



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: February 1, 2024

Re: Proposed Zoning Ordinance Amendment – Article 4, Section 400 Definitions: Lot Lines

As a result of discussion of a recent DPR application, and questions raised about Town procedures for identifying lot lines for purposes of determining building setback requirements, the Town Solicitor has advised that the Town's past practice for identifying lot lines for corner lots is not consistent with state law. The Town has traditionally assigned two front lot lines and two side lot lines in the case of a corner lot. However, state law specifies that only one front lot line can be established, and that the town zoning ordinance must indicate how the Building/Zoning Official will make that determination. The rear and side lot lines are then established once the front line is determined. The Middletown zoning ordinance does not currently specify how the front line is to be determined. As such, the Town Solicitor's office has worked with the Building/Zoning Official and Planning Dept. staff to draft the attached proposed zoning ordinance amendment to address this issue for the Planning Board's review. This work included review of ordinances from other Rhode Island and Massachusetts municipalities.

Once the Board has reviewed the proposed amendment and discussed any suggested revisions, the Board should consider forwarding it to the Town Council with its recommendation for consideration. Once forwarded to the Town Council, the Town Council will then hold the required public hearing before the amendment is finally considered for adoption. In support of its recommendation to the Town Council on a zoning ordinance amendment the Planning Board must consider the following findings in accordance with the requirements of Section 45-24-52 of the Rhode Island General Laws:

- (1) The proposed amendment is generally consistent with the Middletown Comprehensive Community Plan, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and
- (2) This recommendation is made in recognition and consideration of each of the applicable purposes of zoning, as presented in § 45-24-30 RIGL

Thank you for your consideration. Please contact me with any questions.

Cc: Town Solicitor
Building/Zoning Official

**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” , Article 4 – Definitions, Section 400 is amended as follows (language to be deleted is ~~stricken~~ out within brackets; language to be added is underlined):

ARTICLE 4 DEFINITIONS

§ 400 DEFINITIONS

LOT LINE. A line of record bounding a lot, which divides one lot from another lot or from a public or private street or any other public or private space and shall include:

(a) *Front:* The lot line separating a lot from a street right-of-way[~~§~~]. For a corner lot or through lot, developed or vacant, the front line shall be the lot line that has the required lot width/frontage. If more than one lot line, or no lot line meets the width/frontage requirement, the Zoning Official shall determine the front line based on which street the front door or main entrance of the existing or planned principal structure faces, or if that method is not determinative, based on which of the lot lines separating the lot from a street right of way is longer.

(b) *Rear:* The lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line; and

(c) *Side:* Any lot line other than a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

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