and public facilities, see Chapter 6: Community Services and Facilities.

Waterfront Business

Water-dependent and water enhanced land uses exist between Thames Street and the Newport Harbor. Residential, retail, office and food services are permitted in this land use category; however preference is given to water dependent uses, especially on waterfront parcels.

High-Density Residential (29 dwelling units per acre)

The High-Density Residential land use category includes areas with predominately smaller lots (3,000 square feet). This land use category covers a significant amount of Newport's Downtown and Historic Hill neighborhoods. In addition to typical single-family homes, two-family and multi-family housing is generally allowed but may require a special use permit. Commercial uses are not allowed with the exception of home occupations and legal non-conforming uses pre-dating modern zoning regulation.

Medium-Density Residential (8-21 dwelling units per acre)

The Medium-Density Residential land use category includes areas with lots zoned between 10,000 and 40,000 square feet. The Point, Broadway, Kay / Catherine, Eustis / Easton's Pond, Memorial Boulevard, Fifth Ward and North End Residential neighborhoods are included in this category. Residential uses are predominantly single-family and two-family; however, some limited multi-family housing is also found in these areas. "A" zones (R-10A and R-40A)

currently prohibit new multi-family homes. Commercial uses are not allowed with the exception of home occupations and legal non-conforming uses pre-dating modern zoning regulation.

Low-Density Residential (4 dwelling units per acre)

Low-Density Residential land use areas are primarily found in the southern portion of Newport with lot sizes from 60,000 to 160,000 square feet. Current land uses in these areas are primarily single-family and some two-family residential uses and the occasional guesthouse or studio. Few multi-family uses exist. Commercial and industrial uses are not allowed with the exception of home occupations and legal non-conforming uses pre-dating modern zoning regulation. Institutional uses however, e.g. Salve Regina University and Newport Preservation Society and Restoration Foundation properties are not uncommon.

Open Space/Recreation

The Open Space / Recreation land uses include significant areas offering recreation and historic value to the public. Examples of open space/recreation uses include local and state parks, the Newport Country Club, urban parks, urban forests, natural resource protection areas, and beaches.

Public, Federal and State

In total, these land areas encompass 553 acres or 12% of the total land area in Newport. Sites include such notable and high profile uses as Fort Adams, the Coast Guard Station and of course the Naval Station Newport. The State category includes uses such as the state highways and State Pier. The Public Land Use category includes Rose Island as well as the City of Newport properties and the Newport Gateway Transportation and Visitors Center....

Current Zoning

Zoning is a tool used by cities to strategically organize land uses and promote orderly growth in order to accomplish the goals and objectives contained in the Newport Comprehensive Land Use Plan. Zoning protects public health and safety, promotes the general welfare and enhances the overall quality of life.

Newport's Zoning Code dates back to the 1920s. To a large extent, current zoning reflects the established use patterns of the city. Given the community's mature development status, future land use patterns are not predicted to change significantly. However, planning and zoning are dynamic processes. The Planning Board is charged with periodically reviewing the City of Newport Zoning Code and the Newport Comprehensive Land Use Plan to ensure there is consistency between the two and that future development conforms with the both the comprehensive plan and zoning. Newport's future land use policies include the preservation of open spaces, preservation of scale and character of neighborhoods, limiting development so that it is supported by infrastructure and the environment, and the careful reuse of the harbor front. Rhode Island State Law provides a number of zoning tools to assist in achieving these ends.

A description of each zoning district is provided on Table 3-2. A map of Newport's current zoning districts can be found on Map 3-2.

