

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

ARTICLE 1 PURPOSE

Section 102 Findings

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The following findings are also made as a basis for these regulations:

A. Middletown has been experiencing ever-increasing pressures for commercial, industrial and residential development. These pressures are in direct confrontation with the Town's concern for the general safety, health and welfare of its inhabitants and the preservation of its natural resources. Of particular concern is the impact of future development on traffic, water supply and open space. In an effort to address these concerns by providing reasonable safeguards against inappropriate and potentially injurious development, this Ordinance has established a Watershed Protection District and Traffic Sensitive Districts. ~~encourages the continued use of land for agricultural purposes, and provides for Conservation Development,~~ for the following reasons:

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B. Middletown is the primary watershed and major storage area for the water supply for the City of Newport and the Town of Middletown. It is essential that this resource be protected against diminution, damage or despoliation. Accordingly, this Ordinance, in recognition of these vital concerns, has established regulations and limitations with respect to the use and development of areas within the Town which impact the watershed and storage areas and which are intended to protect this important resource by establishing a Watershed Protection District.

C. Middletown suffers from serious traffic problems on its major highways, namely, East and West Main Roads, Valley Road and Aquidneck Avenue. These problems are evidenced by mounting vehicular congestion and an increasing number of accidents. These roads are now overtaxed far beyond their designed capacity and the future development of the Town will only compound this situation. It is essential that future access to and egress from these highly congested roads be controlled as much as possible in the interest of public safety. In recognition of this problem, and for the purpose of providing a measure of control, this Ordinance has established Traffic Sensitive Districts.

D. Middletown has a long history as an agricultural community with large open spaces which contribute to the beauty, quality of life and ecological balance of the Town. It is the utilization of land for agricultural purposes which provides the most practical way of ensuring the preservation of these areas. Accordingly, in an effort to support and encourage the use of land for agricultural purposes to the fullest extent, this ordinance establishes an Agricultural District. The fact that no district is specifically identified as an Agricultural District has no significance and the use of land for agricultural purposes shall be considered a primary use in any district.

E. In recent years, patterns of both residential and commercial development have been inconsistent with historical rural development patterns. Rural development is characterized by large, aggregated, undeveloped land areas; natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows and rock outcroppings; scenic vistas and rural views; significant historic features such as old barns, heritage trees, etc; and settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces and/or appropriate topographic or vegetative screening. Conversely, conventional suburban development converts all buildable land into house lots and streets; except for wetlands, all natural areas are cleared and graded. This type of development does not take into consideration individual characteristics of land including environmental, cultural, and historical

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

resources. Conservation development, on the other hand, allows the same number of units as would be allowed under conventional development, but also ensures a significant portion of land is preserved in its natural state; thereby fulfilling the goals of Middletown's Comprehensive Plan.

ARTICLE 2 No Change

ARTICLE 3 No Change

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Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

ARTICLE 4 DEFINITIONS

Revise Definitions as follows:

Basic number of lots/units. The number of lots or units to be allowed in a proposed Conservation Subdivision/Land Development project, equal to the maximum number of lots which could reasonably be expected to be developed upon the parcel in a conventional subdivision

Conservation Development. A site planning technique which bases the layout of building lots on the natural characteristics of the land and reduces lot sizes so that the remaining land can be used for recreation, common open space, and/or preservation of environmentally, historically and culturally sensitive features and/or structures. The number of lots permitted is equal to what is allowed under conventional development.

Yield Plan. Plan of a conventional subdivision or land development used to demonstrate development potential, including the basic number of lots to be allowed in a conservation subdivision plan, based on the zoning and development requirements of the underlying zoning district.

Deleted: Cluster Development. A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures. The techniques used to concentrate buildings and may include, but are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development, there is no increase in the number of lots permitted under conventional development, except as provided, including incentive bonuses for certain types or conditions of development.

