

PORTSMOUTH COMPREHENSIVE COMMUNITY PLAN

ELEMENT 12 – LAND USE

12.1 LAND USE VISION

THE LANDSCAPE OF PORTSMOUTH WILL PRESENT AN ORDERLY, BALANCED, AND RATIONAL DEVELOPMENT PATTERN THAT HELPS PRESERVE COMMUNITY CHARACTER, ENHANCE FISCAL STABILITY, AND PROTECT THE QUALITY OF THE NATURAL ENVIRONMENT.

12.2 INTRODUCTION

The purpose of the Land Use element of the Comprehensive Community Plan is to establish a plan for land use in Portsmouth over the next 20 years and to update current as well as propose new land use controls and regulations to implement this plan. Like most Rhode Island communities, Portsmouth is facing critical issues related to land use including:

- Providing a range of housing choices and opportunities for all residents.
- Balancing the need to preserve community character with the pressure to develop and increase the economic base.
- Providing adequate municipal, school, and recreational facilities.
- Retaining farming as a viable commercial enterprise and land use.
- Growing the non-residential tax base.
- Mitigating the impacts of natural hazards and climate change.
- Protecting critical environmentally sensitive areas of town.

Various elements of the Comprehensive Plan establish goals and policies addressing these and many other issues. Land Use is inherently tied to each of the other elements, so it is natural that planning for land use, and specifically the creation of the Future Land Use Map (FLUM), becomes the culmination of the assessments, analysis, goals, policies, and implementation actions flowing from all the other elements of the plan.

This element presents existing land uses and current zoning, along with discussion of development trends, population projections, and tax base related to land use. Recommended future land uses based on the goals and policies of the various elements of this plan are expressed as a FLUM which is then compared to the current zoning map. Inconsistencies between the two are identified along with proposed resolutions which will lead to the creation of an updated Official Zoning Map and Zoning Ordinance. It is the overall intention of this planning effort to maintain, to the extent possible, the current relative balance of uses, general development patterns, scale, and densities of land uses in all current zoning districts or any newly created districts.

12.3 EXISTING CONDITIONS

12.3.1 EXISTING LAND USE

Maps LU 2-A and LU 2-B show existing land uses and Table 1 below identifies existing land uses in the Town of Portsmouth as of 2011.

Table 1 Existing Land Use, Portsmouth 2011				
Land Use	RIGIS LULC Code 2011	RIGIS LULC Description (2011)	Portsmouth Land Area (acres)	% of Portsmouth Land Area
Residential	111	High Density Residential (<1/8 acre lots)	386.16	2.59%
	112	Medium High Density Residential (1/4 to 1/8 acre lots)	1,416.10	9.50%
	113	Medium Density Residential (1 to 1/4 acre lots)	1,909.11	12.80%
	114	Medium Low Density Residential (1 to 2 acre lots)	297.59	1.99%
	115	Low Density Residential (>2 acre lots)	116.91	0.78%
	Total Residential			4,125.88
Commercial	120	Commercial (sale of products/services)	292.64	1.96%
Industrial	130	Industrial (manufacturing, design, assembly, etc.)	138.39	0.93%
Transportation & Utilities	141	Roads (divided highways >200' plus related facilities)	85.57	0.57%

	143	Railroads (and associated facilities)	29.29	0.20%
	144	Water and Sewage Treatment	6.98	0.05%
	145	Waste Disposal (landfills, junkyards, etc.)	13.75	0.09%
	146	Power Lines (100' or more width)	19.47	13.00%
	147	Other Transportation (terminals, docks, etc.)	11.73	0.08%
	Total Transportation & Utilities		166.78	1.12%
Developed Recreation	161	Developed Recreation (all recreation)	744.70	5.00%
Cemeteries	163	Cemeteries	50.32	0.34%
Institutional	170	Institutional (schools, hospitals, churches, etc.)	220.36	1.50%
Agricultural	210	Pasture (agricultural, not suitable for tillage)	529.93	3.55%
	220	Cropland (tillable)	1,392.46	9.34%
	230	Orchards, Groves, Nurseries	311.60	2.09%
	240	Idle Agriculture (abandoned fields and orchards)	35.91	0.24%
	Total Agriculture		2,269.91	15.22%
Undeveloped/ Unprotected	162	Vacant Land	158.02	1.06%
	300	Brushland (shrub and brush area, reforestation)	860.63	5.77%
	410	Deciduous Forest (>80% hardwood)	3,046.66	20.43%
	420	Softwood Forest (>80% softwood)	80.40	0.54%
	430	Mixed Forest	979.64	6.57%
	710	Beaches	219.06	1.47%
	720	Sandy Areas (not beaches)	68.12	0.46%
	730	Rock Outcrops	5.93	0.03%
	750	Transitional Areas (urban open)	128.31	0.85%
	Total Undeveloped/Unprotected		5,546.77	37.18%
Water	500	Inland Waters	334.29	2.24%
Wetland	600	Wetland	1,021.20	6.85%
Total			14,911.23	100.00%

Source: RIGIS.

12.3.2 EXISTING ZONING DISTRICTS

Maps LU 1-A and LU 1-B show zoning districts and Table 2 below identifies existing zoning districts in the Town of Portsmouth as of 2011.