Table 3-2 – City of Newport Zoning Districts

Zoning District	Description
R-3 Residential District	The R-3 residential district is an area characterized by the highest density urban development allowed in the city. This area is centrally located within close proximity to commercial and public support services. The intent of this district is to maintain the historic and colonial character.
R-10 Residential District	The R-10 residential district is an area of medium density residential development. This district generally extends outward from the highest density development located within the urban core. The intent of this district is to provide a transition area of diminishing residential densities. The minimum lot size requirement is designed to limit future subdivisions of land within this district; thereby minimizing any adverse effects to the established residential character of the area.
R-10A Residential District	The purpose of the R-10A residential district is the same as that of the R-10 residential district, except that two-family dwellings of new construction and multifamily dwellings are not permitted. This area is primarily characterized by single-family residential development. The intent is to maintain this land use pattern.
R-20 Residential District	The R-20 residential district is also an area of medium density residential development. This district occurs in areas adjacent to the R-10 district and is characterized by larger minimum lot size requirements. The intent of this district is to maintain the nature of the established residential pattern in these areas.
R-40 Residential District	The R-40 residential district is an area of lower density residential development. This district is found in the southern part of the city. This district is intended to allow growth through conversion of existing structures and in filling of vacant lots, which will not alter the character of the area.
R-40A Residential District	The purpose of the R-40A residential district is the same as that of the R-40 residential district, except that two-family dwellings and multifamily dwellings of new construction are not permitted. With the exception of conversions, the intent of this district is to maintain the single-family nature.
R-60 Residential District	The R-60 residential district is also an area of lower density residential development located in the southern portion of the city. The intent of this district is similar to that of the R-40 district, to allow growth but not at the expense of the established residential character of the district. For that reason, new multifamily construction is not permitted.
R-120 Residential District	The R-120 residential district is an area of low-density residential development. The minimum lot size requirement reflects the estate-like nature of the development in this area. The intent of this district is to maintain the large amounts of existing open space. For that reason, multifamily dwellings of new construction are not permitted. Other limiting factors on development in this district are the natural environment and the lack of adequate support services.
R-160 Residential District	The intent of the R-160 residential district is similar to that of the R-120 district. That is to maintain the existing development pattern of large estates and resulting open space. Multifamily dwellings of new construction are not permitted. The natural environment and lack of support services likewise limits development in this part of the city. The development pattern in this area consists of large tracts of land greater in extent than those found in the R-120 district. The intent of this district is to maintain that low-density pattern of development, which has occurred over time.
LB Limited Business District	This district consists of a more limited range of commercial uses than that found in general commercial areas. The intent of this district is to allow for less intense commercial uses that are compatible with nearby residential areas and which meet neighborhood needs.
WB Waterfront Business District	The waterfront business district consists of the area adjoining the harbor. The intent of this district is to provide for retail and commercial service facilities to meet the needs of both tourists and residents. A mix of land uses is encouraged in this area, with access to the water utilized by those activities, which are dependent on such a location for their existence.
GB General Business District	The general business district consists of the city's central business and community shopping areas. The intent of this district is to allow general retail and business uses, but in a manner so as to complement the existing unique combination of residential and commercial uses in the area.

Zoning District	Description
CI Commercial-Industrial District	The commercial-industrial district is an area designed to consist exclusively of citywide business and industrial uses. The intent of this district is to concentrate such activities in an area where the transportation system is adequate for this purpose and will not infringe upon the character of established residential areas. All residential uses are prohibited in this district for public health and safety reasons.
TM Traditional Maritime District	The traditional maritime district is intended to provide a location for maritime-related activities, public access and recreational uses of the waterfront in an attractive environment, which supports the historic character of the city, and the traditional values associated with a working waterfront. All residential uses are prohibited in this district for public health and safety reasons.
OS Open Space District	The open space district is an area designed to provide for the preservation and enhancement of open spaces in the city and to foster environmental conservation activities. It is realized that open spaces contribute greatly to improving the quality of life, enhancing property values and promoting general well-being among the city's residents.
REC Recreational District	The recreation district is designed to provide for the preservation and enhancement of open spaces in the city and to foster passive and active recreational activities. It is realized that open spaces for recreation contribute greatly to improving the quality of life, enhancing property values and promoting general well-being among the city's residents.
Other District	Description
Critical Area Review – Ocean Drive District	This overlay is a non-binding district that establishes an enhanced review process for development activity in the southern shoreline area, commonly known as Ocean Drive. The purpose of this enhanced review is to minimize adverse impacts on critical natural elements in the area.
Historic District	The purpose of historic district zoning is to protect the city's historic assets and to guide new growth in ways that enrich and maintain Newport's sense of place and authentic historic character, now and for future generations.

Source: City of Newport, 2016

Map 3-2 Zoning Map

Critical Area Review – Ocean Drive District

In 1994, the City of Newport established the Critical Area Review – Ocean Drive District. The intent of the overlay zone, shown on Map 3-3, is to foster sensitive development activity in the southern shoreline area, commonly known as Ocean Drive, by minimizing adverse impacts on such critical natural elements as vegetation, soil erosion, water quality, natural habitats and scenic quality. These standards are in addition to other applicable requirements in the City's Zoning Code. The Critical Area Review Committee is charged with the review of plans for this area in relation to natural resource impacts.

The requirements of this review committee have been developed to protect, conserve, and foster the natural, scenic, historical and economic qualities of lands along Ocean Drive. The critical area review process is not intended to deny an applicant a permitted use of the property, but rather to review, comment, refine, and develop site design elements which protect the site's natural resources and those within its surrounding environment.

The R-120 and R-160 zones together comprise the boundaries of the critical area – Ocean Drive District. All development in the district is subject to the requirements of the Critical Area Review.