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ARTICLE 5 – No Change

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/07

ARTICLE 6 APPLICATION OF DISTRICT REGULATIONS

Table 6-1 Zoning District Permitted Uses

PRINCIPAL USE	Y = Permitted				S = Special Use				N = Not Permitted						
	ZONING DISTRICT														
	R60	R40	R30	R20	R10	RM	GB	LB	OB	LI¹	LI² (Abutting Res.)	OP	OS	P	MT
Notes:															
Agricultural															
Field crop farms, or horticultural nurseries, including wholesale sales on the same lot	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	Y	Y	N
Livestock farms, excluding raising swine	Y	Y	Y	S	N	N	Y	N	S	Y	S	N	Y	S	N
Offices of veterinarians and animal hospitals	N	N	N	N	N	N	Y	Y	Y	Y	S	N	N	N	N
Licensed kennels for the raising boarding and care of dogs, cats or other fur-bearing animals	N	N	N	N	N	N	S	S	N	S	N	N	N	N	N
Residential – Conventional Develop't															
Single-family dwellings	Y	Y	Y	Y	Y	Y	N	S	S	N	N	N	N	N	N
Two-family dwellings	N	N	N	Y	Y	Y	N	S	S	N	N	N	N	N	N
Multifamily dwelling structure (3-6 dwelling units per lot) (See Article 15)	N	N	N	N	N	S	N	S	N	N	N	N	N	N	N
Multifamily dwelling project, including condominiums (See Article 15)	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N
Mobile home parks (See Article 23)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S
Transient trailer parks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S
Motel or hotel	N	N	N	N	N	N	S	S	S	N	N	S	N	N	N
Rooming houses	Y	Y	Y	Y	Y	N	N	Y	N	N	N	N	N	N	N
Single mobile home or transient trailer on a lot	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S

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¹ Refer to Section 725 and Article 23 of this Chapter for use and design restrictions, and performance standards applicable to uses in light industrial districts.

² Light Industry (Adjacent to Residential) is not a separate Zoning District. It is a subset of Light Industry and is shown here for clarity only.

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/07
Table 6-1 Zoning District Permitted Uses

	Y = Permitted			S = Special Use								N = Not Permitted			
<u>PRINCIPAL USE</u>	<u>ZONING DISTRICT</u>														
	R60	R40	R30	R20	R10	RM	GB	LB	OB	LI ¹	LI (Abutting Res.)	OP	OS	P	MT
Institutional dormitory as a principal or accessory use	N	N	N	N	N	S	S	S	S	N	N	N	N	N	N
Cluster Development	N	N	Y	Y	Y	N	N	N	N	N	N	N	N	N	N
Group Home	Y	Y	Y	Y	Y	N	N	N	Y	N	N	N	N	N	N
Community Residence	Y	Y	Y	Y	Y	N	N	N	Y	N	N	N	N	N	N
Senior Independent Living Facilities	S	S	S	S	S	N	N	N	N	N	N	N	N	N	N
Time share unit within a multifamily dwelling structure or project, except with a cluster development	N	N	N	N	N	S	N	S	S	N	N	N	N	N	N
Time share unit within a motel or hotel	N	N	N	N	N	N	S	S	S	N	N	S	N	N	N
Mixed residential and commercial uses	N	N	N	N	N	N	S	S	S	N	N	N	N	N	N
Congregate Housing	S	S	S	S	S	N	N	N	N	N	N	N	N	N	N
<u>Residential – Conservation Develop't</u>															
<u>Single-Family</u>	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N
<u>Two-Family</u>	Y	Y	Y	Y	Y	Y	N	S	S	N	N	N	N	N	N
<u>Multifamily dwelling project, including only townhouse style condominiums</u>	N	N	Y	Y	Y	Y	N	S	S	N	N	N	N	N	N
<u>Extractive and Industrial Non-manufacturing</u>															
Earth removal, quarries, sand and gravel lots	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N
Construction general contractors, including storage of materials and equipment	N	N	N	N	N	N	S	S	N	S	S	N	N	N	N
Storage of bottled gas, oil or other liquid petroleum products	N	N	N	N	N	N	S	N	N	S	N	N	N	N	N
Cleaning and dyeing plant	N	N	N	N	N	N	S	N	N	Y	N	N	N	N	N
Parking or outdoor storage of more than one (1) commercial vehicle of over 1-1/2 ton capacity	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N	N
Miscellaneous special trade contractors, including outdoor storage	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N	N	N

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/07

Section 600 - No Change

Section 601 - No Change

Section 602 - No Change

Section 603 - District Dimensional Regulations

The following schedule shall set forth the minimum and/or maximum dimensional regulations for uses permitted in the various zoning districts: **For Conservation Subdivisions/Land Development Projects, this schedule shall be used to develop a yield plan.**

