

CITY OF NEWPORT  
ORDINANCE  
OF THE  
COUNCIL

**NO. 2024-14**

AN ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 17.04 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "**GENERAL PROVISIONS**," is hereby further amended as follows:

**17.04.050. General requirements.**

- A. Generally. The provisions of this zoning code shall be minimum standards and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided, and particularly as follows:
1. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all of the regulations herein specified for the district in which it is located;
  2. No building or other structure shall hereafter be erected or altered:
    - a. To exceed the building height or bulk herein permitted,
    - b. To accommodate or house a greater number of families than herein permitted,
    - c. To occupy a greater percentage of lot area than herein permitted,
    - d. To have less setback than herein required, or
    - e. In any other manner contrary to the provisions of this zoning code;
  3. No setback or off-street parking or loading space required around or in connection with any building for the purpose of complying with this zoning code shall be included as part of a setback or off-street parking or loading space similarly required for any other building;
  4. No setback or lot existing at the time of April 13, 1977 shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks and lots created after this effective date shall meet the minimum requirements established herein.

- 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 (1)(9);
- C. Setbacks. No structure shall extend within less than the minimum distances of any front line, side line or rear line as specified in this zoning code, except as follows or as otherwise provided:

**DELETE NO. 1 IN IN ITS ENTIRETY**

- ~~1. Belt course, canopies, cornices, eaves, marquees pilasters and similar architectural features may project three feet into the area required for setback from a street or other line;~~**

**ADD IN LIEU THEREOF**

- 1. Belt courses, canopies, cornices, eaves, marquees pilasters, bay windows, stairs less than 30" above grade, mechanical equipment (excluding condensers), and similar architectural features may project three feet into the area required for setback from a street or other line;**
- 2. Fences, walls, and posts may be located without reference to setbacks, provided there is compliance with height**

limitations and other applicable sections of this zoning code;

3. Athletic equipment may not be located within five feet of a side or rear line or within fifteen (15) feet of a front line;
  4. Outdoor lighting facilities greater than ten feet in height shall not extend within ten feet of any front line;
  5. In the case of a portion of a lot in a nonresidential district, which portion is contiguous to a railroad right-of-way, no setback from such a contiguous side or rear lot line is required;
  6. The setback from the front line can be decreased from that required by a particular zoning district provided that such reduced setback may be no less than the front setback of either structure on the adjoining lots. This provision is applicable only when a lot is bounded on one or both side by another lot. A lot entirely bounded by streets must comply with the standard setback provision as required;
  7. Setbacks applicable to accessory uses are as provided for in Chapters 17.96, 17.100 and 17.104;
- D. Height of Structures. Except as otherwise provided, no structure shall exceed the maximum height specified in this zoning code. Such regulations shall not apply to spires, belfries, cupolas, flagpoles, water tanks, ventilators, farm silos, elevator penthouses, chimneys or other appurtenances usually required to be above the roof level and not intended for human occupancy, provided that such structures are incidental to a permitted use located on the same property, and except that for buildings which are located in a general business district and which were erected prior to the date of April 13, 1977, where all or a portion of any such building is in excess of the maximum building height permitted in this zoning code, rehabilitation and alteration of such building is permitted within the confines of the width and length dimensions of the building to a height not to exceed fifty (50) feet, or the highest portion of the structure presently existing, whichever is lower.
- 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.

**DELETE PARAGRAPH IN ITS ENTIRETY**

~~**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.~~

SECTION 2. 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  
JULY 24, 2024

  
LAURA C. SWISTAK, CMC  
CITY CLERK