

CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL

NO. 2024-25

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 17.100 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "Development Standards," is hereby further amended as follows:

DELETE IN ITS ENTIRETY:

~~**17.100.080. Accessory uses.**~~

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

- ~~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. In R-10, R-10A, R-20 and R-20A districts, such accessory use shall be at least ten feet from side and rear property lines; in R-60, R-40 and R-40A districts, at least twenty (20) feet from side and rear property lines; and in R-160 and R-120 districts, at least fifty (50) feet from rear and side lines.~~
- ~~C. The conditions of subsection B of this section shall not apply to an accessory 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.~~
- ~~D. Two private garages may be built with a common wall on the common interior side lot line or on the common rear lot line.~~
- ~~E. A private garage in an accessory building 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.~~

~~F. No nonresidential use shall be considered an accessory use unless such use is accessory to a nonresidential use allowed by this code.~~

~~G. 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.~~

~~H. 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 17.100.080(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 17.100.080(B), must be currently registered and duly insured.~~

~~I. 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).~~

SECTION 2. Chapter 17.100 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "Development Standards," is hereby further amended as follows:

17.100.130. Home occupations.

Home occupations are subject to the following conditions:

A. The use must be clearly incidental and subordinate to the use of the dwelling unit for residential purposes, and must occupy not more than twenty-five (25) percent of the floor area within the dwelling unit;

- B. No more than one nonresident employee is authorized;
- C. There is no change in the outside appearance of the building or premises or any visible or audible evidence detectable from outside the lot of the conduct of such business except for a sign as allowed by Chapter 17.76 of this zoning code;
- D. Traffic, including traffic by commercial delivery vehicles, shall not be generated in greater volumes than would normally be anticipated in a residential neighborhood;
- E. Required parking shall be provided on site;
- F. No hazard or nuisance shall be created to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists;
- G. There shall be no retail sales or the display of goods on the premises;
- H. The following are conditions for the keeping of chicken hens, subject to the issuance of a special use permit pursuant to subsection J herein.
 - 1. The keeping of chicken hens pursuant to this section shall be primarily for the purpose of raising chicken hens and collecting the eggs produced thereof; this section shall not be construed to allow for the slaughter and sale of any chicken hens or their eggs for any purpose.
 - 2. Any building used for housing of chicken hens or manure must meet the setbacks required under Sections 17.100.080(B) and (C) from any property or street line.
 - 3. The keeping of chicken hen(s) pursuant to this Section shall be permitted in residential zones only.
 - 4. There shall not be more than one hen per eight hundred (800) square feet of total lot area, with a maximum of six on any lot.
 - 5. No person shall keep any rooster.
 - 6. All chicken hens must be provided with both a hen house (coop) and a fenced outdoor enclosure, subject to the following provisions:
 - a. The hen house must be covered, predator resistant, and well-ventilated;
 - b. The hen house must provide a minimum of two square feet per chicken and shall be no more than eight feet in height and a maximum of sixty-four (64) square feet in area;
 - c. The hen house must be kept clean, dry, free from decaying food, dirt, dirty water and fecal matter and

- sanitary at all times; manure must be composted in enclosed bins;
- d. The hen house must be located upon a permeable surface that prevents waste run-off;
 - e. The hen house and fenced outdoor enclosure must meet the setbacks required under Section 17.100.080(B) and (C);
 - f. The fenced outdoor enclosure must adequately contain the chicken hens; such enclosure shall be securely enclosed and designed to prevent the chicken hens from escaping and predatory animals from gaining access;
 - g. The fenced outdoor enclosure must be kept clean, free from decaying food, dirty water and fecal matter and sanitary at all times; must have proper food, water and accessible shelter; and manure must be composted in enclosed bins, at all times;
 - h. The hen house must provide the chicken hens with adequate protection from the elements and inclement weather and chicken coops must provide for the chicken hens' good health and prevent any unnecessary or unjustified suffering; and
 - i. The owner of the hen(s) must be a resident of the property on which they are located.
7. No hen house (coop) shall be built onto any shared fence.
 8. No chicken hens may be kept or raised within any dwelling unit or otherwise roam freely on or off the property, other than in approved enclosures.
 9. All feed must be stored securely.
 10. No person shall place food in the open for the feeding of any chicken hen(s) except in such containers as will prevent the scattering of such food upon the ground. After such feed, such food shall not be allowed to remain where it is accessible to rodents or other animals.
 11. All chicken hens must be confined within the hen house between the hours of 9:00 p.m. and 7:00 a.m.
 12. No chicken hen may be slaughtered on the premises.
- I. The following uses are permitted home occupations provided they do not violate any of the provisions outlined above:
1. Dressmaking, sewing and tailoring,
 2. Telephone answering,
 3. Photography studio,
 4. Tutoring,
 5. Home cooking and preserving,
 6. Home crafts,
 7. Studios for artists or craftsmen,
 8. Offices for doctors, dentists, attorneys, real estate agents, insurance agents, accountants, stock brokers, engineers, architects, landscape architects, musicians, writers, data programming and/or processing and the like,

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. (ADD) Such owner must have at least a 50% individual ownership interest in the property.
- J. The following shall be considered a special use and be granted or denied by the zoning board of review only upon the issuance of a special use permit upon consideration of those standards contained in subsection H of this section:
1. The keeping of six or fewer chickens.
- K. The following are prohibited as home occupations:
1. Barber shops and beauty parlors excluding single operator hairdresser,
 2. Animal hospitals,
 3. Dancing studios,
 4. Restaurants,
 5. Nursery schools,
 6. Automobile repair or paint shops,
 7. Convalescent or nursing home,
 8. Private clubs,
 9. Undertakers' establishments,
 10. Gunsmith shop,
 11. Catering;
- L. Any proposed home occupation that is neither specifically permitted or prohibited shall be considered a special use and be granted or denied by the zoning board of review upon consideration of those standards contained in subsection G of this section;
- M. All home occupations must be registered with the zoning administrative officer for the City of Newport.

SECTION 3. 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
AUGUST 28, 2024


Laura C. Swistak, CMC
City Clerk