Table 6-2 Zoning District Dimensional Regulations

ZONING DISTRICT AND USE	MINIMUM LOT SIZE		MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED PRINCIPAL & ACCESS. BUILDINGS	MAX. HEIGHT OF BUILDING		MIN. YARD DIMENSION			ACCESS. BUILDINGS MINIMUM DISTANCE IN FEET TO	
	AREA (S.F.)	WIDTH/FRONT-AGE (FT.)		PRIN. (FT.)	ACCESS (FT.)	FRONT (FT.)	SIDE (FT.)	REAR (FT.)	SIDE LOT LINES	REAR LOT LINES
<u>R60 Residence District</u>										
Single-family dwelling	60,000	200	15%	35	25	40	30	60	30	15
Livestock farm or animal husbandry services	100,000	250	10%	35	25	50	30	60	30	15
Private college or university, preparatory school, elementary or secondary school	5 acres	300	20%	40	40	60	40	60	40	60
Other permitted uses	60,000	200	15%	35	25	40	30	60	30	15
<u>R40 Residence District</u>										
Single-family dwelling	40,000	150	15%	35	25	40	30	60	30	15
Livestock farm or animal husbandry services	100,000	250	10%	35	25	50	30	60	30	15
Private college or university, preparatory school, elementary or secondary school	5 acres	300	20%	40	40	60	40	40	40	60
Other permitted uses	40,000	150	15%	35	25	40	30	60	30	15
<u>R30 Residence District</u>										
Single-family dwelling	30,000	130	20%	35	20	40	20	50	20	15

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/07

Livestock farm or animal husbandry services	100,000	250	10%	35	25	50	30	60	30	15
Private college or university, preparatory school, elementary or secondary school	5 acres	300	20%	40	40	60	40	60	40	60
Other permitted uses	30,000	130	20%	35	20	40	20	50	20	15
<u>R20 Residence District</u>										
Single-family dwelling	20,000	120	20%	35	20	40	20	50	20	15
Two-family dwelling	40,000	150	20%	35	20	40	30	50	30	15
Livestock farm or animal husbandry services	100,000	250	10%	35	25	50	30	60	30	15
Private college or university, preparatory school, elementary or secondary school	5 acres	300	20%	40	40	60	40	60	40	60
Other permitted uses	20,000	120	20%	35	35	40	20	50	20	15
<u>R10 Residence District</u>										
Single-family dwelling	10,000	100	25%	35	15	25	15	30	15	10
Two-family dwelling	15,000	120	25%	35	15	25	20	30	20	10
Private college or university, preparatory school, elementary or secondary school	5 acres	300	20%	40	40	60	40	60	40	60
Other permitted uses	10,000	100	25%	35	35	25	10	30	10	5
<u>RM Residential District</u>										
Single-family dwelling	10,000	100	25%	35	15	25	15	30	15	10
Two-family dwelling	15,000	120	25%	35	15	25	20	30	20	10
Multi-family dwelling structure	40,000	150	30%	35	20	40	25	40	25	10
Multi-family dwelling project	5 acres	200	35%	35	25	100	60	60	40	40
<u>GB Business District</u>										
Private college or univ., preparatory school, elem. or secondary school	5 acres	300	20%	40	40	20	40	60	40	60
Large-scale Shopping center	80,000	200	25%	40	20	10	50	50	20	15
Small-scale Shopping center	20,000	120	25%	40	20	10	20	50	25	5
Other permitted uses	12,000	100	25%	40	20	10	10	20	20	5
<u>LB Business District</u>										
Single-family dwelling	10,000	100	25%	35	15	10	15	30	20	10

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/07

Two-family dwelling	15,000	120	25%	35	15	10	20	30	20	10
Multi-family dwelling structure	40,000	150	30%	35	20	10	25	40	25	10
Miniature Golf, driving range, pitch & putt, etc.	80,000	200	20%	40	20	10	30	50	25	5
Small-scale Shopping center	20,000	120	25%	40	20	10	20	50	25	5
Other permitted uses	20,000	120	25%	40	20	10	20	50	25	5
<u>OB Business District</u>										
Single-family dwelling	20,000	120	20%	35	15	10	20	50	20	10
Two-family dwelling	40,000	150	20%	35	25	10	30	50	30	10
Other permitted uses	40,000	150	35%	35	25	10	35	50	25	15
Multi-family dwelling structure	40,000	150	30%	35	20	10	25	40	25	10
Multi-family dwelling project	5 acres	200	35%	35	25	10	60	60	40	40
<u>LI Industrial District</u>										
Any permitted use	40,000	150	35%	40	20	10	35	40	25	10
<u>OP Office Park</u>										
Any permitted use	40,000	150	35%	40	20	10	35	40	25	10
<u>OS Open Space District</u>										
Any permitted use	100,000	250	10%	30	20	50	50	50	30	10
<u>P Public District</u>										
Any permitted use (See Article 26)										
<u>MT Mobile Home/Transient Trailer District</u>										
Mobile Home Park	10 acres	50	20%	35	15	See Article 23				
Transient Trailer Park	10 acres	50	20%	35	15	See Article 24				

NOTE: Any accessory structure housing livestock requires a rear lot setback of 60 feet. This setback applies to building and accessory structures only.