Residential Districts (R) are intended to allow orderly development of residential dwellings designed to complement the natural features of the land, to promote suitable placement of buildings and related facilities in relation to the site and surrounding areas, with adequate living space and open space, to avoid overcrowding of land, to encourage good design, to avoid overburdening municipal facilities, and to insure compatibility with the immediate neighborhood and with the natural environment.

R-10 District - minimum lot size of 10,000 sq. ft.

R-20 District - minimum lot size of 20,000 sq. ft.

R-30 District - minimum lot size of 30,000 sq. ft.

R-40 District - minimum lot size of 40,000 sq. ft.

R-60 District - minimum lot size of 60,000 sq. ft. with special restrictions to preserve and protect important natural resources.

Commercial District (C) is established to provide areas for commercial establishments and serve community and town-wide retail shopping and service needs.

Town Center District (TC) is established to provide for a pedestrian-friendly commercial district that is more densely developed than the Commercial (C) District.

Industrial Districts are established to encourage intensive industrial and business activities, with proper safeguards for protecting nearby residential areas and environmentally sensitive areas.

Heavy Industrial (HI) is established to provide for levels of noise, vibration, smoke, odor and other evidence of industrial activity commensurate with State and Federal standards and other performance standards that may be set by the Town.

Light Industrial (LI) is established to provide for a lesser level of noise, vibration, smoke, odor and other evidence of industrial activity commensurate with performance standards that may be set by the Town.

Limited Light Industrial (LLI) is intended to provide for a lesser level of noise, vibration, smoke, odor and other evidence of industrial activity commensurate with performance standards that have been set by the Town.

Waterfront District (WD) is established primarily for businesses catering to marine and marine-related activities.

Open Space and Public Lands District (OS) is established for all lands that shall be dedicated to open space, recreation, conservation, or public uses.

Water Resource Protection Overlay District (WRPD) is established for all lands on Hog, Prudence and Patience Islands.

Watershed Protection Overlay District – Zones A & UD is that land area having a direct or indirect effect on the quality of water in the Sisson Pond, St. Mary's Pond and Lawton Valley drinking water reservoirs.

Redevelopment District (RD) is those lands now or formerly known as Navy Tank Farms 1 and 2 and any subdivisions thereof.

Traffic Sensitive Overlay District (TS) is those parcels of land having frontage on the following roadways:

- a) East Main Road (Route 138)
- b) West Main Road (Route 114)
- c) Bristol Ferry Road (Route 114)
- d) Turnpike Avenue
- e) Union Street
- f) Middle Road

- g) Sandy Point Avenue
- h) Wapping Road
- i) Glen Road
- j) Boyd’s Land
- k) Braman’s Lane
- l) Stringham Road
- m) Burma Road

Multi-Family Incentive District is all Portsmouth parcels of land on Aquidneck Island except those in the HI and LI Districts and in the Watershed Protection Overlay District.

Special Flood Hazard Areas Overlay District includes all special flood hazard areas within the Town of Portsmouth designated as Zone A, AE, V, or VE on the Newport County Flood Insurance Rate Map (FIRM) and Digital FIRM issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.

Table 2 Existing Zoning, Portsmouth 2018		
District	District Name	Area (acres)
C	Commercial	292.56
HI	Heavy Industrial	623.62
LI	Light Industrial	363.18
OS	Open Space & Public Lands	555.57
RD	Redevelopment	139.38
R-10	Residential - 10	814.74
R-20	Residential - 20	4,000.48
R-30	Residential - 30	2,033.66
R-40	Residential - 40	1,483.69
R-60	Residential - 60	4,385.90
TC	Town Center	58.88
WD	Waterfront	152.89

Source: *RIGIS*.

Insert Map LU 2-A



Insert Map LU 2-B

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Insert Map LU 1-A

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Insert Map LU 1-B

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12.4 DEVELOPMENT TRENDS AND BUILD-OUT

12.4.1 DEVELOPMENT TRENDS

Portsmouth has some contrasts in its development patterns. The Town has developed primarily from north to south over the past 100 years. Housing is dominated by single-family homes with a few apartment buildings scattered throughout the community. The northernmost parts of town are densely developed on small lots, becoming progressively less dense, both in zoning and actual development, as you move south. Much of the southeast and south-central portion of the community is agricultural and undeveloped. Within Portsmouth are two principal through highways, East Main Road and West Main Road. The northern half of East Main Road contains strip commercial development primarily servicing local needs, as well as older residential development interspersed. The west side contains most of the industrial uses. Portsmouth has developed, however, as primarily a bedroom community.

Patterns of development emerge from the history of the Town. Prior to the construction of the Sakonnet River Bridge in the late 1950's, Portsmouth was primarily a farming community. Because nearby Fall River, Bristol, Newport and Middletown satisfied the retail and service needs of the small population, no town center ever emerged. In 1960, about 75% of the land was farmed; today this figure is well under 20%. With the Sakonnet River Bridge and the later Newport Bridge came major employers and the effects of rapid suburbanization from nearby urban centers. Farmers, comparing the financial rewards of selling to developers against the difficulty of financial success farming in New England, one-by-one have chosen the former. Thus, typical sprawl development of former farmland dots the town from north to south primarily along the eastern half of the community.

