

TOWN OF MIDDLETOWN, RHODE ISLAND
NOTICE OF PUBLIC HEARING
ON
PROPOSED AMENDMENT TO ZONING ORDINANCE

Pursuant to Title 45, Chapter 24, Section 53 of the General Laws of the State of Rhode Island, 1956, Reenactment of 1999, and in accordance with the Town Code of the Town of Middletown, Chapter 152, the Zoning Code, Article 28, Section 2800, adopted effective October 30, 2006, notice is hereby given that the Town Council of the Town of Middletown will hold a public hearing at the Middletown Town Hall, 350 East Main Road, Middletown, RI and by web/telephone conference via your computer or mobile device/phone using this link:

<https://us02web.zoom.us/j/83682557824>

or US toll free: 1-877-853-5257 or 1-888-475-4499 Enter meeting ID: 836 8255 7824 when prompted, on Monday, December 4, 2023, at 6:30 P.M. on proposed amendments to Title XV, Chapter 152 of the Town Code of the Town of Middletown, entitled “Zoning Code”.

The following is a summary of the proposed amendments.

- Section 400 – Definitions: is amended to change the definitions for Modifications and Variances and to add a definition for “adaptive reuse”.
- Section 805 - Nonconforming Lot of Record: is amended to provide that dimensional requirements for nonconforming lots of record (setbacks, frontage, lot width & lot coverage) will be adjusted based on the proportion the lot does not meet minimum area requirements.
- Section 902 – Special Use Permits: is amended to remove consistency with the Comprehensive Plan as a criteria for approving special use permits, and to provide specific and objective criteria for issuance of a special use permit for each use category.
- Zoning Ordinance Section 602 – Schedule of District Regulations – Uses & Districts: is amended to update the uses that are permitted by right, by special use permit or that are prohibited, and adding “adaptive reuse” as a permitted use in all zoning districts.
- Zoning Ordinance Section 903 – Variances: is amended to delete the requirements that variances not result primarily from the desire to realize greater financial gain, and that the variance sought is the least relief necessary”.
- Zoning Ordinance Section 906 – Modification: New section authorizing the zoning officer to grant permits to modify zoning dimensional requirements under certain conditions.
- Zoning Ordinance Section 728 – Adaptive Reuse: New section allowing conversion of commercial building to multi-family residential or mixed-use, subject to certain conditions and Development Plan Review approval, and setting density and parking requirements.

Summary: The intended effect of the amendments is to update the Ordinance to conform with recent amendments to Sections 45-24-27 through 45-24-72 of the Rhode Island General Laws known as the “Rhode Island Zoning Enabling Act of 1991”.

A copy of the proposed amendment is on file in the Office of the Town Clerk of the Town of Middletown and may be examined or copied during business hours; namely, Monday through Friday, 8:00 a.m. to 4:00 p.m.

The proposed Ordinance in its entirety may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing. At the public hearing on the date and time set forth above, all interested parties shall be given an opportunity to be heard upon the matter.

Middletown Town Hall is handicapped accessible; individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before this meeting.

By order of the Town Council of the Town of Middletown.

Wendy J.W. Marshall, CMC
Town Clerk