

CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL

NO.2024-19

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. Add New Chapter-

Chapter 17.78. ACCESSORY USES, BUILDINGS, AND STRUCTURES

17.78.010. Definitions.

- A. "Accessory Use" means a use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building. An accessory use shall be restricted to the same lot as the principal use, and shall not be permitted without such principal use.
- B. "Accessory Building or Structure" means a building or structure that is detached from the principal structure on a lot, including, but not limited to, sheds, garages, pools, pool houses, guest rooms, raised or subterranean patios, trellises, and outdoor kitchens. An accessory building or structure shall be restricted to the same lot as the principal use, and shall not be permitted without such principal use.

17.78.020. Accessory Uses, Buildings, and Structures - Dimensional Standards.

Accessory uses, buildings, and structures are subject to the following dimensional standards:

- A. In any residential district, accessory uses shall be those customarily incidental to uses listed as permitted, provided, however, an accessory use shall be prohibited in front yards and shall be located not less than twenty (20) feet back from any line adjoining a street.
- B. The following Table of Dimensional Standards for Accessory Uses, Buildings, and Structures establishes the setback and height requirements of accessory buildings and structures defined in Section 17.78.010, and any other accessory use outlined in Section 17.78.030 (A)-(G).

Table of Dimensional Standards for Accessory Uses, Buildings, and Structures

| Zoning District | Accessory Building or Structure Front Setback Requirement | Accessory Building/Structure (max. height of 12 ft) Side and Rear Setback | Accessory Building/Structure (>12 ft in height) Side and Rear Setback | Accessory Building/Structure Height Limit |
|-----------------|---|---|---|---|
| R-3 | 20' | 3' side, 5' rear | 3' side, 5' rear | 26' |
| R-10 | 20' | 5' | 10' | 26' |
| R-10A | 20' | 5' | 10' | 26' |
| R-20 | 30' | 5' | 10' | 26' |
| R-40 | 50' | 10' | 20' | 26' |
| R-40A | 50' | 10' | 20' | 28' |
| R-60 | 50' | 10' | 20' | 28' |
| R-120 | 75' | 25' | 50' | 28' |
| R-160 | 100' | 25' | 50' | 28' |
| LB | 0' | 0' side, 5' rear | 0' side, 5' rear | 30' |
| WB | 0' | 5' | 5' | 30' |
| GB | 0' | 0' side, 5' rear | 0' side, 5' rear | 30' |
| CI | 100' | 20' | 20' | 30' |
| IH | 0' | 0' | 0' | 30' |
| TM | 0' or 5' | 5' | 5' | 30' |
| OS | 40' | 80' | 80' | 30' |
| RD | 40' | 80' | 80' | 30' |

17.78.030. Accessory Uses Conditions.

Accessory uses are permitted only with the principal use and subject to the following conditions:

- A. Section 17.78.020.B shall not apply to an accessory structure or building which is attached to its principal building. Such attached accessory building shall be considered an integral part of the principal building and subject to all the requirements applicable to the principal building.
- B. Two private garages may be built with a common wall on the common interior side lot line or on the common rear lot line.

- C. A private garage in an accessory building or structure which may be used to house up to two noncommercial vehicles which are not the property of the occupants of the building to which such garage is accessory, so long as the property contains the required parking for the subject property.
- D. No nonresidential use shall be considered an accessory use unless such use is accessory to a nonresidential use allowed by this code.
- E. No commercial motor vehicle shall be parked for more than two hours per day in any residential district or on any residential lot except in conjunction with a permitted nonresidential use. However, one commercial motor vehicle not to exceed six thousand eight hundred (6,800) pounds maximum gross weight may be parked in a residential district or lot by the occupant of the building provided the commercial vehicle is the only form of transportation available to and from work.
- F. All boats, watercraft, trailers, recreational vehicles (or other moveable dwellings), motorcycles, tractors, or other similar vehicles that may be greater in height than seven feet six inches are considered accessory uses and may only be parked or stored within the designated setback area, as outlined in Section 17.78.020(B) of this chapter, with the granting of a special use permit by the Zoning Board of Review. All boats, watercraft, trailers, recreational vehicles (or other moveable dwellings), motorcycles, tractors, or other similar vehicles located within the designated setback area specified in Section 17.78.020(B), must be currently registered and duly insured.
- G. No unregistered motor vehicle may be parked or stored ungaraged in the designated setback area without the issuance of a special use permit by the Zoning Board of Appeals. All dismantled, junked, or abandoned vehicles, including major parts thereof (bodies, engines, transmissions, rear ends, etc.), are considered junk and explicitly prohibited within the designated setback area specified in Section 17.100.080(B).

IN COUNCIL
READ AND PASSED
JULY 24, 2024


LAURA C. SWISTAK, CMC

CITY CLERK