The town's soils and natural ground cover contribute to chronic problems of high water table, soil erosion, and poor drainage. As these soil conditions are prevalent throughout, compounded by a lack of a sanitary sewer system, the Town does not lend itself well to differentiating areas that should be developed from those that should not. It also limits the ability of the Town to designate areas as more densely developed than what can be accommodated with septic systems. The Town has made a policy decision to forego the installation of a publicly-owned wastewater collection

and treatment system so planning for more dense residential development as well as attracting new businesses will continue to be problematic in the foreseeable future.

12.4.2 DEMOGRAPHIC TRENDS

Portsmouth's population is projected to increase by a modest 2.3% over approximately the next 20 years. Anticipated need in each of the categories within the services and facilities element detailed herein have been informed by this Statewide Planning population projection. Refer to the Housing Element for a more in-depth discussion of Portsmouth's demographics.

12.4.3 TAX BASE AND FUTURE LAND USE

A near constant theme of discussion in recent years has been about the over-reliance on residential property taxes to finance the municipal budget. From an economic development perspective, the question is how do we attract new business in order to give residential taxpayers some relief while still preserving Portsmouth's preferred semi-rural character? However, from a land use perspective, the question is quite different. How much relief for residential taxpayers is actually possible given currently available land for occupation by new business?

Setting aside for the moment that agriculture is undeniably a business activity and is currently permitted in all districts, classic business activity in the economic development sense can currently take place in one of six zoning districts; the Commercial District (C), the Redevelopment District (RD), the Waterfront District (WD), Town Center (TC) and the Light and Heavy Industrial Districts (LI & HI). Detailed below, the amount of non-farmed, vacant land available for commercial development in Portsmouth totals approximately 118 acres in four districts.

COMMERCIAL (C) – A total of approximately 293 acres of land is currently zoned Commercial. Approximately 83 acres in 16 parcels remain vacant and undeveloped. Of those vacant commercially zoned parcels, for planning purposes, four parcels totaling approximately 52 acres should be considered marginally developable for commercial purposes. This leaves a total of 31 acres in 12 parcels as vacant commercially zoned land. Approximately 8 acres of this land is currently active farmed.

REDEVELOPMENT DISTRICT (RD) – This district consists of the approximately 140 acres of Navy Tank Farms 1 & 2 near Melville. Given the uncertainty of both the type and timing of economic development in this district, for planning purposes this land area should be set aside as a possible vehicle for residential tax relief in the near to mid-term future.

WATERFRONT DISTRICT (WD) – Consisting of approximately 153 acres, the Waterfront District is largely built out with the exception of the so-called “backyard” property expected to be turned over to a consortium of marine businesses to allow them to expand and the 25-acre Weaver Cove property recently sold at auction to a new developer. Given the uncertainty of environmental clean-up needed to develop these properties and the type and timing of that development, for planning purposes this land area should be set aside as a possible vehicle for residential tax relief in the near to mid-term future.

TOWN CENTER (TC) – The Town Center District consists of approximately 59 acres of which seven parcels of approximately 20 acres are currently vacant. Approximately five of those 20 vacant acres are in wetlands.

LIGHT INDUSTRIAL DISTRICT (LI) – Portsmouth has approximately 363 acres of land zoned Light Industrial. Of those 363 acres, approximately 130 (17 parcels) acres are vacant. Of those 130 acres, approximately 92 are actively farmed. Excluding the actively farmed acreage, Portsmouth has approximately 32 acres of vacant light industrially zoned land.

HEAVY INDUSTRIAL DISTRICT (HI) – A total of approximately 623 acres of land in Portsmouth are zoned HI. Excluding acreage at the Raytheon campus, Chase Farm which has recently been substantially redeveloped as a solar farm, and the acreage occupied by a links-style golf course and high-end residential uses, there remain approximately 40 acres of vacant land zoned HI.

The ratio of municipal tax revenue as of 2017 stands at approximately 85.05% from residential property taxes and 8.94% from the commercial side. In terms of tax relief for residential property owners, a recent Planning Department study concluded that to “move the dial” 1% point in favor of the residential taxpayer would require the commercial development of approximately 62 acres

of vacant land currently zoned to allow commercial development. Unless the Town wishes to make significant changes to current policy and zoning regulations, relief to the residential taxpayer as a result of the expansion of commercial development will not be realized in the near to mid-term future.

12.4.4 RESIDENTIAL BUILDOUT ANALYSIS

This section, through tables and narrative, presents an updated assessment of future development capacity based on current zoning regulations and context. An estimate of total future population at anticipated buildout and the year by which residential buildout is anticipated based on historic trends will be presented. While future buildout is unlikely to be achieved given current populations projections, this type of analysis is useful in determining future water or housing needs and to determine whether any changes need to be made in terms of future land use.

Anticipating the impacts of future development is an essential duty of town planning. The suitability, resiliency, livability and safety of the Town are determined by growth and how we manage it. The Zoning Ordinance and Town Code are the Town's governing doctrine to manage growth and development within the Town. Carefully implemented land use regulations assure residents that their quality of life will not be negatively impacted by unwanted nuisances of inappropriate development.

The residential buildout analysis is a tool utilized to assess the maximum potential future residential development and growth. This is a multi-step process that seeks to:

- Compile an inventory of the existing conditions, such as infrastructure, housing, land use, environmental constraints, natural resources, and deed-restricted conservation lands;
- Delineate the potential buildable land area; and
- Determine the maximum amount of dwelling units allowed under existing development and zoning regulations.