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Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/07

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Section 604 - Conservation Development Dimensional Regulations

The following schedule, Table 6-4, sets forth the minimum and/or maximum dimensional regulations for uses permitted in the various zoning districts under Article 19 – Conservation Subdivision/Land Development Projects. Conventional zoning standards included for comparison only.

Table 6-4: Conservation Development Dimensional Regulations– Single and Two-Family Dwellings

ZONING DISTRICT AND USE	MINIMUM LOT SIZE		MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED	MAX. HEIGHT OF BUILDING	MIN. YARD DIMENSIONS			ACCESS. BLDGS MINIMUM DISTANCE IN FEET TO		
	AREA (S.F.)	WIDTH/ FRONT-AGE (Ft)			PRINCIPAL & ACCESS BLDGS	PRIN. (FT.)	ACCESS (FT.)	FRONT (FT.)	SIDE (FT.)	REAR (FT.)
<u>R60 Residence District</u>										
Single-family dwelling/Two-family										
(1) Conventional Development	60,000	200	15%	35	2.5	40	30	60	30	15
(2) CSD without public water and sewer	30,000	120	20%	35	2.5	30	20	50	20	15
(3) CSD with water and/or sewer	20,000	120	20%	35	2.5	30	20	50	20	15
<u>R40 Residence District</u>										
Single-family dwelling/Two-family										
(1) Conventional Development	40,000	150	15%	35	2.5	40	30	60	30	15
(2) CSD without public water and sewer	20,000	120	20%	35	2.5	30	20	50	20	15
(3) CSD with public water and/or sewer	15,000	100	20%	35	2.5	30	20	50	20	15
<u>R30 Residence District</u>										
Single-family dwelling /Two-family										
(1) Conventional Development	30,000	130	20%	35	2.0	40	20	50	20	15
(2) CSD without public water and sewer	20,000	120	20%	35	1.5	30	20	50	20	15
(3) CSD with public water or sewer	15,000	100	20%	35	1.5	30	20	50	15	10
(4) CSD with public water and sewer	10,000	100	25%	35	1.5	25	15	30	15	10
<u>R20 Residence District</u>										
Single-family dwelling										
(1) Conventional Development	20,000	120	20%	35	2.5	40	20	50	20	15
(2) CSD without public water and sewer	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(3) CSD with public water or sewer	15,000	100	20%	35	1.5	25	15	30	15	10
(4) CSD with public water and sewer	7,000	80	25%	35	1.5	25	15	30	15	10
Two-family dwelling										
(1) Conventional Development	40,000	150	20%	35	2.5	40	30	50	30	15
(2) CSD without public water or sewer	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Town of Middletown, Rhode Island

ZONING ORDINANCE

Conservation Development Amendments – DRAFT 3/17/07

Table 6-4: Conservation Development Dimensional Regulations– Single and Two-Family Dwellings

ZONING DISTRICT AND USE	MINIMUM LOT SIZE		MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED PRINCIPAL & ACCESS BLDGS	MAX. HEIGHT OF BUILDING		MIN. YARD DIMENSIONS			ACCESS. BLDGS MINIMUM DISTANCE IN FEET TO	
	AREA (S.F.)	WIDTH/FRONT-AGE (Ft)		PRIN. (FT.)	ACCESS (FT.)	FRONT (FT.)	SIDE (FT.)	REAR (FT.)	SIDE LOT LINES	REAR LOT LINES
(3) CSD with public water or sewer	15,000	100	20%	35	15	25	15	30	15	10
(4) CSD with public water and sewer	10,000	100	25	35	15	25	20	50	15	10
<u>R10 Residence District</u>										
Single-family dwelling										
(1) Conventional Development	10,000	100	25%	35	15	25	15	30	15	10
(2) CSD without public water and sewer	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(3) CSD with public water or sewer	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(4) CSD with public water and sewer	5,000	60	30%	35	15	20	15	30	15	10
Two-family dwelling										
(1) Conventional Development	15,000	120	25%	35	15	25	20	30	20	10
(2) CSD without public water and sewer	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(3) CSD with public water or sewer	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(4) CSD with public water and sewer	10,000	80	25%	35	15	20	20	30	15	10
<u>GB, LB, OB, LI, OP</u>										
Single-family/Two-family										
(1) CSD with public water and sewer	10,000	80	25%	35	15	20	20	30	15	10

