

CITY OF NEWPORT  
ORDINANCE  
OF THE  
COUNCIL  
**NO.2024-26**

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 17.110 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "**Unified Development Review**," is hereby further amended as follows:

**17.110.010. Unified development review—Effective January 1, 2024.**

- A. Except for dimensional relief granted by modification as set forth in 17.108, Variances and Modifications, review and decision of variances and special use permits for properties undergoing review by development plan review, land development or subdivision review shall be conducted by the planning board with this process known as unified development review.
- B. Any person, group, agency or corporation that files an application for an included development plan review, land development or subdivision project may also file requests for relief from the literal requirements of a zoning ordinance on the property pursuant to Section 17.108.020 and/or for the issuance of special use permits for the property pursuant to Section 17.109.020.

**DELETE IN ITS ENTIRETY:**

- ~~C. An application for unified development review shall meet the criteria set forth for the same in the subdivision land development regulations and the zoning ordinances for the City of Newport. Certifications as to whether an application meets established criteria shall be conducted in conjunction with, and following the timelines outlined for certification of completeness of the application pursuant to R.I.G.L. 45-23-38(e), 45-23-40(b), 45-23-41(b) or Section 17.88.060, Filing Procedures and Processing.~~

ADD IN LIEU THEREOF:

- C. An application for unified development review shall meet the criteria set forth in the Subsection L. Unified Development Review of the Subdivision and Land Development Regulations and the zoning ordinances for the City of Newport. Certifications as to whether an application meets established criteria shall be conducted in conjunction with, and following the timelines outlined for certification of completeness of the application pursuant to R.I.G.L. 45-23-38(c), 45-23-39(c) (2) and 45-23-39((d) (2) or Section 17.88.060, Filing Procedures and Processing.
- D. Public Hearing. All land development and subdivision applications, and development plan review applications that include requests for variances and/or special-use permits submitted pursuant to this section, shall require a public hearing ~~DELETE that meets the requirements of Section 17.112.070 Public Notice and Hearing Requirements~~ ADD: Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation within the municipality. The same notice shall be posted in the city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on the municipal home page of its website at least fourteen (14) days prior to the hearing. Notice shall be sent to each property owner within 200 feet of the boundary of the project area, by first class mail, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application at least fourteen (14) days prior to the hearing. The notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile. The Planning Department shall be responsible of the postings in the municipal buildings and on the municipal website. The applicant shall be responsible for the newspaper and mail notices, the cost of such notices, and shall submit a notarized affidavit to the Planning Department to attest to the mailing.
- E. In granting requests for dimensional ~~DELETE: and use~~ variances, the planning board shall be bound to the requirements of Chapter 17.108.020, Variances relative to entering evidence into the record in satisfaction of the applicable standards.

- F. In reviewing requests for special use permits, the planning board shall be bound to the conditions and procedures under which a special use permit may be issued and the criteria for the issuance of such permits, as found within the zoning ordinance Chapter 17.109, Special Use Permits, and shall be required to provide for the recording of findings of fact and written decisions as described in the zoning ordinance pursuant to Section 17.112.060, Decisions and Records of the Zoning Board of Review.
- G. Appeals. An appeal from any decision made pursuant to this section may be taken pursuant to Section 17.116.020, Appeals to Superior Court.

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  
**AUGUST 28, 2028**

  
LAURA C. SWISTAK, CMC  
CITY CLERK