

CITY OF NEWPORT

ORDINANCE

OF THE

COUNCIL

NO.2024-17

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 17.72 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "**Substandard Lots and Nonconforming Uses**," is hereby further amended as follows:

17.72.030. Alteration to nonconforming development.

- A. Nothing in this zoning code shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by decree of any official charged with protecting the public safety, provided that such work does not increase the nonconformity thereof. Nothing in this zoning code shall be deemed to prohibit ordinary repair and maintenance of a nonconforming structure or replacement of existing materials, provided that such work does not increase the nonconformity thereof.
- B. No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use of a building shall be moved or extended to any other part of the building not expressly arranged and designed for such use at the time the use became nonconforming, and no building containing a nonconforming use shall be moved, unless the result of such move is to end the nonconformity. No nonconforming building shall be moved, unless the result of such moving is to reduce or eliminate its nonconformity.
- C. Nonconforming by Use. No nonconforming use of land or nonconforming use of a structure shall be changed except to a conforming use or structure. No nonconforming use of land or nonconforming use of a structure, if once changed to conform, shall thereafter be changed so as to be nonconforming by use again.

DELETE PARAGRAPHS D & E:

- ~~D. Dimensionally Nonconforming-Excepting Proposed Decks (as defined in the Rhode Island State Building Code and regulations adopted thereby). Alteration to dimensionally nonconforming structures that otherwise conform to the use regulations of the zoning district shall be allowed as a matter of right if the alteration in and of itself: (1) conforms to the current dimensional requirements of the zoning district in which the property is located; and (2) does not increase or intensify the element(s) of the dimensional nonconformity.~~
- ~~E. A structure or land which is nonconforming by dimension, but the use of which is a use permitted by right in the district in which the land or structure is located, shall only be altered, changed, enlarged or subject to addition or intensification with respect to its nonconforming element(s) by obtaining a special use permit from the zoning board of review. The criteria for review of a special use permit for alteration of a nonconformity are listed under Chapter 17.109.020.F.~~

ADD IN LIEU THEREOF:

- D. Dimensionally Nonconforming- Alteration to dimensionally nonconforming structures that otherwise conform to the use regulations of the zoning district shall be allowed as a matter of right if the alteration in and of itself: (1) conforms to the current dimensional requirements of the zoning district in which the property is located; and (2) does not increase or intensify the element(s) of the dimensional nonconformity. Alteration or construction of first-level decks that otherwise conform to the current use and dimensional requirements of the zoning district in which the property is located are permitted by right. Alteration or construction of decks and/or balconies above the first level of any building on a non-conforming property, by lot size, requires approval of a special use permit, under Category 6.
- E. A structure or land which is nonconforming by dimension, but the use of which is a use permitted by right in the district in which the land or structure is located, shall only be altered, changed, enlarged or subject to addition or intensification with respect to its nonconforming element(s) by obtaining a special use permit from the zoning board of review or, if applicable pursuant to unified development review, the planning board. The criteria for review of a

special use permit for alteration of a nonconformity are listed under Chapter 17.109.020.F.

- F. A use established by variance or special use permit shall not acquire the rights of this section.

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

JULY 24, 2024

A handwritten signature in cursive script, reading "Laura C. Swistak, CMC". The signature is written in dark ink and is positioned above the printed name and title of the City Clerk.

LAURA C. SWISTAK, CMC
CITY CLERK