Table 6-5: Conservation Development Dimensional Regulations– Multi-family

ZONING DISTRICT AND USE	MINIMUM LOT SIZE		MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED		MAX. HEIGHT OF BUILDING		MIN. SETBACK IN FEET TO			
	WIDTH/FRONT-AGE (Ft)	BLDG	IMPER V.	PRIN. (FT.)	ACCESS (FT.)	PUBLIC STREET		PROPERTY LINE		
						PRIN.	ACCESS	PRINCIPAL	ACCESS	
R30 Residence District	50	20	25	35	15	100	100	80	20	
R-20 Residence District	50	20	25	35	15	100	80	80	20	
R-10 Residence District	50	25	40	35	15	100	80	60	20	

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Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/07

**Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08**

Section 605 - Maximum Building Footprint

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The maximum footprint of any single building shall be limited as follows:

Table 6-3 Maximum Building Footprint

Zoning District	Use	Maximum Building Footprint in Square Feet
RM, MT ⁸	Any use	35,000
GB, LB, OB, OP ³	Any use	35,000
LI ⁸	Any use except industrial use	35,000
LI	Industrial use	100,000
OS	Any use	10,000
P	Any use	35,000

³ Building in GB, LB, OB, OP, RM, MT, and non-industrial uses in LI districts may exceed 35,000 sq. ft. if a Special Use Permit is granted by the Zoning Board of Review.

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

ARTICLE 7 SUPPLEMENTARY REGULATIONS

Section 700 - Purpose

The purpose of supplementary regulations is to set specific conditions for various uses, classification of uses or areas where special regulations apply.

Section 701 - Yard Regulations

The front, side and rear yards as required by District Dimensional Regulations, shall be unoccupied and unobstructed by buildings or structures, except as provided as follows:

- A. Ordinary projections of window sills, cornices, eaves and other structural features may extend not more than twelve (12) inches into the space above required yards;
- B. Required and ordinary projections for stairs, landings, bulkhead entrances and chimneys;
- C. Signs, as permitted in **Error! Reference source not found.** Article 12;
- D. Driveways and walkways;
- E. Fences, as permitted in **Error! Reference source not found.** Section 705 Fences and Walls;
- F. Accessory uses and structure as permitted in **Error! Reference source not found.** Accessory Uses and Structures.

Section 702 - Number of Dwelling Units or Principal Building Per Lot

A. Residential Zoning Districts

In any residential zoning district other than Residential Multifamily (RM) and Mobile Home/Transient Trailer (MT), not more than one (1) dwelling unit or principal building shall be permitted on a lot, except in the case of motels or hotels, and multi-family dwelling projects in conservation developments, as further provide in this Ordinance.

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B. Commercial & Industrial Districts (GB, OB, LB, LI)

In these districts, more than one (1) principal building per lot shall be permitted if used for commercial, office or industrial purposes.

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

ARTICLE 8 No Change

ARTICLE 9 No Change

ARTICLE 10 No Change

ARTICLE 11 No Change

ARTICLE 12 No Change

ARTICLE 13 No Change

ARTICLE 14 NO Change

ARTICLE 15 MULTIFAMILY DWELLINGS

Section 1500 - Purpose

The purpose of these regulations is to encourage the appropriate use of land for the development of multifamily housing, taking into consideration the natural amenities of the site. No multifamily dwelling structure or multifamily dwelling project shall be erected or otherwise created except in accordance with the standard set forth in this Article.

Section 1501 - Procedures for Proposed Development

For multifamily structures or dwelling projects, no building permit shall be granted for the construction thereof until the Zoning Board of Review shall grant a special-use permit or, for conservation developments, the Planning Board has approved a Land Development Project in accordance with the provisions of this ordinance.

A. Conventional Development – Special Use Permit Required

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Upon receipt of a completed application as required by Section 1502, the Zoning Board shall refer two (2) copies of the application to the Middletown Planning Board for Development Plan Review, who shall make a written report to the Zoning Board within 45 days of receipt of plans. The Zoning Board shall then hold a public hearing on the application for a special-use. Where the decision of the Zoning Board of Review differs from the recommendations of the Planning Board, the reasons therefore shall be clearly stated in writing.