The buildout analysis produced an estimated figure based upon a detailed methodology and consistently applied assumptions to create a quantitative analysis based on a variety of data. The data produced

through this exercise is not a prediction of future development, but an estimated inventory of what could potentially be built based on existing conditions and development regulations.

The buildout analysis estimates an additional 1,807 dwelling units could possibly be developed by right based on the estimated buildable land area and the current Zoning and Subdivision and Land Development Regulations for the Town (Table 3). It is important to note that this estimate is only based on what would be allowed by right and does not account for potential units developed under circumstances identified in the additional assumptions section, see Appendix ___.

Table 3 Residential Buildout by Zoning District				
Zoning District	Estimated Developable Area (acres)	% of District Potentially Buildable	% of District Built or Undevelopable Area (acres)	Estimated Buildable Units
R-10	8.74	1.08%	98.92%	26.00
R-20	611.03	14.75%	85.25%	903.00
R-30	480.67	22.37%	77.63%	486.00
R-40	342.30	24.70%	75.30%	243.00
R-60	294.25	6.68%	93.32%	149.00
Total	1,736.99	-	-	1,807.00

Source: Portsmouth Planning Department, 2018.

Results of the buildout analysis yield many statistical and quantitative figures that illustrate Portsmouth’s existing residential land use patterns, as well as potential future development areas. Maps RBA UD-A and RBA UD-B provide a visual spatial representation of the potential buildable area with land development classification type, in addition to the quantity and distribution of potential buildable units. Maps RBA Z&E – A and RBA Z&E – B illustrate the Zoning District designations and environmental constraints.

While the buildout analysis concludes that there is the potential for 1,807 dwelling units that could be developed, population projections and historical building permit statistics suggest the full buildout at these rates would take a substantial duration to occur. The 2010 Census found the average household size in Portsmouth to be 2.44 persons per household. Using population projections from Rhode Island Statewide Planning, and incorporating the average persons per household, it is estimated that in the year

2040, an additional 166 dwelling units will be needed – a number that represents approximately 9 percent of the potential buildable dwelling units identified in the buildout analysis Table 4).

Table 4 Population Projections, Portsmouth							
Census Population		Projections					
2000	2010	2015	2020	2025	2030	2035	2040
17,149	17,389	17,315	17,386	17,615	17,779	17,845	17,793
Change from 2010		-74	2	226	390	456	404
Dwelling Units Need		-30.33	0.82	92.62	159.84	186.89	165.57

Source: RI Statewide Planning Program.

Insert Map RBA UD-A

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Insert Map RBA UDB

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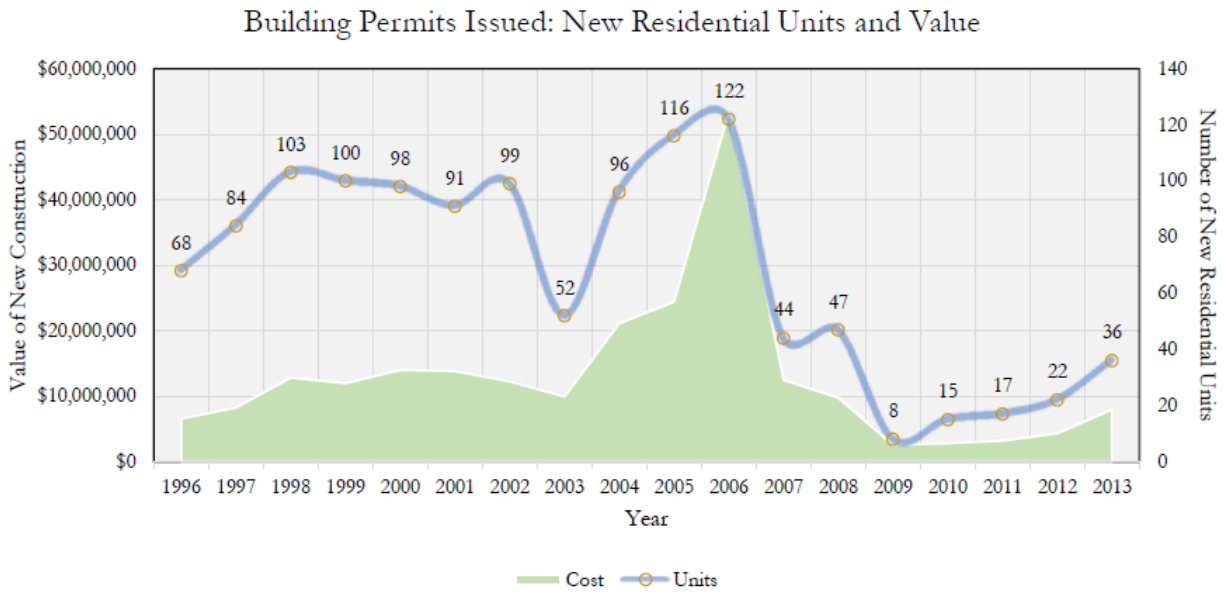
Insert Map RBA Z&E – A

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Insert Map RBA Z&E – B

From 1996 through 2013, Portsmouth, like many other municipalities across the country, suffered a great housing surge and decline. On average, 66.67 new dwelling units were created annually during this time period (Figure 1). However, following the housing bubble's burst in the mid-2000s, new residential dwelling unit construction dropped below 30 units annually. Due to the significant fluctuation in new dwelling unit construction during this time period, it is difficult to quantify projections based on this rate, when the estimated 1,807 buildable dwelling units would be realized.