Local Historic District Zoning

Newport's historic character has been developed over the past four centuries and is reflected in many buildings and locations throughout the city. As described in the Newport Historic Zoning Code, the city has an extensive collection of 18th century colonial structures and mid-19th century resort architecture. These historic places and rich architectural history must be protected for future generations to enjoy. The Historic District Ordinance allows for the Local Historic District Commission (HDC) to review changes to the exterior of buildings within the district. To accomplish this, the City of Newport established the Historic District, the purpose of which is to:

1. Safeguard the heritage of the City of Newport by preserving districts which reflect elements of its cultural, social, economic, political and architectural history;
2. Stabilize and improve property values in those districts;
3. Foster civic beauty;
4. Strengthen the local economy; and
5. Promote the use of the historic districts for the education, pleasure, and welfare of Newport's citizens.

The Local Historic Zoning District is shown on Map 3-4.

Map 3-3 Critical Area Review – Ocean Drive District

Map 3-4 Local Historic District Zoning

National Historic Districts

National Historic Landmark Districts

The five National Historic Landmark Districts (NHLD) in the City of Newport are the Newport NHLD, Bellevue Avenue NHLD, Ocean Drive NHLD, Fort Adams NHLD, and the U.S. Naval War College NHLD.

National Register of Historic Places Districts

The National Register of Historic Places Districts in Newport is the Kay Street-Catherine Street-Old Beach Historic District, Ochre Point-Cliffs Historic District, Bellevue Avenue-Casino Historic District, and the Fort Hamilton (Rose Island) Historic District.

Arts & Entertainment District

In 2013, the Rhode Island State Council on the Arts made the sale of all original works of art that were created within Newport's Arts and Entertainment District exempt from state sales taxes and personal income taxes. Additionally, art galleries located within the Arts and Entertainment District are exempt from state sales taxes on their sales.

The state tax exemptions are a great way for Rhode Island and Newport to support artists in the community. It is through efforts like these that Newport maintains its rich cultural heritage. The Arts & Entertainment District where the tax exemptions occur can be seen on Map 3-5.

Development Plan Review

To ensure that commercial and multifamily development is consistent with the Comprehensive Land Use Plan, the City of Newport has established a detailed development review process. The purpose of the process procedure, previously known as site plan review, is to assure the orderly development of those commercial and multifamily dwelling uses which either by their nature; scale and intensity of use may significantly impact city resources. More specifically, the intent is to minimize traffic hazards and congestion; provide a more healthful and aesthetically pleasing environment; guarantee the adequate provision of water, sewerage, police, fire and other public services, and promote the overall public health, safety, and general welfare of the community and its citizens.

Demolition of Structure Ordinance

The Demolition of Structures Ordinance enacted in 2012 provides the City of Newport's Planning Board with the tools necessary to preserve historically and culturally significant built environment and neighborhood architectural identities outside the local historic district. Review of demolition permits by the board ensures that proposed demolition projects shall not damage the physical fabric and architectural context of the community, without expanding the boundaries of the historic district. Procedures for the demolition of structures within the Local Historic District are defined within Chapter 10, Historical & Cultural Resources.

Map 3-5 Arts & Entertainment District

3.2 Goals and Policies

Future Land Use Map

The most familiar part of any comprehensive plan is the Future Land Use Map (FLUM) – a diagram that shows the types and locations of existing and future development that the comprehensive plan envisions. The following describes how the designations for each land use are expressed and outlines the associated development standards for each of the designations shown on the City of Newport FLUM (see Map 3-6).



It is possible for the Future Land Use Map (FLUM) to be updated over time. Copies of the current City of Newport FLUM is available from the City's Planning Division or by download from the City's website.

Development Standards

A comprehensive plan establishes the basic standards of residential density for the various land use designations in the comprehensive plan. Standards of building density for residential uses are stated as the allowable maximum dwelling units per gross acre (expressed as "du/ac").

For non-residential categories, requirements for development intensity are set in the City of Newport Zoning Code.

Land Use Designations

The Newport Comprehensive Land Use Plan Future Land Use Map (FLUM) includes residential, commercial, industrial, and other land use designations that depict the types of land uses that will be allowed within the city. For residential designations, the allowable density is provided.

ER Estate Residential (maximum 1/2 du/ac)

The Estate Residential density land use includes: areas primarily in the southwest portion of the city and are areas of very low-density residential development reflecting an estate-like nature of development. The intent of this land use category is to maintain the large amounts of existing open space. Commercial uses are not allowed with the exception of home occupations. Multifamily dwellings of new construction are not permitted. Permitted zoning districts in this category include: Residential (R-160), Residential (R-120).

LDR Low Density Residential (> 1.0 du/ac)

The low-density residential land use includes areas primarily in the southeast portion of the city. This land use includes primarily single-family and duplex residential uses on lots between 40,000 and 60,000 square feet. Few multi-family uses would exist. Commercial uses are not allowed with the exception of home occupations. Permitted zoning districts in this category include: Residential (R-60), Residential (R-40), and Residential (R-40A).