B. Conservation Development – Land Development Project Approval Required

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Review of multi-family dwellings in conservation developments shall take place in accordance with the procedures set forth in Article 19 – Conservation Development and with the Middletown Subdivision and Land Development Regulations.

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

Section 1502 - Development Plan Requirements

An application to construct a multifamily dwelling project or structure shall contain, at a minimum, development plans and supplementary information as required for Development Plan Review (DPR), plus the following:

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- A. Computation of projected sewage volumes and sewage flow calculations, along with a letter from the Town’s Director of Public Works, to be obtained by the applicant, rendering an opinion as to the adequacy of the proposed sewer size, design and the ability of the public sewer system to accept and adequately treat projected volumes and flows.
- B. Computation of water usage, along with a letter form the City of Newport Water Department, to be obtained by the applicant, rendering its opinion as to the adequacy of the supply of water and the pressure in the water system to serve the calculated needs of the project.
- C. Written comments from the Middletown Fire Department regarding adequacy of fire safety provisions.

Section 1503 - Standards of Development

The following standards of development shall apply to all multifamily dwelling structures or projects:

Section 1504 - Allowable Density

In addition to the dimensional regulations provided in District Dimensional Regulations, the following provisions will govern the maximum density of residential land use which may be developed in any conventional multifamily dwelling structure or project. Density of townhouses in conservation developments shall be governed by the conventional yield plan.

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Table 15-1 Minimum Developable Land Area per Dwelling Unit

Zoning District	Minimum Developable Land Area per Dwelling Unit (sq. ft.)		
	Studios and 1 Bedroom	2 Bedrooms	3 or more Bedrooms
RM, LB	6,000	8,000	10,000

For the purposes of this ordinance, a bedroom shall be defined as a room or portion of a room of at least seventy (70) square feet floor area within a dwelling unit allocated to sleeping, dressing and personal care.

Section 1505 - Open Space Requirement

A. Conventional Development

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- 1. Open space shall be provided in the same lot as the principal building(s) for the use and enjoyment of the residents. Said open space shall be defined as all land area uncovered by buildings or vehicular traffic, maneuvering or parking, including garages. Covered open space may be counted as half (1/2) for required

Deleted: In any multifamily dwelling structure or project, o

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Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

open space area, and includes roofed porches or patios, covered exterior balconies, breezeways, etc., which are open on the sides and closed to the sky.

2. Minimum open space requirements are expressed as a ratio of the area of open space to the total floor area for residential use on the several floors of a multifamily building. The ratio is measured from the faces of the exterior walls, including halls, lobbies, stairways, basements and storage areas, but excluding any floor area for common use of all occupants such as recreation or laundry, and also excluding unused attic space, garages or carports or areas used for major mechanical equipment.

Table 15-2 Minimum Open Space Requirements

Minimum Open Space Requirements (Ratio of Open Space Divided by Floor Area)	
Multifamily Dwelling Project	3.0
Multifamily Dwelling Structure	1.5

B. Conservation development

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Open Space for townhouses in Conservation Subdivisions shall be governed by Article 19 and by Section 514.1 of the Subdivision and Land Development Regulations

Section 1506 - Utilities

- A. No multifamily dwelling project or structure shall be permitted unless each dwelling unit is serviced by public water and public sewer systems of adequate capacity.
- B. All multifamily dwelling projects or structures shall provide for the safe and adequate disposal of surface water runoff as required by Chapter 153 of the Town Code of Ordinances.

Deleted: provided in Drainage, of this ordinance

Section 1507 - Off-Street Parking

In addition to the requirements of Article 13, the following off-street parking requirements shall apply to multifamily dwelling structures and projects:

- A. No off-street parking facility except driveways shall be located closer than twenty-five (25) feet to any lot line in a multifamily dwelling project, or closer than ten (10) feet to any lot line for a multifamily dwelling structure.
- B. No off-street parking area shall be located within twenty-five (25) feet of any wall of a principal building (except a garage) used for residential purposes along which is located an entrance or exit generally intended for use by residences thereof or along which are located windows serving habitable rooms less than ten (10) feet above the ground.
- C. All parking areas shall be adequately landscaped and no rows or parking spaces shall exceed one hundred (100) feet without a landscape separation of at least ten (10) feet

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

in width. There shall be a separation of at least ten (10) feet between rows.