Figure 1 Building Permits Issued 1996 – 2013



Source: U.S. Census.

Portsmouth has sufficient land area available to support the construction of new additional residential units far beyond the projected population growth figures for the foreseeable future. In fact, based upon the residential buildout analysis and population projections from Statewide Planning, Portsmouth has the land capacity to support 2040 population projections tenfold. It is also assumed that many more units could be developed alternatively to the methodology utilized in this analysis, such as by Special Use permit, Planned Unit developments, and Zoning Board-approved variances. While Portsmouth enjoys considerable land area suitable for development, preservation of its rural character and identity are paramount to Portsmouth residents.

12.5 FUTURE LAND USE

12.5.1 SMART GROWTH PRINCIPLES

This Comprehensive Community Plan will strive to incorporate smart growth principles as articulated by the Smart Growth Network, a cooperative agreement between ICMA and EPA, in all land use planning in Portsmouth. These principles include:

- Mix land uses

- Take advantage of compact building design
- Create a range of housing opportunities and choices
- Create walkable neighborhoods
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, farmland, natural beauty and critical environmental areas
- Strengthen and direct development towards the existing built environment
- Provide a variety of transportation choices
- Make development decisions predictable, fair and cost effective
- Encourage community and stakeholder collaboration in development decisions
- Balance land use with infrastructure limitations

12.5.2 FUTURE LAND USE MAP (FLUM)

Setting a vision for the future growth of Portsmouth over the next 20-years, Future Land Use Maps A & B present a visual depiction of the community’s desires for types, patterns, and intensities for development of the landscape. Future Land Use Maps C & D depict those areas of the community that are currently dedicated for conservation through ownership, easement, and deed restriction as well as those lands intended for conservation, but not yet conserved.

Future land uses in Portsmouth include:

Residential Land Uses (R) are intended to allow orderly development of residential dwellings designed to complement the natural features of the land, to promote suitable placement of buildings and related facilities in relation to the site and surrounding areas, with adequate living space and open space, to avoid overcrowding of land, to encourage good design, to avoid overburdening municipal facilities, and to insure compatibility with the immediate neighborhood and with the natural environment.

R-5 High Density – minimum lot size of 5,000 sq. ft.

R-10 Medium High Density - minimum lot size of 10,000 sq. ft.

R-20 High Medium Density - minimum lot size of 20,000 sq. ft.

R-30 Medium Density - minimum lot size of 30,000 sq. ft.

R-40 Medium Low Density - minimum lot size of 40,000 sq. ft.

R-60 Low Density - minimum lot size of 60,000 sq. ft. with special restrictions to preserve and protect important natural resources.

Commercial Land Use (C) is intended to provide areas for commercial establishments to serve the community with town-wide retail shopping and service needs. While moderately auto-oriented in nature, commercial land use in Portsmouth is intended to be more neighborhood village-like land use rather than highway commercial with large-footprint buildings and auto-oriented signage.

Industrial Land Use is intended to encourage intensive industrial and business activities, with proper safeguards for protecting nearby residential areas and environmentally sensitive areas.

Heavy Industrial Land Use (HI) is intended to provide for levels of noise, vibration, smoke, odor and other evidence of industrial activity commensurate with State and Federal standards and other performance standards that may be set by the Town.

Light Industrial Land Use (LI) is intended to provide for a lesser level of noise, vibration, smoke, odor and other evidence of industrial activity commensurate with performance standards that may be set by the Town.

Limited Light Industrial (LLI) is intended to provide for a lesser level of noise, vibration, smoke, odor and other evidence of industrial activity commensurate with performance standards that have been set by the Town in the Zoning Ordinance.

Waterfront Land Use (WD) is intended primarily for businesses catering to marine and marine-related activities exclusively in the Melville area.

Open Space and Public Land Uses (OS) is established for all lands that shall be dedicated to open space, recreation, conservation, or public uses.

Agricultural Land Uses are permitted by right in all areas of Portsmouth.

Mixed-Use Land Uses, typically a blend of residential and commercial uses within a single development, building or parcel of land. Mixed-use development is intended for commercial and light industrial districts only and is prohibited in all residential districts. In order to successfully implement mixed-use development in Portsmouth, performance standards need to be established.

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Insert FLUM Map A

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Insert FLUM Map D

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12.5.3 INCONSISTENCIES BETWEEN FUTURE LAND USE AND CURRENT ZONING

This section identifies inconsistencies between the desired future use of all land in Portsmouth as depicted on the Future Land Use Map (FLUM) and Portsmouth’s current Official Zoning Map (See Maps I/R 1-7). Those inconsistencies and proposed resolutions are:

1. INCONSISTENCY: The FLUM calls for open space land use on “Town Pond” parcel (plat 7, Lot 9) currently zoned Medium High Density (R-10).
RESOLUTION: Rezone the parcel from Medium High Density (R-10) to Open Space (OS).

2. INCONSISTENCY: The FLUM calls for High Density Residential (R-5) land use on selected parcels in the neighborhoods of Island Park and Common Fence Point currently zoned Medium High Density (R-10).
RESOLUTION: Rezone the parcels from Medium High Density Residential (R-10) to High Density Residential (R-5). Note: This change is being made for regulatory efficiency purposes only. The density of residential development in the area will not increase from current land use.