MDR Medium Density Residential (1 – 4 du/ac)

The medium-density residential land use includes areas with residential lots between the sizes of 10,000 to 20,000 square feet. The predominant residential uses are single-family and duplex; however there is some multi-family housing. This medium-density land use encompasses a majority of Newport's eastern and northern land uses, serving as a buffer surrounding high-density uses downtown to low-density uses along Newport's edges. Commercial uses are not allowed with the exception of home occupations. Permitted zoning districts in this category include: Residential (R-20), Residential (R-10), and Residential (R-10A).

Map 3-6 Future Land Use Map

HDR *High Density Residential (14 du/ac or greater)*

The high-density residential land use contains predominately smaller lots (3,000 square feet or less). This land use is centrally located in Newport's downtown. In addition to single-family homes, duplex and multi-family housing are generally allowed, but may require special use permits. Commercial uses are not allowed with the exception of home occupations. Residential (R-3) is the only zoning district permitted in this category.

LC *Light Commercial*

The Light Commercial land use consists of a more limited range of commercial uses than that found in general commercial areas. This land use category establishes less intense commercial uses that meet neighborhood needs, rather than those citywide. Residential uses are also allowed in this land use designation. The only zoning district permitted in this land use category is Limited Business.

GC *General Commercial*

The General Commercial land use is typically located in high traffic areas, and where there is adequate lot size to accommodate medium to larger commercial establishments. Specific uses within the commercial area would include retail, shopping centers, offices, research facilities, technology centers, guest facilities, restaurants, and other similar uses. The General Commercial land use is primarily in and surrounding the high-density areas of downtown. Residential uses are also allowed in this land use designation. The only zoning district permitted in this land use category is General Business.

LI *Light Industrial*

The Light Industrial land use is an area designed to consist exclusively of citywide business and industrial uses. The intent of this district is to concentrate such activities in an area where the transportation system is adequate for this purpose and there is no infringement upon the character of established residential areas. All residential uses are prohibited in this district for public health and safety reasons. This land use designation is solely located in Newport's northwest end. The only zoning district permitted in this land use category is Commercial-Industrial.

MUW *Mixed-Use, Waterfront*

The Waterfront Mixed-Use land use is primarily located along the eastern side of Newport Harbor, west of Thames Street. This area is historically mixed-use and this development pattern is promoted for the future. Uses including housing, retail, offices, restaurants, boat building and repair, fish and seafood receiving, handling, and shipping are all promoted in a mixed environment with small lot sizes. Often housing and/or offices are on second or third floors with more intensive uses, such as retail or restaurants, located on the street level. The only zoning district permitted in this land use category is Waterfront Business.

MUI *Mixed-Use, Innovation*

The Innovation Mixed-Use land use designation is located in Newport's North End, surrounding the existing Pell Bridge ramp right-of-way. The intent of this land use category is to support the development of incubator/accelerator type businesses focused on resilience/climate change, ocean, alternative energy systems, defense (underwater, maritime and cyber security) and digital industries, their support sub-sectors, associated training and job creation center, as well as ancillary financial, commercial and retail/hospitality support services. High density residential uses are permitted if supportive of businesses in this designation. The only zoning districts permitted in this land use category are Commercial-Industrial, R-3 Residential, Open Space and Recreational; and accompanying discrepancies to match that intent and on Table 3-4.

TM Traditional Maritime

The Traditional Maritime land use is intended to provide a location for maritime-related activities, public access and recreational uses of the waterfront in an attractive environment which supports the historic character of the city and the traditional values associated with a working waterfront. All residential uses are prohibited in this district for public health and safety reasons. The only zoning district permitted in this land use category is Traditional Maritime.

POS Parks and Open Space

The Parks and Open Space land use includes significant areas offering natural, recreation (passive and active), and historic value to the public. Examples include local and state parks, urban parks, natural resource protection areas, beaches, golf courses, and islands. Permitted zoning districts in this category include Recreation and Open Space. Significant existing, permanently protected outdoor recreational areas can be found on Map 9-7, which are also reflected in the on the Future Land Use Map as an overlay.

INST Institutional Overlay

The Institutional Overlay consists of uses such as schools, universities and colleges, government functions (local, state, and federal), hospitals, cemeteries, and non-profit community organizations. Institutional land uses in the future will continue to be located throughout Newport. Properties indicated with an Overlay shall comply with the base land use category reflected on the Future Land Use Map.

Zoning, Land Use 2025 and FLUM Consistency

Zoning is generally considered to be the primary tool for implementing the Comprehensive Plan. Because of this, state law requires that the City's Comprehensive Plan be consistent with the City's Zoning Ordinance and the State Land Use 2025. This means the Zoning Ordinance must be consistent with the goals, policies and land uses specified in the Comprehensive Plan and Land Use 2025. Referring to the Rhode Island State Land Use Policies and Plan "Land Use 2025", Newport is entirely within the Urban Services boundary. Generally, the eastern part of Newport is within the Sewered Urban category while the Southwest portion of Newport is within the Urban Development category, see FLUM Map 3-6.