Section 1508 - Building Design and Location

- A. In multifamily dwelling projects, principal buildings shall be separated from any other principal building by a minimum of fifty (50) feet. Where the building walls of two (2) adjacent buildings contain no windows serving habitable rooms, buildings may be separated by not less than twenty-five (25) feet.
- B. No facade of any principal building in any multifamily dwelling project or structure shall exceed eighty (80) lineal feet without a building jog of at least forty-five (45) degrees for a building having two (2) wings, or thirty (30) degrees for a building having three (3) or more wings.

C. For townhouses in conservation developments, the minimum distance between any two rows of buildings substantially parallel to each other shall be one hundred (100) feet. The minimum distance between two (2) abutting ends of buildings in the same general plane or row shall be fifty (50) feet.

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D. Each townhouse unit in a conservation development (CSD) shall be provided with its own lot. Such lot shall contain the entire ground area covered by the principal building and may, in addition, contain private open space, courtyards, patios, decks, parking areas, or garages. Density shall be calculated using the area of developable land for the entire parcel.

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

ARTICLE 16 No Change

ARTICLE 17 No Change

ARTICLE 18 No Change

ARTICLE 19 CONSERVATION DEVELOPMENT

Deleted: CLUSTER

Delete entire Cluster Development article and add new language:

Section 1900 - General

No Conservation Subdivision/Land Development Project (CSD) shall be permitted in Town except in accordance with the standards and procedures as set forth in this section and in the Middletown Rules and Regulations Regarding the Subdivision and Development of Land.

Where this section is in conflict with other provisions of the Zoning Ordinance, the Middletown Rules and Regulations Regarding the Subdivision and Development of Land (Regulations) or other town regulations, this section shall prevail.

Section 1901 - Purpose

The purposes of Conservation Subdivision/Land Development Project Design are:

- A. To encourage the preservation of open space for its scenic beauty and the appropriate use thereof;
- B. to preserve historical and archeological resources;
- C. To protect natural resources, including but not limited to those containing woodlands, unique vegetation, streams, floodplains, wetlands, recharge areas, agricultural lands, wellheads, and vernal pools, by setting them aside from development.
- D. to protect the value of real property;
- E. to promote more sensitive siting of buildings and roads, and better overall site planning;
- F. To provide a buffer between new development and existing streets, neighborhoods, active farmland, and adjacent park or conservation land.
- G. to perpetuate the appearance of Middletown's traditional rural/agricultural landscape;
- H. to allow landowners a reasonable return on their investment while also reducing the infrastructure costs for development;
- I. to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and,
- J. to offer an alternative to conventional subdivision development.

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

- K. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the population diversity of the community may be maintained.
- L. To create neighborhoods with direct visual and/or physical access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
- M. To implement adopted land use, transportation and community service policies, as set forth in the Comprehensive Plan.

Section 1902 - Applicability

This section shall apply to any project required to be developed as a CSD by the Planning Board under the provisions Section 602 and the Rules and Regulation Regarding the Subdivision and Development of Land (Regulations). The process for review and approval of Conservation Subdivision/Land Development Projects by the Planning Board is provided in the Regulations.

Section 1903 - Permitted Uses

A. Open Space

Agriculture, recreation, and other conservation uses are allowed within the designated open space in all CSD developments consistent with the provisions of section 1909.

B. Residential Uses

Single and Two-Family Dwellings are permitted in all residential zoning districts, allowed by Special Use Permit in the LB and OB Districts, and are prohibited in other commercial and industrial districts. Multi-family (townhouse style) dwellings are permitted in the R-30, R-20, R-10, RM districts, and by special permit in the LB and OB districts. Other multifamily housing is not permitted.

C. Commercial and Industrial Uses

Uses in the GB, IB, OB, LI, and OP districts shall be consistent with the provisions of Section 602.

D. Accessory Uses

Article 7 of the Zoning Ordinance shall govern accessory uses.

Section 1904 - Density

A. Maximum Density

The maximum density for a conservation development (CSD) shall not exceed what could reasonably be expected to be developed on the site through conventional development. Maximum density shall be determined through the yield density formula provided in the Regulations or development of a Yield Plan conforming to the dimensional requirements of

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

Schedule 603 and any and all other applicable sections of this Ordinance. The proponent shall have the burden of proof with regard to the reasonableness and feasibility of the basic maximum number of lots/units, provided, however, that the Planning Board's determination of the basic maximum number shall be conclusive.

B. Basic Maximum Number

The basic maximum number of units in a CSD shall not exceed the maximum number of units permitted in a conventional subdivision, regardless of the type of unit proposed. Calculations of maximum dwelling units shall be based on permitted uses in Section 602, and as follows.