3. INCONSISTENCY: The FLUM calls for High Medium Density Residential (R-20) land use on several parcels currently zoned Heavy Industry (HI).
RESOLUTION: Rezone the parcel from Heavy Industry (HI) to High Medium Density Residential (R-20).

4. INCONSISTENCY: The FLUM calls for Limited Light Industrial (LLI) land use on parcels currently zoned Light Industry (LI) in the Portsmouth Industrial Park.
RESOLUTION: Rezone the parcels Limited Light Industrial (LLI) from Light Industrial (LI).

5. INCONSISTENCY: The FLUM calls for Commercial (C) land use on all parcels currently Zoned Town Center (TC).
RESOLUTION: Rezone all parcels currently zoned Town Center (TC) to Commercial (C).

6. INCONSISTENCY: The FLUM calls for R-20 Medium High Density Residential (R-20) land use on parcel (plat 51, Lot 37) currently zoned Commercial (C).
RESOLUTION: Rezone parcel (plat 51, Lot 37) from Commercial (C) to High Medium Density Residential (R-20).

7. INCONSISTENCY: The FLUM calls for Medium High Density Residential (R-20) land uses on several parcels on Prudence Island currently zoned Low Density (R-60).

RESOLUTION: Rezone selected parcels on Prudence Island currently zoned Low Density (R-60) to High Medium Density Residential (R-20).

8. INCONSISTENCY: The FLUM calls for Commercial (C) land uses on parcels along the West side of East Main Road just north of Union Street currently zoned High Medium Density Residential (R-20).

RESOLUTION: Rezone these parcels from currently zoned High Medium Density Residential (R-20) to Commercial (C).

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Insert Maps I/R 1 – 7

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12.6 ZONING ORDINANCE REVISIONS

Portsmouth’s Zoning Ordinance regulates the development of land by detailing allowed uses, dimensional requirements and other important parameters for development. It must be in alignment with the vision set forth in this Comprehensive Plan. To achieve this consistency, comprehensive plans are required to set forth a schedule for making any necessary amendments to the zoning ordinance and map that may be necessary after the comprehensive plan has been adopted. This 18-month schedule is established in the Implementation Element of this plan.

In addition to resolving the inconsistencies between the Future Land Use Map and the current Zoning Ordinance detailed in the previous section, there are a number of actions the Town should undertake in updating the Zoning Ordinance to not only bring it into consistency with this Comprehensive Plan but to bring clarity and efficiency to the document itself. These tasks include, but are not limited to:

- Modernize the tables which identify principle and accessory uses for each zoning district. Many important and innovative new land uses have emerged in recent years and need to be incorporated into Portsmouth’s land use regulations.
- Update and modernize the definitions section of the ordinance.
- Correct any inconsistencies between the zoning ordinance text and the Official Zoning Map.
- Fine-tune the Planned Unit Development (PUD) provisions, particularly those provisions directly applicable to private development of the Navy Tank Farms.
- Develop performance standards for Mixed-Use Development and consider a Mixed-Use Overlay District to guide this type of development.

12.7 GOALS, POLICIES AND IMPLEMENTATION

GOAL LU – 1

Achieve a balanced, orderly and harmonious land use pattern that preserves historic and cultural resources, supports economic stability, maintains neighborhood integrity and protects the quality of our natural environment.

United under a single overarching land use goal, Portsmouth’s land use policies and implementation actions are grouped into six major categories:

- Management / Regulation Tools and Techniques
- Patterns of Development
- Residential Neighborhoods / Housing
- The West Side
- Natural Resource Protection
- Agriculture / Rural Character

Management / Regulation Tool and Techniques

Policy LU - 1.1

Advance smart growth principles in all land use decisions made by the Town of Portsmouth.

Action LU - 1.1a – Review and update the Zoning Ordinance and Land development and Subdivision Regulations to ensure smart growth principles are encouraged.

Policy LU - 1.2

Improve the existing municipal land use regulatory scheme to allow for more planning initiative, less regulatory reaction, higher quality development and conformance with the provisions and intent of this Comprehensive Plan.

Action LU - 1.2a – Create a new Official Zoning Map base on the identified inconsistencies between the Future Land Use Map and the current zoning map.

Action LU - 1.2b – Take appropriate steps to ensure that the provisions of the Zoning Ordinance are consistent with this Comprehensive Plan.

Action LU - 1.2c – Revise and update review procedures for Special Use Permits, Development Plan Review and Design Review thresholds.

Action LU - 1.2d – Require all proposed residential developments to submit a residential open space plan in addition to the standard yield plan for land subdivision.

Action LU - 1.2e – Amend the Zoning Ordinance and adopt performance standards for the siting of renewable energy production. (See Action E - 1.3a)

Action LU – 1.2f – Review Portsmouth’s Residential Open Space Development subdivision regulations for their effectiveness and amend as necessary. (See Action NR – 1.1h)

Action LU – 1.2g – After analysis, require Residential Open Space Development subdivisions on residentially-zoned sites larger than a given minimum acreage. (See Action NR – 1.1j)

Action LU – 1.2h – Require Low Impact Development (LID) strategies as part of any new or redevelopment project. (See Action NR – 1.1o)

Action LU – 1.2i – Create review procedures and regulations for occupancy change in established commercial spaces.

Action LU – 1.2j – Review and update Design Review Guidelines and research alternative regulatory schemes such as form-based zoning for applicability.

