

# CITY OF NEWPORT

## Zoning Board of Review



*Zoning Application*



# Newport Zoning Application

## Instructions

This application is to be used when applying for any Zoning relief, including Special Use Permits for new or modified uses, Dimensional Variances seeking to depart from the dimensional requirements of the zoning ordinance (i.e. lot coverage allowances, setback requirements, off-street parking and design standards, building heights, etc.), Use Variances, or Modifications (i.e. small-scale, administrative dimensional relief).

This application is an important legal public document. Please type or print all information completely, accurately, clearly and legibly. It is your responsibility as the applicant to provide accurate and complete information and data. Incomplete, inaccurate or missing information and data may cause the application to be rejected as incomplete or cause a delay in the Board's ability to render a decision.

Once the application is received and certified as complete, a legal notice will be published in the Newport Daily News, and an abutter letter will be sent to all property owners located within 200 feet of the subject property two weeks prior to the scheduled meeting date. While the City, as a service, will prepare and send this letter, the applicant is responsible for payment of this service. An invoice will be sent to the applicant, which must be paid prior to a decision being recorded for the application.

The applicant and owner must be available to appear before the Zoning Board of Review at a public hearing. The applicant and/or owner may be represented by legal counsel at this hearing. Architects, realtors, contractors, etc. may testify during the hearing, but they may not represent the petitioner and should not be listed as the applicant.

Applications are heard in the order they are certified complete, and are split into Summary, Abbreviated, and Full Hearings, depending on their complexity and/or whether objections are received related to the petition. To speed up the hearing process, the Zoning Board will accept written testimony of any expert witness. This written testimony may be presented with the application at the time of the submittal or any time up to seven (7) days prior to the hearing date.

Variances and Special Use Permits for a particular property run with the land and cannot be restricted by the Zoning Board of Review to a particular owner or developer.



# Newport Zoning Application

ZBR \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

*(This box for staff use only)*

DATE STAMP HERE

Date: \_\_\_\_\_

## Board members:

The undersigned hereby petitions the Zoning Board of Review for a special use permit or a variance in the application of the provisions or regulations of the Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

## Location of Premises

Street & No: \_\_\_\_\_

Tax Assessor's Plat: \_\_\_\_\_ Lot: \_\_\_\_\_ Zoning District: \_\_\_\_\_

- Special Use Permit (**Non-Conforming Alteration**)       Regulatory (Dimensional) Variance  
 Special Use Permit (New Use)       Use Variance       Modification

**Property Owner:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

How long have you been the owner of the above premise? \_\_\_\_\_

**Legally Authorized Representative \*if applicable:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Lessee:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_



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## Property Characteristics

Dimensions of lot-frontage: \_\_\_\_\_ ft. Lot Area: \_\_\_\_\_ sq. ft.

Are there buildings on the premises at present? \_\_\_\_\_

Total square footage of the footprint of existing buildings: \_\_\_\_\_ sq. ft.

Total square footage of the footprint of proposed buildings: \_\_\_\_\_ sq. ft.

## Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)			
Coverage Area (sq. ft.)			
Lot Coverage (%)			
Dwelling Units			
Parking (# of spaces)			
Front Setback (ft.)			
Side Setbacks (ft.)			
Rear Setback (ft.)			
Height (ft.)			



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All of the following information and questions must be filled in and answered completely.

Present use of Premise: \_\_\_\_\_

Proposed use of Premise: \_\_\_\_\_

## Summary of Proposed Alterations



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## Applicant Statement

How does your application meet the required standards for variance(s) or special use permit(s)?  
*(See page 6 for most common applicable standards)*



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Upon submittal of this application, please make sure you have also reviewed our Zoning Application Submittal Requirements packet, and included with your application, a copy of the Submittal Checklist which can also be found here: [Zoning Application Submittal Requirements](#). If an application is missing any submittal requirements and/or necessary application information, your application may be regarded incomplete. Incomplete applications will not be publicly advertised or appear on an agenda until the project is deemed complete.

**By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read through this application thoroughly and understand what is required to submit a completed application.**

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Applicant Signature

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Owner Signature

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Date

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Date



# Newport Zoning Application

## Applicable Standards for Approval of Variances and Special Use Permits for alterations to non-conforming developments

### A. Variances – Newport Municipal Code Chapter 17.108

**17.108.020.C.1.** That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in GLRI §45-34-30(a)(16).

**17.108.020.C.2.** That the hardship is not the result of any prior action of the applicant

**17.108.020.C.3.** That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.

The zoning board of review, shall, in addition to the above standards, require that evidence is entered into the record of the proceedings showing that:

- a. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring lands or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and
- b. In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief. The zoning board of review, or planning board where unified development review is enabled shall have the power to grant dimensional variances where the use is permitted by a special use permit.

### B. Special Use Permit – Newport Municipal Code Chapter 17.109

**For applicable Standards for Special Use Permit Categories 1-5, please see Newport Municipal Code Chapter 17.109.020 A-E**

#### Category 6

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. Special use permits for alterations, changes, enlargements, or subject to addition or intensification with respect to its nonconforming element(s) must comply with the following:

1. The alteration, change, enlargement, addition or intensification will not increase the dimensional nonconformity, or a variance shall be obtained from the zoning board of review, subject to the affirmative determination of the standards for variances under 17.108.020.C.
2. Will not alter the character of the surrounding area within 200' of the property lines.
3. No net increase in stormwater runoff from the site.
4. All proposed lighting is Dark-Sky compliant.