Referencing Table 3-3, it is noted that the FLUM density categories are below the recommended Land Use 2025 minimum densities. Due to the developed character of Newport and the many historic properties and districts, as well as the decreasing trend in population, it is not appropriate to compel higher densities that may conflict with the existing built environment. Further, giving the negative growth rate, it is believed that higher residential densities is not warranted. The consistency of existing City Zoning categories and the Land Use 2025 with proposed Comprehensive Plan land use designations is illustrated in the following consistency matrix (Table 3-3).

Table 3-3 – Zoning, Land Use 2025 and FLUM Consistency Chart

Zoning District	Land Use 2025	FLUM Category	FLUM Density / Intensity
Residential (R-160)	Urban Development (1 du/ac minimum)	Estate Residential	(0.27 to 0.36 du/ ac)
Residential (R-120)	Urban Development (1 du/ac minimum)		
Residential (R-60)	Sewered Urban (5 du/ac minimum)	Low Density	(0.73 to 1.09 du/ ac)
Residential (R-40)	Sewered Urban (5 du/ac minimum)		
Residential (R-40A)	Sewered Urban (5 du/ac minimum)		
Residential (R-20)	Sewered Urban (5 du/ac minimum)	Medium Density	(2.18 to 4.36 du/ac)
Residential (R-10)	Sewered Urban (5 du/ac minimum)		
Residential (R-10A)	Sewered Urban (5 du/ac minimum)		
Residential (R-3)	Sewered Urban (5 du/ac minimum)	High Density	(14.52 du/ac or greater)
Limited Business (LB)		Light Commercial	Not specified
General Business (GB)		General Commercial	Not specified
Commercial Industrial (CI)		Light Industrial	Residential Prohibited
Waterfront Business (WB)		Waterfront Mixed-Use	Not specified
Traditional Maritime (TM)		Traditional Maritime	Residential Prohibited
Recreational (REC)		Parks and Open Space	Not specified
Open Space (OS)			
Water (W) (New)		Water	Not specified
Innovation Hub Mixed Use (IMU) (New)		Innovation Hub Mixed-Use (IMU)	Not specified
Institutional Overlay (INST) (New)		Institutional Overlay	Not specified

Table 3-4 displays a list of inconsistencies between the existing Zoning Map (Map 3-2) and the Future Land Use Map (Map 3-6). The table lists each of the inconsistencies. The “Map ID” column corresponds to the location (number) shown on Map 3-7. The following columns show the existing zoning designations, the proposed zoning designation that should be applied to achieve consistency, the current FLUM designation, and a timeframe for when the City should resolve the inconsistency. To resolve these inconsistencies, the City will need to rezone each location’s existing zoning district to a zoning district consistent with the Future Land Use Map. The City is proposing to resolve all inconsistencies within two years, so each inconsistency has been given a timeframe of “Short”.

For the Water and Innovation Hub Mixed Use FLUM designations, the City will need to develop matching zoning designations as part of the zoning update.

Table 3-4 – Inconsistencies Table

Map ID	Existing Zoning	Proposed Zoning	FLUM	Timeframe
1	Commercial Industrial (CI)	Recreation (REC)	Parks and Open Space	Short
2	Commercial Industrial (CI)	Innovation Hub Mixed Use	Mixed-Use, Innovation	
3	Residential (R-10)	Recreation (REC)	Parks and Open Space	
4	Residential (R-10)	Commercial Industrial (CI)	Light Industrial	
5	N/A	Innovation Hub Mixed Use	Mixed-Use, Innovation	
6	Residential (R-10)	Innovation Hub Mixed Use	Mixed-Use, Innovation	
7	Residential (R-10A)	Commercial Industrial (CI)	Light Industrial	
8	Residential (R-10A)	Water	Water	
9	Traditional Maritime (TM)	Recreation (REC)	Parks and Open Space	
10	Residential (R-3)	Recreation (REC)	Parks and Open Space	
11	Residential (R-20)	Recreation (REC)	Parks and Open Space	
12	General Business (GB)	Recreation (REC)	Parks and Open Space	
13	Residential (R-10)	Commercial Industrial (CI)	Light Industrial	
14	Residential (R-10)	Recreation (REC)	Parks and Open Space	
15	Residential (R-60)	Recreation (REC)	Parks and Open Space	
16	Residential (R-10A)	Commercial Industrial (CI)	Light Industrial	
17	Residential (R-40)	Recreation (REC)	Parks and Open Space	
18	Residential (R-120)	Recreation (REC)	Parks and Open Space	
19	Residential (R-40)	Recreation (REC)	Parks and Open Space	
20	Residential (R-10A)	Water	Water	
21	Residential (R-160)	Recreation (REC)	Parks and Open Space	
22	Waterfront Business (WB)	Recreation (REC)	Parks and Open Space	

Map 3-7 Zoning-FLUM Analysis

Future Land Use Consistency

To ensure coordinated land use planning on Aquidneck Island and the State of Rhode Island as a whole, the land use designations depicted on the City of Newport FLUM should be consistent with the Town of Middletown Comprehensive Plan. Specifically, conflicting land use designations should be identified and remedied on the Newport and Middletown municipal border.