Action LU – 1.2k – Adopt a new “Industrial Park” Zoning District with updated zoning regulations to replace the now expired site restrictions and development standards guiding development of the original park. (See Action 5.1a)

Action LU – 1.2l – Update and modernize the Land Use Tables in the Portsmouth Zoning Ordinance. (See Action ED-5.1c)

Action LU – 1.2m – Consider rezoning portions of the R-10 District to a higher density in order to reduce the number of non-standard lots of record. (See identified Future Land Use Inconsistency #2)

Policy LU - 1.3

Encourage the use of flexible zoning techniques such as the Planned Unit Development (PUD) for all commercial and industrial districts.

Action LU - 1.3a – Review and Update the PUD provisions of the Zoning Ordinance.

Policy LU - 1.4

Continue to affirm the importance of regional cooperation by participating in mutually beneficial planning initiatives with adjacent communities, state agencies and other stakeholders.

Action LU – 1.4a – Work with state, regional and non-profit stakeholders to identify, prioritize and implement coastal adaptation projects to allow wetlands expansion and salt marsh migration. (See Action NH/CC – 1.2d)

Action LU – 1.4b – Continue to work with adjacent towns, state, federal NGO and private organizations to develop effective natural resource protection plans and strategies. (See Action NR – 1.1n)

Action LU – 1.4c – Work with CRMC to ensure that assents and permits granted in SAMP areas within the community are consistent with the goals and policies of the Comprehensive Community Plan. (See Action 1.1m)

Action LU – 1.4d – Pursue State and Federal grants to help fund programs to improve the landscape, built environment and quality of life in Portsmouth. (See Action ED – 2.1b)

GOAL LU-2 PATTERNS OF DEVELOPMENT

Policy LU - 2.1

Manage commercial/industrial growth patterns around the concept of nodes and clusters rather than large concentrated retail centers, extended commercial strip development or growth centers.

Action LU – 2.1a – Review all future RIDOT transportation improvement projects for consistency with town policy regarding commercial / industrial land use.

Action LU – 2.1b – Remove the Town Center District from the list of zoning districts and rezone all parcels in the TC zone back to Commercial (C).

Action LU – 2.1c – Study residential and commercial zoning patterns for opportunities to rezone for further commercial development clusters. (See Action ED – 4.2e)

Policy LU - 2.2

Consider growth management strategies that relate residential, commercial and industrial growth to the rate of population growth in order to discourage overdevelopment of these land uses which may alter the character of the Town.

Action LU – 2.2a – Prepare an Economic Buildout Analysis to determine how much commercial/industrial development remains possible under current zoning. (See Action ED – 4.1b)

Action LU – 2.2b – Perform a build-out analysis based on the Future Land Use Map (FLUM) instead of the current Zoning Map.

Policy LU - 2.3

Encourage mixed-use development/re-development in commercial and light industrial districts and home occupation uses in residential districts with appropriate limitations.

Action LU - 2.3a – Review and amend (if necessary) provisions in the Portsmouth Zoning Ordinance regulating home occupations, balancing support for the expansion of business activity and the potential impacts to residential neighborhoods. (See Action ED - 2.3a)

Action LU – 2.3b - Review and update provisions in the Zoning Ordinance for mixed use development in commercial districts. (See Action ED – 4.2b)

Action LU – 2.3c – Update the Zoning Ordinance to allow more opportunities for mixed-use housing development in Commercial and Light Industrial Districts. (See Action H - 1.3e)

Action LU – 2.3d – Create incentives for property owners/developers to build mixed use properties where they are permitted.

Action LU – 2.3e – Develop standards for mixed use development.

Policy LU - 2.4

Encourage in-fill development and re-development of vacant and underutilized parcels especially those with adequate infrastructure and ready access to public services.

Action LU – 2.4a – Compile and maintain a list of vacant and underutilized parcels with commercial and industrial zoning designations. (See Action ED – 4.1a)

Action LU – 2.4b – Review and if necessary, update the Traffic Sensitive Overlay District provisions in the Portsmouth Zoning Ordinance. (See Action T – 1.2c)

GOAL LI-3 THE WEST SIDE

Policy LU - 3.1

Support the reuse and redevelopment of former military land along the West Side including existing military housing, infrastructure, and the Tank Farms.

Action LU – 3.1a – Work with the Portsmouth Water and Fire District to ensure adequate water supply for future economic growth in Portsmouth. (See Action ED – 3.1e)

Action LU – 3.1b – Determine the best course of action for the Town with regard to the Tank Farm properties being exercised by the Navy. (See Action ED – 4.4a)

Action LU – 3.1c – Continue to work with the Portsmouth Water & Fire District, Newport Water and Naval Station Newport regarding future water distribution in areas along the west side that are outside the PWFD District. (See Action WS – 1.2d)

Policy LU - 3.2

Encourage continued marine-industrial development, marina expansion, resort/tourism accommodations and public waterfront access as beneficial land uses along the West Side.

Action LU – 3.2a – Investigate public and/or private ownership of utilities and infrastructure in the Melville area as a catalyst for future growth. (See Action ED – 3.1d)

Policy LU - 3.3

Along the West Side, support limited commercial and residential development as part of mixed-use development projects only.

Action T - 3.3a – Incorporate the recommendations of the West Side Master Plan in all land use decisions regarding commercial and residential development on the West Side.

