



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842
(401) 849-4027 | MiddletownRI.com

Memorandum

To: Paul A Croce, Chairman
Middletown Planning Board Members

From: Ron Wolanski, Town Planner

Cc: Town Solicitor

Date: October 4, 2021

Re: Proposed amendments to Zoning Ordinance Article 27A - Mixed-use development project

Several months ago the Planning Board presented proposed amendments to the mixed-use ordinance for Town Council consideration. Following presentation of the proposal and the public hearing, the Town Council voted to not adopt the ordinance on second reading and referred the matter back for additional review. A significant concern at that time was the proposal to eliminate the limitation on hours of operation for businesses within mixed-use developments. There was also general concern expressed about expanding allowed uses and other changes intended to promote the use of the ordinance for development of mixed-use projects.

The Planning Board recently sent a revised draft of the amendments (attached) to the Town Council which would have resulted in the following:

- Broaden the types of uses allowed in a mixed-use development to include government and institutional uses, supermarkets, and pool parlors (§27A04 (B))
- Modify limitations on business hours of operation to allow restaurants in mixed-use developments in the limited business (LB) zoning districts to remain open until 10pm, rather than the current 8pm requirement. Other limitations would remain. (§2704(C))
- Rather than including a 35-foot maximum building height limit, include a reference to Section 603 regarding maximum allowed building heights (35 feet in LB, 40 feet in GB). (§2707(E))

During its September 20th meeting, the Town Council referred these latest proposed amendments back to the Planning Board for additional review. Discussion focused on some of the uses proposed to be allowed if the amendments were adopted, such as supermarkets and governmental & institutional uses. The Board should consider reviewing all permitted and prohibited uses before sending a revised recommendation back to the Town Council.

Please contact me with any questions.

**ORDINANCE OF THE
TOWN OF MIDDLETOWN, RHODE ISLAND**

**AN ORDINANCE AMENDING THE TOWN CODE OF THE
TOWN OF MIDDLETOWN**

**TITLE XV: LAND USAGE
Chapter 152, Zoning Code**

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

FIRST: That Town Code Title XV, Chapter 152, Entitled “Zoning Code” is amended by amending sections §27A04(B), §27A04(C), and §27A07(E) of Article 27A – Mixed-use Development Projects as follows (language to be deleted is **stricken** out within brackets; language to be added is **underlined**):

§ 27A04 PERMITTED USES.

(B) *Prohibited uses.* Within a mixed-use development project authorized under the provisions of this subchapter, the following uses as defined in § 602 of this code are prohibited:

- (1) All uses under the extractive and industrial non-manufacturing heading;
- (2) All uses under the manufacturing heading;
- (3) All uses under the transportation, communication, and utilities heading;
- (4) All uses under the commercial outdoor recreation heading, except conservation lands, bird sanctuaries, wildlife preserves, and public and private parks;
- ~~[(5) All uses under the governmental, educational, and institutional on privately owned land heading;]~~
- ~~[(6) (5) Livestock farms;~~
- ~~[(7) (6) Offices of veterinarians and animal hospitals;~~
- ~~[(8) (7) Offices of veterinarians and animal hospitals, including indoor boarding of dogs, cats, and other fur-bearing animals;~~
- ~~[(9) (8) Licensed kennels for the raising, boarding and care of dogs, cats, and other fur-bearing animals;~~
- ~~[(10) (9) Single-family and two-family dwellings;~~
- ~~[(11) (10) Institutional dormitory;~~
- ~~[(12) (11) Wholesale distribution;~~
- ~~[(13) (12) Lumber, building materials, heavy equipment, plumbing, electrical supply, and service;~~
- ~~[(14) (13) Auto dealers, trailers, tire, battery, access, and dealers;~~
- ~~[(15) (14) Gasoline service station;~~
- ~~[(16) (15) Gasoline station with convenience store;~~
- ~~[(17) (16) Boat sales, including trailers;~~
- ~~[(18) (17) Large-scale shopping center;~~
- ~~[(19) Supermarkets;]~~
- ~~[(20) (18) Convenience stores with fueling pumps;~~
- ~~[(21) (19) Lunchroom or restaurant with drive-thru or drive-in service (with or without alcoholic beverages);~~
- ~~[(22) (20) Retail outlet for wholesale, storage, or manufacturing use;~~

- ~~[(23)]~~ (21) Funeral home;
- ~~[(24)]~~ (22) Crematorium;
- ~~[(25)]~~ (23) Automotive repair, service and garages, vehicle body shop, and welding;
- ~~[(26)]~~ (24) Vehicle washing establishment;
- ~~[(27)]~~ (25) Vehicle or equipment rentals;
- ~~[(28)]~~ (26) Catering and food packaging;
- ~~[(29)]~~ (27) Bank or financial institution with drive-thru service;
- ~~[(30)]~~ (28) Bowling alleys [~~, billiard, and pool parlors~~];
- ~~[(31)]~~ (29) Gymnasium, court games;
- ~~[(32)]~~ (30) Skating rinks; and
- ~~[(33)]~~ (31) Indoor roller blade and skateboarding facility.

(C) *Performance standards.*

In addition to the requirements of Article 27 of this chapter, the following performance standards shall apply to mixed-use development.

(1) Commercial uses within a mixed-use development located in the Limited Business (LB) Zoning District shall limit hours of operation to 6:00 a.m. to 8:00 p.m., **except that hours of operation for restaurants in LB districts shall be limited to 6:00a.m. to 10:00p.m.**

(2) Commercial uses within a mixed-use development located in the General Business (GB) Zoning District shall limit hours of operation to 5:00 a.m. to 11:00 p.m.

(3) For purposes of applying the town's noise regulations, § 130.75 et seq., mixed-use developments shall comply with the maximum permissible sound levels allowed in a residential zoning district.

(4) Dumpsters within a mixed-use development shall not be emptied between the hours of 10:00 p.m. and 7:00 a.m.

§ 27A07 DESIGN STANDARDS.

(E) *Additional requirements.*

(1) No new principal building shall be located within 100 feet of an existing residential building on abutting property or 50 feet of a residentially zoned lot.

(2) The area within the required setbacks shall be devoted to a landscaped or natural buffer zone.

(3) The maximum height of any building shall be ~~[35 feet.]~~ **as set forth in § 603 of this chapter.**

(4) The minimum building front yard setback from public or private roads within and part of the internal roadway system for the development plan area shall be five feet, except that where a minimum five foot planting strip between the sidewalk and roadway are provided, the building setback may be zero feet. The maximum building setback shall be 50 feet. In the case of a private roadway or driveway internal to the development, front setback shall be measured from the edge of the sidewalk.

(5) The minimum side or rear yard setback within the development plan area shall be ten feet, provided, however, that irrespective of lot lines, the minimum separation of buildings shall be 20 feet.

(6) The maximum footprint per building shall be as set forth in § 605 of this chapter.

SECOND: This ordinance shall take effect upon adoption and its provisions shall supersede any inconsistent or contrary provision in any other ordinance.