



## Town of Middletown Planning Department

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350 East Main Rd., Middletown RI 02842 (401) 849-4027

To: Middletown Town Council

From: Ron Wolanski, Town Planner  
Paul Croce, Planning Board Chairman

Date: March 25, 2021

Re: Comprehensive Plan Zoning Implementation Status Report

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Following is a listing and update on the status of implementation efforts regarding the Middletown Comprehensive Community Plan's zoning action items. Note that items 1-4 on the list below were designated by the Town Council and Planning Board as high priorities during a joint meeting in June 2015. The remaining items are not necessarily listed in priority order. Please contact me with any questions or concerns.

### **1. Zoning Map Consistency**

The Plan identifies amendments to the town's zoning map which will be required to bring it into conformance with the comprehensive plan future land use plan.

Action: All proposed FLUP amendments have been received by the Town Council and will be scheduled for public hearing. The first set of amendments was approved by the Town Council on June 17, 2019. The second set of amendments was approved by the Town Council on June 15, 2020.

Status: The final set of amendments advertised for a Town Council public hearing on April 5, 2021.

### **2. Bulk Zoning**

L-I.A.3. Explore residential bulk limit zoning regulations as a means to limit the scale of new construction and protect the character of existing residential neighborhoods.

Action: The Planning Board forwarded to the Town Council proposed zoning ordinance amendments that would impose floor area (0.5 FAR) and additional building height limitations (25 ft.) on homes constructed on lots with less than 10,000 sq.ft. of land. A Town Council public hearing was held on February 5, 2018, during which the Council voted to not receive the proposed amendments.

Status: No further Planning Board action proposed at this time.

### **3. Inclusionary Zoning for Affordable Housing**

H-II.C.1. Provide for affordable housing for households up to 120% Mean Family Income (MFI) in Inclusionary Zoning Ordinance.

H-III.A.1. Consider adopting an inclusionary zoning ordinance with density bonus.

Action: During its meeting held on February 14, 2018 the Planning Board voted to recommend to the Town Council that the town not proceed with consideration of an inclusionary housing ordinance, but rather pursue the other action items on housing included in the Comp Plan. The Town Council received this recommendation on March 5, 2018, and no further Planning Board action was proposed at that time. The Planning Department has now recommended this item be reexamined and moved to the top of the priority list, as PB work on the Solar ordinance and the Airport Zoning overlay is almost done.

Status: Draft prioritized housing work plan to be provided to the Planning Board for its April 14th meeting.

#### **4. Allow Mixed-use Development/"Big Box" Retail Development**

H-IV.B.2. Allow mixed use by right in appropriate areas including second story residential over commercial properties.

L-I.A.2. Adopt mixed-use zoning ordinance which allows for mixed use in all commercial areas.

Action on Big Box retail development: The Town Council adopted a zoning ordinance amendment that imposes a strict limit of 35,000 sq.ft. footprint on retail commercial buildings.

Action on Mixed-Use development: The Planning Board recommended, and in September 2018 the Town Council adopted Zoning Ordinance amendments to allow for mixed-use development projects, including a mix of multi-family residential and commercial uses on a single parcel in the GB and LB zoning districts. Subsequently, the Planning Board forwarded additional amendments to the Town Council with a positive recommendation on September 20, 2019. After the Town Council concluded a public hearing, they voted to reject these proposed amendments.

Status: No action is planned at this time though additional amendments to the Mixed-Use ordinance may be considered by the Planning Board.

#### **5. Agricultural Overlay Zoning**

N-V.B.3. Draft agricultural overlay zoning to permit complimentary uses to be developed on farms.

E-IV.C.1. Review and revise regulations as appropriate in order to expand the permitted agricultural and ancillary uses on farm property to support on-farm operations and promote viability of agricultural use.

L-III.B.1. Craft a new overlay district and zoning amendments that would allow agricultural land owners to utilize a portion of their land for agriculturally-related business endeavors including events and the production of value-added products to support the continued agricultural use of the land and provide agri-tourism opportunities for residents and visitors.

Action: Following several public meetings and working meetings over several months, the Planning Board, with assistance from GrowSmart RI, drafted proposed zoning ordinance amendments to implement a standard process and requirements to allow for accessory uses on farm properties. Following a public hearing, on March 4, 2019 the Town Council voted to reject adoption of the amendments

Status: No further work is planned on this topic.

#### **6. Preservation of Historic Buildings**

C-I.A.1. Adopt ordinances to require historically correct restoration of historic buildings and to discourage demolition or inappropriate use of valuable historic resources.

Action: Draft documents were prepared and revised based on input received during public workshop meetings and Board discussion. During its February 5, 2020 regular meeting the

board voted to forward the proposal to the Town Council for consideration. Presentation to the Town Council was delayed due to potential budgetary impacts of the proposed program and uncertainty of COVID-19 impacts on Town finances.

Status: Proposed ordinance to be presented to the Town Council in coming months.

## **7. Limit Light Pollution**

N-V.C.1. Consider regulations on outdoor lighting to limit night sky light pollution and glare.

Action: A draft Zoning Ordinance amendment was provided to the Planning Board for the May 13, 2020 meeting. The draft was discussed, and at the Board's October 14th meeting, it was decided to schedule a public workshop. The workshop was held on January 7th, after which the Planning Board voted to forward the amendment to the Town Council for consideration.

Status: Town Council public hearing to be scheduled.

## **8. Promote Transportation Options**

T-III.B.6. Consider requiring installation of bike racks as part of site plan review process.

Action: Following a public hearing in January 2020 the Planning Board adopted the requirement to provide bike racks (and other items) on site plans and forwarded those amendments to the Town Council for approval.

Status: The Town Council approved the bicycle rack requirement. Planning Department staff are researching other options for promoting transportation alternatives.

## **9. Promote Low Impact/Smart Growth Development**

T-VI.B.1. Promote initiatives that reduce greenhouse gas emissions, such as low impact/smart growth development principles in zoning.

L-I.A.1. Review and update the zoning ordinance, and subdivision regulations to ensure smart growth principles are encouraged.

Action: This is an ongoing effort to identify opportunities to incorporate smart growth principles into the Town's regulations. The recent adoption of the mixed-use zoning ordinance amendments is an example of this effort.

Status: Ongoing.

## **10. Airport Zoning**

L-I.D.1. Develop and adopt an Airport Hazard Area Overlay District

Action: A Planning Board Subcommittee asked staff to create a draft ordinance based on the Westerly ordinance, which was approved by the subcommittee and forwarded to the full Planning Board. During its March 11, 2020 meeting the Board requested that a public workshop meeting be scheduled.

Status: A public workshop meeting to present and accept comment on the latest draft ordinance is scheduled for April 7<sup>th</sup>.

## **11. Rural Village District**

L-III.B.2. Establish a Rural Village District along East Main Road that allows for appropriate, small scale, agriculturally -related businesses.

Action: The Planning Board subcommittee met with subject property owners to seek input and buy-in for creation of the new district. Given the lack of urgency on the part of the impacted

property owners, the subcommittee advised the board that action on this item be delayed. The Planning Board agreed to table the matter.

Status: Tabled by the Planning Board for further discussion at a future date.

Cc: Town Administrator  
Planning Board