

CITY OF NEWPORT  
ORDINANCE  
OF THE  
COUNCIL

NO. \_\_\_\_\_

AN ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 2000, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 17.04.050, of the Codified Ordinances of the City of Newport, RI, revision of 2000, as amended, entitled, "General Requirements", is hereby further amended as follows:

**CHAPTER 17.04.050 – GENERAL REQUIREMENTS:**

**DELETE PARAGRAPH B:**

~~B. — Prohibited Uses. It is intended that any use not included in this zoning code as a permitted use is prohibited. To assist in the interpretation of such permitted uses, the following uses, the list of which is not intended to be complete, are specifically prohibited: motor vehicle race tracks; drive-in theaters; drive-in restaurants, except in a shopping center in the commercial industrial (CI) district; carry-out restaurants; junk yards; marine salvage operations; mobile home parks; ammonia, chlorine or bleaching powder manufacture; industrial processes utilizing the combustion of soil coal; blast furnaces; incinerators; including those in conjunction with any waste to energy plan; board, steam and drop hammers; creosote treatment and manufacture; petrochemical manufacture; distillation of coal; petroleum, refuse, grain, wood or bones; explosive manufacture or storage; glue, size or gelatin manufacture; grain drying; reduction, storage or dumping of slaughterhouse refuse, garbage, dead animals or offal; radioactive materials or waste; rawhides or skin storage; cleaning, curing or tanning; soap manufacture from animal fats; sulfuric, nitric, picric, carbolic or hydrochloric acid manufacture; the open storage of more than one unregistered or inoperable motor vehicle per lot, with the one unregistered or inoperable vehicle per lot not to be stored openly for more than thirty (30) days; casino type gambling, including but not limited to video lottery terminal gambling, as a principal use of accessory use."~~

**ADD IN LIEU THEREOF THE FOLLOWING:**

B. Prohibited Uses. It is intended that any use not included in this zoning code as a permitted use is prohibited. To assist in the interpretation of such permitted uses, the following uses, the list of which is not intended to be complete, are specifically prohibited: motor vehicle

race tracks; drive-in theaters; drive-in restaurants, except in a shopping center in the commercial-industrial (CI) district; carry-out restaurants; junk yards, marine salvage operations; mobile home parks; ammonia, chlorine or bleaching powder manufacture; industrial processes utilizing the combustion of soil coal; blast furnaces; incinerators, including those in conjunction with any waste to energy plan; board, steam and drop hammers; creosote treatment and manufacture; petrochemical manufacture; distillation of coal, petroleum, refuse, grain, wood or bones; explosive manufacture or storage; glue, size or gelatin manufacture; grain drying; reduction, storage or dumping of slaughterhouse refuse, garbage, dead animals or offal; radioactive materials or waste; rawhides or skin storage, cleaning, curing or tanning; soap manufacture from animal fats; sulfuric, nitric, picric, carbolic or hydrochloric acid manufacture; the open storage of more than one unregistered or inoperable motor vehicle per lot, with the one unregistered or inoperable vehicle per lot not to be stored openly for more than thirty (30) days; casino-type gambling, including but not limited to video lottery terminal gambling, as a principal use or accessory use, the renting of buildings or portions thereof for occupancy for lodging accommodations for periods of twenty-nine (29) consecutive days or less with the exception of Guest Houses, Historic Guest Houses, Transient Guest Facilities and Vacation Guest Facilities as defined in Section 17.08.010 and the rental of rooms as a Home Occupation pursuant to Section 17.100.130 (I)(9);

**DELETE PARAGRAPH E:**

~~E. Dwellings Units per Lot. No more than one principal residential building shall be permitted on a lot except in the case of transient guest facilities and multifamily dwellings and as otherwise provided in this zoning code.~~

**ADD IN LIEU THEREOF THE FOLLOWING:**

E. Dwellings Units. Whenever in this Code the terms "single-family dwelling(s)", "two family dwelling(s)" or "multifamily dwelling(s)" are used in district use regulations, the term "family" used therein shall have the same meaning as "household" and the term "dwellings" shall have the same meaning as "dwelling unit", as these terms are defined in Section 17.08.010.

Dwelling Units per Lot. No more than one principal residential building shall be permitted on a lot except in the case of transient guest facilities, multifamily dwellings, mixed use development and as otherwise allowed by the provisions of this zoning code.

**17.08.010. - DEFINITIONS.**

**DELETE COMMUNITY RESIDENCE**

~~"Community residence" means a home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses or substance abuse treatment facilities. This shall include, but not be limited to, the following:~~

- ~~1. Whenever six or fewer retarded children or adults reside in any type of residence in the community, as licensed by the state pursuant to R.I.G.L. Chapter 24 of Title 40.1. All requirements pertaining to this zoning code are waived for these community residences;~~
- ~~2. A group home providing care or supervision, or both, to not more than eight mentally disabled or mentally handicapped or physically handicapped persons, as licensed by the state pursuant to R.I.G.L. Chapter 24 of Title 40.1;~~
- ~~3. A residence for children providing care or supervision, or both, to not more than eight children including those of the care giver, as licensed by the state pursuant to R.I.G.L. Chapter 72.1 of Title 42;~~
- ~~4. A community transitional residence providing care or assistance, or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than sixty (60) days nor more than two years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.~~

**ADD IN LIEU THEREOF THE FOLLOWING:**

"Community residence" means a home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This does not include halfway houses or substance-use-disorder-treatment facilities. The does include, but is not limited to, the following:

1. Whenever six (6) or fewer children or adults with intellectual and/or developmental disability reside in any type of residence in the community, as licensed by the state pursuant to R.I.G.L. Chapter 24 of Title 40.1. All requirements pertaining to this zoning code are waived for these community residences;
2. A group home providing care or supervision, or both, to not more than eight (8) persons with disabilities, and licensed by the state pursuant to R.I.G.L. Chapter 24 of Title 40.1;
3. A residence for children providing care or supervision, or both, to not more than eight (8) children including those of the care giver, and licensed by the state pursuant to R.I.G.L. Chapter 72.1 of Title 42;
4. A community transitional residence providing care or assistance, or both, to no more than six (6) unrelated persons or no more than three (3) families, not to exceed a total of eight (8) persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than sixty (60) days nor more than two (2) years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

**DELETE "DWELLING UNIT" :**

"Dwelling unit" means a structure or portion thereof occupied by a family providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

**ADD IN LIEU THEREOF THE FOLLOWING:**

"Dwelling unit" means a structure or portion of a structure, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

**DELETE "GUEST FACILITIES" :**

~~"Guest facilities" means establishments for renting of rooms are defined as follows:~~

- ~~1. Guest House. A building in which five or less rooms are rented to no more than ten persons on a daily, weekly, or monthly basis, with or without the furnishing of meals and with the owner or manager thereof residing on the guest house premises. In those districts where guest houses are permitted by right, the requirement for the owner or manager to reside on the guest house premises shall not apply;~~
- ~~2. Historic Guest House. A building the sole principal use of which is the rental of no more than eighteen (18) rooms rented on a daily, weekly, or monthly basis, with or without the providing of meals and which: (a) is listed on the National Register of Historic Places; and (b) is in a building which is subject to the jurisdiction of the Newport historic district commission pursuant to Chapter 17.80 of this zoning code; and (c) does not contain any other uses, accessory or otherwise, without being granted by a special use permit;~~
- ~~3. Transient Guest Facilities. Facilities designed primarily for occupancy on a day to day, or week to week basis and dependent on external facilities to the guest unit for the furnishing of meals, including time share property and time share units, as defined by Rhode Island General Laws 34-41;~~
- ~~4. "Vacation guest facilities" means facilities of ten or more units with kitchens, designed primarily for occupancy on a day to day or week to week basis and for not more than thirty one (31) consecutive days by any one guest or guest family, including time share properties and time share units as defined by Rhode Island General Laws Section 34-41.~~

**ADD IN LIEU THEREOF THE FOLLOWING:**

"Guest facilities" means establishments for renting rooms or dwelling units as follows:

1. Guest House. A building in which one or more dwelling units or rooms for sleeping are rented for lodging accommodations for periods of twenty nine (29) consecutive days or less with or without the furnishing of meals and with the owner or a manager who is in charge and manages such rentals residing on the guest house property. In those districts where guest houses are permitted by right, the requirement for the owner or manager to reside on the guest house property shall not apply. No more than a total of five rooms for sleeping shall be allowed to be rented irrespective of the number of dwelling units or

rooms for sleeping that are contained in the building. Only one building on a lot or parcel of land shall be allowed a guest house use.

2. Historic Guest House. A building the sole principal use of which is the rental of no more than eighteen (18) rooms rented on a daily, weekly, or monthly basis, with or without the providing of meals and which: (a) is listed on the National Register of Historic Places; and (b) is in a building which is subject to the jurisdiction of the Newport historic district commission pursuant to Chapter 17.80 of this zoning code; and (c) does not contain any other uses, accessory or otherwise, without being granted by a special use permit;
3. Transient Guest Facilities. Buildings with rooms or units offered to the public for occupancy as lodging accommodations on a day-to-day, or week-to-week basis and dependent on external facilities to the room or unit for the furnishing of meals, including but not limited to hotels, motels, inns and time-share properties and units;
4. Vacation guest facilities means facilities of ten or more units with kitchens, designed primarily for occupancy on a day-to-day or week-to-week basis and for not more than thirty-one (31) consecutive days by any one guest or guest family, including time-share properties and time-share units as defined by Rhode Island General Laws Section 34-41.

#### **DELETE HOME OCCUPATION**

~~"Home occupation" means any activity customarily carried out for gain by a resident in the resident's dwelling unit.~~

#### **ADD IN LIEU THEREOF THE FOLLOWING:**

"Home occupation" means any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.

#### **DELETE TRANSIENT GUEST FACILITIES**

~~"Transient guest facilities" means facilities primarily for occupancy on day-to-day or week-to-week basis and dependent on external facilities to the unit for the furnishing of meals and timeshare property and timeshare units, as defined by Rhode Island General Laws 34-41, with or without internal cooking facilities.~~

#### **ADD IN LIEU THEREOF THE FOLLOWING:**

"Transient Guest Facilities" - See "Guest Facilities"

#### **17.100.130- HOME OCCUPATIONS**

##### **DELETE I. 9.**

- ~~I. The following uses are permitted home occupations provided they do not violate any of the provisions outlined above:~~

- ~~9. Rental of two guest bedrooms or less to no more than a total of four persons in an owner-occupied dwelling unit; only one such use shall be permitted on a lot;~~

#### **ADD IN LIEU THEREOF THE FOLLOWING:**

I. The following uses are permitted home occupations provided they do not violate any of the provisions outlined above:

9. Rental of two guest bedrooms or less to no more than a total of four persons in an owner-occupied dwelling unit while the owner is present, with said dwelling unit being also the principal residence of the owner of said dwelling unit; only one such use shall be permitted on a lot;

SECTION 4. This ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

IN COUNCIL  
READ AND PASSED

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Laura C. Swistak  
City Clerk