Potential conflicts between Newport's FLUM and the Town of Middletown Comprehensive Plan are limited to the northernmost border between the two municipalities, where the Light Industrial land use designation is located. The existing land uses in Middletown directly adjacent to Newport's Light Industrial land use designation are a combination of Transportation & Utilities, Commercial, and Underdeveloped/Unprotected land uses. The Light Industrial category in Newport is based on the historic use of the property in this area. This area provides a local job base and it is expected that the uses in this area will continue for the foreseeable future. The combination of land uses currently presents no conflicts. This could change however should the Underdeveloped/Unprotected land uses change and become developed. There should be communication between Newport and Middletown as well as careful consideration for potential developments when considering developments in this area.

There are no potential conflicts between the City of Newport's FLUM and the Town of Middletown's FLUM. When comparing the FLUMs, the Light Industrial area in Newport will be directly abutting either Institutional land uses or residential land uses in Middletown, presenting no conflicts.

Flexible Zoning Techniques

While there are a number of possible flexible zoning techniques available to cities and towns, Newport has opted to adopt a floating zone overlay as a regulatory tool for use in parts of the city. This comprehensive plan update looks to further develop the flexible zoning concept first introduced to the City in the 2004 Comprehensive Plan. This current Floating Zone, as it is now referred to, would be an amendment to the zoning ordinance until applied as part of the regulatory process of a specific development. After approval of the project by the various regulatory agencies the "property" applying for the overlay it would become a district. In the interim this overlay "floats" until a developer initiates the process as part of a development application.

The floating zone overlay district is proposed as a land use regulation intended to manage large-scale development. Potential benefits of such an overlay zone to Newport would be the preservation and enhancement of these areas of the city; encouragement of economic development; architectural compatibility; opportunities to extend the harbor walk; and the management of stormwater leading to further protection of Newport Harbor and Narragansett Bay just to name a few. With strict limitations on the permitted flexibility, City Council authorization to start the process, Zoning Board of Review and Planning Board involvement, administration of the overlaying floating zone would be responsive to the community's concerns. A floating zone overlay would be permitted only in the Waterfront Business, Traditional Maritime, or Commercial/Industrial zoning districts, in areas with a minimum 3-contiguous-acre requirement.

The following is a detailed list of the components of the floating zone process as recommended, including objectives, review steps, required background reports, public notification and disclosure procedures, prohibitions and other restrictions, and safeguards.

1. Floating Zone: Objectives

- Provide a floating zone overlay process for the Waterfront, Traditional Maritime, and Commercial/Industrial zoning districts.
- Provide a net benefit to the City and citizens of Newport from the changes permitted under each floating zone district.

- Maintain consistency with the Comprehensive Land Use Plan Goals
- Permit mixed uses
- Preserve public rights-of-way (ROWs)
- Preserve scenic vistas
- Preserve existing historic structures through negotiation and incentives
- Architectural compatibility of new structures with surroundings
- Encourage water-dependent uses in the Waterfront Business and Traditional Maritime districts

2. Floating Zone: Plan Review Process Requirement

- City Council authorizes the start of Floating Zone Overlay process at request of developer.
- City planning staff works with developer to ensure that all requirements are met in preparing formal proposal to start the review process. All requirements are referenced in the following section, Flexible Zoning: Background Report Requirement.
- Planning Board is responsible for actual review and negotiations with developer, following specific flexible zoning guidelines.
- Planning staff provides written comments and recommendations to Planning Board during and at conclusion of review process.
- Planning Board holds public input workshop regarding proposed plan early in review process.
- Planning Board reviews and considers the required impact statements.
- Planning Board meets with developer to negotiate any variations from underlying zoning requirements for the site involved, using guidelines and limits established.
- Time allowance for Planning Board to process flexible zoning plan request and submit recommendation to City Council set at 6 to 12 months.
- Planning Board holds public hearing to discuss final version of flexible zoning plan recommendation prior to formal submission to City Council.
- Planning Board makes formal written recommendation of specific, detailed, flexible zone plan to City Council.
- City Council acts on plan submitted by Planning Board. If not accepted, it can be rejected outright, or returned to the Planning Board with Council recommendations for changes
- Planning Board conducts re-negotiations with developer as recommended by City Council and consistent with flexible zoning guidelines, revises plan, holds public hearing on revised plan, and re-submits to City Council.

