

CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL
NO. 2025-30

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."

Section 1. BE IT ORDAINED by the City of Newport:

ADD NEW CHAPTER

Chapter 17.107. TEMPORARY USE PERMITS

17.107.010. Authority.

The Zoning Officer and/or the Zoning Board of Review may review temporary use permit applications for short-term uses and/or placement of structures on a lot for consideration of appropriateness of the use or structure within the zoning district and surrounding neighborhood in which the use or structure is proposed. If approved, all temporary use permits reviewed by the Zoning Board are then to be forwarded to the City Council for review and final approval.

17.107.020. Intent and purposes.

A temporary use permit allows for the short-term use and/or placement of structures on a lot which duration is longer than two (2) weeks, but not longer than six (6) months. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately.

17.107.030. Temporary Uses and Structures.

Examples of temporary uses include, but are not limited to:

- A. **Temporary outdoor sales.** Temporary uses, which may include temporary structures, where goods are sold for longer than two weeks, including, but not limited to Christmas tree and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase;
- B. **Temporary outdoor structures.** Temporary outdoor structures, including, but not limited to ice-skating rinks, art installations or exhibitions, and tents (including wedding tents).
- C. **Temporary Mobile and Manufactured Homes.** A mobile or manufactured home located on a residential lot when the residence is rendered uninhabitable by virtue of a casualty for the use and occupancy of the former occupants of the residence only.
- D. **Temporary Outdoor Storage Containers.** Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for.

17.107.040. Procedure.

An application for a temporary use permit shall be submitted to the office of the Zoning Officer, following the typical procedures of a Zoning Application. The applicant shall specify the exact start and end dates of the special event, exhibition, use, or structure, as well as operational hours, estimated daily attendees, necessary number of employees, police or fire detail needed, parking to be provided on site, or off-site parking arrangements and related transportation to the site, and any other information to allow the Zoning Board of Review to assess the appropriateness of the proposed temporary use. The Zoning Officer shall review the application for a determination of completeness, and the application shall be advertised in a newspaper of local circulation and notice of hearing sent to abutters within 200 feet of the subject site, in the same process as Variances, established in §17.108.020. The Zoning Board of Review shall hear the application at the next available regular public hearing. The Zoning Officer shall have the authority to approve temporary structures identified above in §17.107.030.C and D, and shall do

so within 10 business days of receipt of the request. The Zoning Officer may refer any of these to the Zoning Board.

17.107.050. Standards of Review

All temporary uses and structures shall comply with the requirements of this Ordinance, including the following standards:

- A. Unless expressly allowed by this Ordinance, the temporary use or structure must comply with the setback, lot coverage, and height requirements of the district in which it is located. If these standards cannot be met, the application will also contain a request for a dimensional variance, following the standards of review established in §17.108.020.C.
- B. The temporary use does not cause, or threaten to cause, an on-site or off-site threat to public health, safety, and welfare.
- C. The temporary use is operated in accordance with such restrictions and conditions as the Police and Fire Departments may require. If required as a condition of approval, the operator of the temporary use shall employ appropriate security personnel.
- D. The temporary use does not conflict with another previously authorized temporary use.

17.107.060. Special Conditions.

In granting a temporary use permit, or in making any determination upon which it is required to pass after a public hearing under this zoning code, the Zoning Officer or Zoning Board of Review may apply such special conditions that may, in the opinion of the Zoning Board of Review, be required to promote the intent and purposes of the comprehensive plan and this zoning code. Failure to abide by the special conditions attached to a grant shall constitute a zoning violation. Those special conditions shall be based on competent credible evidence on the record, be incorporated into the decision, and may include, but are not limited to, provisions for:

- A. Minimizing adverse impact of the temporary use or structure upon other land, including the type, intensity, design, and performance of activities.
- B. Controlling the sequence of development, including when it must be commenced and completed;
- C. Controlling the duration of use or development and the time within which any temporary structure must be removed;

- D. Assuring satisfactory installation and maintenance of required public improvements;
- E. Designating the exact location and nature of development; and
- F. Establishing detailed records by submission of drawings, maps, plats, or specifications.

17.107.070. Expiration.

The temporary use permit is valid only for the time period granted as part of the approval, not to exceed six (6) months. An extension can be requested and approved for an additional six (6) months, if requested prior to the expiration of the originally-approved time period. For temporary uses or structures which required City Council approval, the extension must be granted by the City Council. After the first extension, if additional time for the temporary use or structure is desired, a new application must be submitted and approved.

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
APRIL 9, 2025


LAURA C. SWISTAK, CMC
CITY CLERK