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A Welcome Center Not a Precedent

By William W. Corcoran, Esq.

Approval of a welcome center special use permit for The Breakers leaves the Newport Zoning Board of Review completely free to disapprove or approve any other similar application without reference to The Breakers decision. Newport's zoning ordinance makes it clear that the Board has not only the right but the duty to consider every request that comes before it on its own merits and in light of its own unique circumstances.

Having handled cases for special use permits and other zoning matters for many clients including The Preservation Society of Newport County for more than half a century, I am familiar with zoning law and practice in Newport.

There is no rule of precedent in the zoning ordinance. Quite the opposite – *the ordinance says every application is unique*: “Each shall be considered as an individual case.” (Section 17.108.020.A)

Each proposal must show that it is in accord with the public convenience and welfare, after taking into account, where appropriate:

- the nature of the site and the proposed structure;
- the proposed structure's impact on traffic and parking;
- the proximity to buildings such as dwellings, churches and schools;
- the nature of the surrounding area and the extent to which the proposal will be in harmony with the surrounding area;
- the fire hazards posed by the proposed structure;
- the proposal's compliance with the City's comprehensive plan; and
- all other standards in the zoning ordinance. (Section 17.108.020.G)

I am confident that our presentation to the Zoning Board will demonstrate that we successfully address all of these standards. And the citizens of Newport can be confident that regardless of the outcome of our application, every other applicant must stand on its own merits and meet these very same standards.

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For more information visit www.TheBreakersWelcomeCenter.org



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