3. Flexible Zoning: Background Report Requirement

- Architectural compatibility of project with surroundings.
- Economic impact on City as a whole.
- Economic impact on existing commercial and business activities within the zoning district.
- Tax revenue projected versus costs of additional City services.
- Impact on City services and infrastructure: water, sewer, waste, police and fire services, and public transportation accessibility.
- Environmental impacts.

- Traffic and parking impacts.
- Impact on existing recreation activities.
- Public pedestrian access to and along waterfront.
- Waterfront transportation access.
- Reasonable costs of outside consultants to prepare reports required by the City to be assumed by developer.
- Qualifications of outside consultants preparing required reports are subject to approval of the Planning Board.

4. Floating Zone and Public Notification, Information Disclosure, and Input Requirements

- Public announcement by City Council of referral of proposed plan to Planning Board.
- Notification of abutting property owners and lot owners within 200 feet of the proposed project at time of proposed project referral to Planning Board
- Public input workshop held by Planning Board early in the review process
- Planning Board report and recommendations released to public prior to City Council consideration of plan.
- Publication, at the time the recommendations are submitted to the City Council, of a list of benefits and variations from existing zoning regulations that are being recommended by the Planning Board.
- Public hearing held by Planning Board to discuss final version of proposed flexible zoning plan prior to formal submission to City Council.
- City Council follows its standard procedures for public input in the process of changing zoning ordinance in addition to the steps above.

5. Flexibility in Floating Zone Overlay Districts

- Minimum land area of 3 contiguous acres, which may be separated by a street or right-of-way.
- Floating Zone Overlay permitted only in Waterfront Business, Traditional Maritime, or Commercial/Industrial zoning districts.
- Certain use variances may be permitted as part of a project in the Waterfront Business or Commercial/Industrial zoning districts.
- Density limitations may be negotiated.
- Building height limitations may be negotiated.
- Increased amount of open space to be provided may be negotiated as a requirement.
- Maximum area to be covered by structure may be negotiated.
- Parking requirements may be negotiated.
- Off-site parking as an alternative may be negotiated.
- Requirement of publically accessible site amenities.

6. Floating Zones and Approved Plans

- A formal long-term plan with specific methods to monitor conformity with approved project terms and commitments are to be developed and made a part of the terms of each floating zone.
- Performance Bond to be posted.

- Commitments made by owner must be made irrevocably binding, i.e., easements, open space, off-site facilities commitments.
- All projects remain subject to Building Code and other public safety and environmental requirements.
- Floating zone plan approved involves only zoning ordinance requirements and does not supersede any other local, State, or federal requirements another aspect.
- All other provisions of the underlying district would remain in effect.

3.3 Goals and Policies

The City of Newport is faced with challenges associated with an economy that is heavily dependent on seasonal tourism, a shortage of employment opportunities for skilled workers, and a lack in housing at a price that can be afforded by a working family. This has contributed to an overall aging of the community and increases in seasonal residential uses. Lack of employment opportunities and the high cost of housing are items addressed as part of elements that make up the Comprehensive Land Use Plan.

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.
- Policy LU-1.2** The City shall protect the Ocean Drive neighborhood and southerly portions of the city, by maintaining an emphasis on very low density residential uses, conservation and enhancement of exceptional natural resources, and appropriate public recreation.
- Policy LU-1.3** The City shall work with state regional agencies and private property owners to maintain viable maritime uses and public access within the city's harbor area, while also supporting uses necessary to accommodate tourism.
- Policy LU-1.4** The City shall maintain design standards to protect historic structures, maintain the heritage of the community, and maintain views and access to the harbor and waterfront areas.
- Policy LU-1.5** The City shall encourage the use of the Floating Zone Overlay in the Waterfront Business, Traditional Maritime, or Commercial / Industrial zoning districts including the Innovation Hub Area. This could include the use of alternative performance-oriented development standards, mixed uses, and other development and planning techniques that will support a vibrant and flexible economic opportunity area.
- Policy LU-1.6** The City shall encourage upgrading, beautification, revitalization, and environmentally appropriate reuse of existing commercial areas.

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

Policy LU-1.8 The City shall require lighting designs that are designed to minimize glare, light trespass, enhance energy conservation and to maintain dark skies.

Goal LU-2 To develop a planning framework that helps the city respond to the impacts of sea level rise, storm surge and increased flooding.

Policy LU-2.1 The City shall identify specific areas possibly impacted by these threats, assess and understand the economic, social and other roles these land uses play.

Policy LU-2.2 The City shall play a leadership role in advocating responsible public and private responses to impacts of these threats at both the local, state and federal levels.