1. Residential Uses. The basic maximum number of units in a CSD shall not exceed the maximum number of units permitted in a conventional subdivision, regardless of the type of unit proposed. Calculations of maximum dwellings shall be based on permitted uses in Section 602.
2. Mixed Residential Uses. When the CSD includes a mix of residential types, the total number of dwelling units shall be the maximum allowed under Section 603. Each lot of the CSD shall conform to the applicable dimension regulations of Section 604.
3. Nonresidential Development – The development intensity for a non-residential land development project shall not exceed that which is allowed under conventional development standards for the total area of land in the CSD plan. All dimensional requirements of Article 19 as well as parking, landscaping, safety, and other requirements must be met.

Section 1905 - Open Space.

Open Space shall be provided and administered in accordance with Section 514 of the Rules and Regulations Regarding the Subdivision of Land.

- A. The required open space shall be a separate and distinct lot(s) to which ownership shall be vested in a legally viable entity, which shall be responsible for the use and maintenance of the open space. Ownership of required open space shall be conveyed to one of the following:
1. The town (if accepted for park, open space, agricultural, or other specified use or uses),
 2. A nonpro fit organization, the principal purpose of which is the conservation of open space or resource protection,
 3. A corporation or trust owned or to be owned by the owners of lots or units within the development, or owners of shares within a cooperative development⁴ or
 4. Private ownership if the use is limited to agriculture, habitat or forestry, as the town has set forth in the comprehensive Plan and Zoning Ordinance, and where

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⁴ If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units.

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

private ownership is necessary for the preservation and management of the agricultural, habitat or forest resources.

- B. In any case where the open space is not conveyed to the town:
1. A restriction, in perpetuity, enforceable by the town or by any owner of property in the conservation or other land development project in which the land is located shall be recorded providing that the land is kept in the authorized condition(s) and not built upon or developed except as allowed by this section; and
 2. The developmental rights and other conservation easements on the land may be held, in perpetuity, by a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection.
 3. All open space land provided by a conservation development or other land development project shall be subject to a town-approved management plan that will specify the permitted uses for the open space.

C. Amount Required

Open space lots may consist of developable as well as unbuildable area such as wetlands; however, only the buildable area shall be counted towards the requirements of this section. The amount of developable land required to be preserved as open space shall comply with the following table:

Table 19-3: Required Open Space

Zoning District	Minimum amount of required open space
R60, R60A	45%
R40, R40A	40%
R30, R30A; R20, R20A	30%
R10, R10A; RM, RMA	20%
All commercial districts (business, industrial, office)	35%

D. Use

1. Primary use of open space shall be limited to one or more of the following:
 - a. Natural Areas - Areas of significant or outstanding natural value, conservation areas, wildlife preserves, bird sanctuaries, or areas of scenic, historic or archaeological value.
 - b. Open Recreation Uses of a non-commercial nature occupying no more than 50% of the required open space, including playfields and

Town of Middletown, Rhode Island
ZONING ORDINANCE
Conservation Development Amendments – DRAFT 3/17/08

- playgrounds, tennis or other outdoor court games, outdoor swimming pools, golf courses, parks, and beaches or swimming pools.
- c. Open Agricultural Uses such as raising of crops, orchards, nurseries, and tree farms, but excluding areas for buildings or structures associated with commercial farms, greenhouses, or other commercial uses.
 - d. Buffer Areas between adjacent or nearby residential areas, or neighboring streets or property. Such buffer areas may contain fences or other natural or architectural screens. Buffer areas shall not constitute the majority of open space in a CSD.
 - e. Landscaped Areas such as lawns, fields, wooded areas, plantings, gardens or courtyards
 - f. Pedestrian Facilities such as walks, footpaths or bridges incorporated into the overall open space plan.
2. The following uses of open space may be permitted subject to the limitations provided:
- a. Underground Utilities and/or drainage facilities such as stormwater retention or detention areas, provided that such facilities are incorporated into the open space landscaping and occupy no more than twenty percent (20%) of the required open space.
 - b. Vehicular Facilities such as driveways and parking areas as may be necessary to provide access to open recreational uses and consisting of no more than ten percent (10%) of the required open space. Public streets or areas within a public street right of way shall not be allowed within the open space.

Section 1906 - Dimensional Requirements

- A. The development must meet the area, setbacks and other dimensional requirements provided in Section 604 or the commercial design requirements contain in Article 5 of the Regulations, as applicable.
- B. Dimensional requirements for Townhouse development as part of a CSD are provided in Article 15 of this ordinance.