

CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL

NO.2025-12

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:

1. Belt courses, canopies cornices, eaves, marquees pilasters, bay windows, stairs less than thirty (30) inches 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.
- F. Outside Storage in Nonresidential Districts. Except as otherwise provided in nonresidential districts, outside storage, including storage of merchandise, supplies, machinery and other materials and the outside manufacture, processing or assembling of goods, but excluding areas for parking of registered motor vehicles in daily use, shall not extend into the area required for setback from any line and shall be enclosed by buildings, fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot or from any street.

- G. Site Development in Nonresidential District. Except as otherwise provided site development in nonresidential districts shall be as follows:
1. Off-Street Parking and Loading. All off-street parking and loading shall conform to the standards specified in this zoning code.
 2. Driveways. There shall be not more than one driveway entering any lot from any one street if such lot has a frontage of less than one hundred (100) feet. For other lots, there shall be not more than two driveways entering from any one street, except that there may be one additional driveway for each additional three hundred (300) feet of lot frontage in excess of three hundred (300) feet. Driveways shall not exceed thirty (30) feet in width at the street line unless greater width is required by the state. Driveways shall intersect with the street line at an angle of about ninety (90) degrees.
 3. Landscaping. All areas not used for structures, off-street parking and loading, outside storage and vehicular and pedestrian ways, shall be suitably landscaped with trees and/or shrubs, lawns or other suitable landscape development features and suitably maintained. Along and adjacent to any residential district boundary line, there shall be a screen consisting of existing vegetation, evergreen planting or wooden fencing, depending on the uniqueness of the property, which screen shall be of sufficient density and height to effectively screen the nonresidential use from the adjacent residential district.
- H. Wetlands. Except as otherwise provided in the R-60, R-120 and R-160 districts, no main structure shall be located within one hundred (100) feet of the mean high water level of tidal waters or within one hundred (100) feet of a wetland so designated by the State Department of Environmental Management and no septic system or any part thereof shall be located within two hundred (200) feet of the mean high water level of tidal waters or within two hundred (200) feet of a wetland so designated by the State Department of Environmental Management.
- I. Off-street Parking and Loading. It is the intent of the off-street parking and loading provisions to ensure that off-street parking and loading spaces are provided to accommodate the motor vehicles of all persons normally using or visiting a use or structure at any one time. For any permitted use, to include changes from one permitted use to another permitted use, such spaces shall be provided in accordance with the standards hereinafter specified and as amended. However, if the existing and proposed uses are permitted by right and the change of use is occurring within a structure that exists at the time of the adoption of this amendment, (Ord. No. 2010-25), and the new use requires an equal or less amount of off-

street parking as required under other provisions of this Code, then such additional spaces shall not be required. All spaces required to be provided by this zoning code shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land or structures for which such spaces are herein required.

- J. Damage or Destruction. For any existing conforming or legally nonconforming building or use which subsequently thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired within one year, off-street parking or loading facilities need not be provided within such period of reconstruction, re-establishment or repair; except that parking or loading shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this zoning code for equivalent new uses or construction.

In those instances where the building official certifies that the condition of the building is structurally unsound and a hazardous safety situation to the general public exists, the preceding approval process need not be followed.

ADD:

K. Decks on residential properties. Decks on residentially-zoned properties and on non-residentially-zoned properties that have been approved for residential and/or Guest House use must follow the following dimensional requirements. For purposes of this section, "Second Floor deck" means a deck with a surface level greater than 5 feet above grade, but no greater than 15 feet above grade, and "Third floor deck" means a deck with a surface level greater than 15 feet above grade but no greater than 25 feet above grade.

- i. First Floor "ground-level" decks. Allowed by-right, following standard setbacks for main buildings and lot coverage limitations, per the dimensional standards in §17.12.040 based on the zoning district in which the property is located.
- ii. Second Floor decks and balconies.
 - a. Decks. Allowed following standard setbacks for main buildings per the dimensional standards in §17.12.040 based on the zoning district in which the property in which the property is located. Limited to 100 sq.ft. in total size.
 - b. Balconies. Only allowed to project no greater than 4 feet from the exterior wall of the house, following standard setback requirements. Limited to 40 sq.ft. in total size.
- iii. Third Floor decks and balconies.

- a. Decks. Only allowed over existing portions of the building, and must be in-set three feet from exterior edge of the floor below and following standard setbacks for main buildings per the dimensional standards in §17.12.040 based on the zoning district in which the property in which the property is located. Limited to 30 sq.ft. in total size.
- b. Balconies. Only allowed to project no greater than 3 feet from the exterior wall of the house, following standard setback requirements. Limited to 24 sq.ft. in total size.
- iv. Above the Third Floor. No decks or balconies are allowed above the third floor of any residential structure, including any "roof" decks.
- v. Existing Decks. Decks or balconies in existence prior to the passage of this code are allowed to be retained and repaired, but any modification to such decks or balconies must comply with the standards established above.

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
MARCH 26, 2025



LAURA C. SWISTAK, CMC
CITY CLERK