Policy LU-2.3 The City shall design and implement capital project plans and improvements while considering the land use implications of such investments within the context of these natural hazards and threats.

3.4 Implementation Actions

The following are the implementation actions for the goals included in the Land Use Element.

Goals & Actions	City Objectives								Priority Cost	Time	Responsibility / CIP
	Prosperous	Beautiful	Happy	Destination	Collaborative	Smart	Healthy	Resilient			
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.											
A) Update City's Zoning Ordinance to add Mixed Use designations compatible with the designations included in this Comprehensive Plan.	■	■	■	■	■	■	■	■	High \$	Short	<ul style="list-style-type: none"> City Council Planning and Zoning Board Planning
B) Actively pursue implementation of all North End redevelopment projects and related initiatives.	■	■	■	■	■	■	■	■	High \$\$\$\$	Mid & On-going	<ul style="list-style-type: none"> City Council (In CIP – partial)
C) Update City's Zoning Map to reflect the changes noted on Map 14-1 and Table 14-2.	■	■	■	■	■	■	■	■	High \$	Short	<ul style="list-style-type: none"> City Council Planning and Zoning Board Planning

Goals & Actions	City Objectives								Priority Cost	Time	Responsibility / CIP
	Prosperous	Beautiful	Happy	Destination	Collaborative	Smart	Healthy	Resilient			
<p>D) Lighting used on public and private lands should be integrally designed as part of the built environment and should reflect a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics of our community. This includes:</p> <ul style="list-style-type: none"> The lighting designers should consider utilizing pre-curfew and post-curfew lighting designs with automatic control systems to eliminate excessive light during non-active hours of site and building operation. Full cut-off fixtures and shielding should be utilized to effectively control glare and light trespass. Architectural lighting should only be utilized to highlight special features or to enhance public safety. Lighting of expansive wall planes and roofs should be avoided. Landscape lighting should only be utilized to accent landscaping, be pointed away from property lines, and fixtures shall be shielded to minimize light trespass on adjacent properties or public spaces. 	■	■	■	■		■	■	■	High \$		<ul style="list-style-type: none"> Planning and Zoning Board Planning
<p>GOAL LU-2: To develop a planning framework that helps the City respond to the impacts of sea level rise, storm surge and increased flooding.</p>											
<p>A) Encourage use of the Best Management Practices identified in the 2015 Newport Resilience Assessment Tour's Technical Report #2 by the URI's CRC and Rhode Island Sea Grant.</p>	■			■				■	High \$\$	Short & On-going	<ul style="list-style-type: none"> City Council
<p>B) Encourage the voluntary use of the Insurance Institute for Business and Home Safety's "Fortified" Code-Plus Design Standards (www.disastersafety.org/fortified-main).</p>	■							■	Mid \$	Short	<ul style="list-style-type: none"> Building Dept.
<p>C) Plan, design, install and maintain/operate public infrastructure to limit or avoid impacts from flooding and to enhance post-event recovery.</p>	■	■					■	■	High \$\$\$	Mid to Long & On-going	<ul style="list-style-type: none"> Public Services Utilities (In CIP – partial)

Newport Comprehensive Land Use Plan

Goals & Actions	City Objectives								Priority Cost	Time	Responsibility / CIP
	Prosperous	Beautiful	Happy	Destination	Collaborative	Smart	Healthy	Resilient			
D) Maximize the ability to leverage natural systems as “accommodation zones” and/or “preservation zones” where possible.		■						■	High _____ No Cost to \$	Short & On-going	<ul style="list-style-type: none"> • Planning and Zoning Board • Land Trusts
E) In redeveloping the city’s North End, implement low impact storm water design practices to the maximum extent practical.		■			■			■	Mid _____ \$	Short to Mid	<ul style="list-style-type: none"> • Planning and Zoning Board • RIDOT • Utilities • Land owners
F) Continue as a primary participant and supporter of the developing Shoreline Change SAMP.	■	■		■	■			■	High _____ \$	Short & On-going	<ul style="list-style-type: none"> • City Council • Planning and Zoning Board
G) Upon completion of the Shoreline Change SAMP, incorporate, as appropriate, its recommended tools for planning and land use permitting into applicable plans, regulations, programs and procedures.	■	■		■	■			■	Mid _____ \$	Short & On-going	<ul style="list-style-type: none"> • City Council • Planning and Zoning Board
H) Develop, adopt and administer design standards for historic neighborhoods that are consistent with historic preservation requirements and which do not alter the character of the neighborhood.	■	■			■			■	High _____ \$	Short & On-going	<ul style="list-style-type: none"> • City Council, • Planning and Zoning Board • Building
I) Take necessary steps to become eligible for FEMA’s NFIP Community Rating System.	■							■	Mid _____ \$	Mid	<ul style="list-style-type: none"> • City Council • Planning and Zoning Board • Building