GOAL LU-4 RESIDENTIAL LAND USE AND NEIGHBORHOODS

Policy LU - 4.1

Ensure the continued strength and stability of our residential neighborhoods by respecting valued development patterns and character.

Action LU – 4.1a – Develop neighborhood-sensitive design guidelines for rebuilding “tear-downs” and for the rehabilitation and/or reconstruction of housing units in the creation of LMI units in existing neighborhoods. (See Action H – 2.1b)

Action LU – 4.1b – Amend Land Development & Subdivision Regulations to require dual emergency access to all new residential subdivisions where feasible and to require the extension of all proposed dead-end streets to connect with existing streets where feasible. (See Action T – 1.2f)

Action LU – 4.1c – Explore residential bulk limit zoning regulations as a means of limiting the scale of new construction to protect the character of existing residential neighborhoods.

Action LU – 4.1d – Incorporate lot merger provisions into the Zoning Ordinance.

Policy LU - 4.2

Support a range of residential land uses to ensure a diversity of housing choices for all residents.

Action LU – 4.2a – Adopt provisions in Portsmouth’s Zoning Ordinance that make it mandatory for all new residential developments of 6 units or more to designate 20% of the units as LMI units (Inclusionary Zoning). (See Action H - 1.2a)

Action LU - 4.2b – Adopt provisions in the Zoning Ordinance that allow for payment-in-lieu-of, off-site construction or rehabilitation and other strategies that allow developers to fulfill their affordable housing obligations. (See Action H - 1.2b)

Action LU – 4.2c – Allow accessory family dwelling units (so-called in-law apartments) by Special Use Permit in all residential zoning districts. (See Action H - 1.3a)

Action LU – 4.2d – Increase the density bonus for duplex housing particularly if one or both of the units are designated as LMI units. (See Action H – 1.3c)

Policy LU - 4.3

Encourage integrated site, mixed-use and infill residential development accompanied by effective housing rehabilitation programs as the surest way to achieve Portsmouth’s housing goals.

Action LU – 4.3a – Identify specific sites and specific projects for the development of affordable housing, particularly those sites in close proximity to facilities and services. (See Action H – 2.2a)

Action LU - 4.3b – Create a database of existing structures and vacant in-fill sites that are appropriate for the conversion and/or development for affordable housing and LMI units. (See Action H - 2.3a)

GOAL LU-5 NATURAL RESOURCE PROTECTION

Policy LU - 5.1

Ensure future development is compatible with adjoining land uses, the natural environment, and existing historic and cultural features.

Action LU – 5.1a – Continue to pursue acquisition of development rights, particularly parcels containing environmentally sensitive characteristics. (See Action NR – 1.1b)

Action LU – 5.1b – Define and inventory environmentally sensitive areas as a reference guide for the site plan review process. (See Action NR – 1.1e)

Action LU – 5.1c – Develop an open space acquisition plan. (See Action NR – 1.4a)

Action LU – 5.1d – Pursue Conservation easements on Town-owned parcels in the Glen Park/Seveney/Fields/Glen Manor House area. (See Action NR – 1.4e)

Action LU – 5.1e – Develop land use management plans for Town-owned open space properties. (See Action NR – 1.4g)

Action LU – 5.1f – Study salt marsh migration and make land use / zoning recommendations to guide future development. (See Action NR – 1.2b)

Action LU – 5.1g – Review provisions in the Zoning Ordinance governing land development in the overlay Watershed Protection District and the Water Resource Protection District as needed for their applicability and effectiveness. See Action WS 1.1a.

Policy LU - 5.2

Manage land use and development within the floodplain and other vulnerable areas to not only mitigate the impacts of, but increase community resilience to, the effects of natural hazards and climate change.

Action LU – 5.2a – Update the Flood Hazard Areas section of the Portsmouth Zoning Ordinance as directed by FEMA. (See Action NR – 1.2c)

Action LU – 5.2b – Evaluate current zoning and land use regulations related to future effects of climate change and update as needed. (See Action NH/CC - 1.1a)

Action LU – 5.2c – Develop “Where, When and How” land use and development management scenarios to address the impacts of climate change and sea level rise. (See Action NH/CC - 1.1c)

Action LU – 5.2d – Work with RIDOT to identify ways to mitigate future impacts and increase resilience to flooding, storm surge and sea level rise along Park Avenue and Boyd’s Lane in Island Park and other vulnerable State roads (See Action NH/CC – 1.1b)

GOAL LU-6 AGRICULTURE

Policy LU - 6.1

Preserve Portsmouth’s farms and agricultural lands as essential elements of our community character, economic vitality and quality of life.

Action LU – 6.1a - Maintain the Municipal Farm Tax exemption program. (See Action HRC – 2.2a, AG – 2.1b)

Action LU – 6.1b – Compile and continuously update a database of parcels with prime soils or soils of statewide importance cross-referenced with farmland activity and protected status. (See Action AG - 1.1a)

Action LU – 6.1c – Map prime agricultural soils as a reference guide for the site plan review process. (See Action NR – 1.3c)

Policy LU - 6.2

Continue to work with land trusts, non-profits and other appropriate partners to target prime agricultural lands for preservation.

Action LU – 6.2a – As opportunities arise, partner with governmental and private funding sources to purchase development rights to farmlands and other properties of historic significance. (See Action HRC – 2.2b)

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