



**MIDDLETOWN**  
Rhode Island

## PLANNING DEPARTMENT

**TOWN OF MIDDLETOWN**

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

To: William J. Nash, Jr., Chairman  
Planning Board members

From: Ron Wolanski, Town Planner

Date: August 6, 2024

Re: Review and recommendation to the Town Council on a petition of Aquidneck Mini Golf, LLC to amend the zoning ordinance use table in Section 602 of Chapter 152 of the Middletown Code of Ordinances to allow the following uses by right in the limited business (LB) zoning district: motion picture theaters; video and amusement arcades; bowling alleys.

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During its August 5, 2024 meeting the Town Council voted to forward to the Planning Board the above referenced petition submitted on behalf of Aquidneck Mini Golf, LLC to amend the Middletown zoning ordinance to allow arcades, movie theaters, and bowling alleys in the limited business (LB) zoning district, where these uses are currently prohibited. The petitioner is owner of Aquidneck Mini Golf located on Valley Rd. and is considering development of an amusement arcade at the rear of the same parcel. Note that the proposed amendment would apply to all properties in the LB district, not only the petitioner's property.

Attached I am providing information submitted to the Town Council regarding the above referenced matter. Please note that in making a recommendation to the Town Council on the zoning map amendment, the 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.

Cc: Town Solicitor

TO THE HONORABLE PRESIDENT AND MEMBERS  
OF THE TOWN COUNCIL OF THE TOWN OF MIDDLETOWN

**PETITION TO AMEND ZONING CODE**

WHEREAS, your petitioner, Aquidneck Mini Golf, LLC, is the lessee of certain real estate owned by Valley Rd Real Property, LLC and identified as 40 Valley Road, Middletown, Rhode Island, further identified as Lot 402A on Plate 107NE of the Middletown Tax Assessor's Plates, as presently constituted, and

WHEREAS, the 2015 Comprehensive Plan, Map L-3 (Zoning), designates the subject premises as LB ("Limited Business");

WHEREAS, the 2015 Comprehensive Plan, Map L-4 (Future Land Use), designates the subject premises as "Limited and Office Business";

WHEREAS, Lot 402A has been developed into a successful mini-golf facility and the Petitioner wishes to provide additional family oriented entertainment opportunities;

WHEREAS; the Middletown Zoning Code in Section 602 expressly prohibits "motion picture theaters", "video and amusement arcades", "bowling alleys" and "skating rinks" from LB zone;

WHEREAS, Petitioner seeks to amend Zoning Code Section 602 to allow these uses by right ("Y") in the LB zoning to complement the other existing land uses in the general vicinity; and

WHEREAS, for the foregoing reasons and for other good cause, petitioner respectfully requests that said parcel of real estate designated as Lot 402A on Middletown Tax Assessor's Plate 107NE, as shown on the attached plan, be classified as provided above, as said reclassification is in the general public interest and of benefit to the residents of the town of Middletown for the foregoing reasons:

1. It is in keeping with the character of the district and will compliment other existing land uses in the general vicinity thereof;

2. It is and will be in compliance with the town of Middletown Comprehensive Community Plan and with proper planning standards;
3. It will promote the public health, safety and general welfare of the community;  
and
4. It will encourage the most appropriate use of said property.

NOW THEREFORE, your petitioner respectfully requests that the Honorable Town Council set a date for public hearing on the proposed amendment to the Zoning Ordinance of the town of Middletown; that the same be advertised for public hearing by newspaper publication; that the prior written notice be given to all owners of property within two hundred (200') feet of the perimeter of the parcel hereinbefore described, certified mail return receipt requested; and that notice be sent to the Associate Director of the Division of Planning of Rhode Island, Department of Administration and to the Director of Utilities for the City of Newport, all in accordance with Rhode Island General Laws 1956, as amended, §45-24- 53, as amended, and that at such public hearing, the proposed zoning amendment being attached hereto and made part hereof as Exhibit "A", be considered by the Honorable Town Council and adopted.

AQUIDNECK MINI GOLF, LLC  
By its Attorney,

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Girard A. Galvin, Esq.  
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Newport, RI 02840  
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EXHIBIT "A"

PROPOSED ORDINANCE TO AMEND CODIFIED ORDINANCE

An ordinance in amendment to the Zoning Ordinance of the town of Middletown, adopted effective October 30, 2006:

Section I:

The Zoning Ordinance of the Town of Middletown, as amended, effective October 30, 2006, and as amended thereafter, is hereby further amended as follows:

RI > Middle... > Middletown, RI Cod... > § 602 SCHEDULE OF DISTRICT REGULATIONS - USE...

ZONING DISTRICT PERMITTED USES																
Y = Permitted S = Special Use N = Not Permitted																
PRINCIPAL USE	ZONING DISTRICT															
	R6	R4	R3	R2	R1	RM	GB	LB	OB	LJ <sup>1</sup>	LJ <sup>2</sup>	OP	OS	P	MT	AB
	0	0	0	0	0											D
<b>INDOOR COMMERCIAL AMUSEMENT SERVICES</b>																
Motion picture theaters	N	N	N	N	N	N	S	Y	N	N	N	N	N	N	N	S
Video and amusement arcades	N	N	N	N	N	N	S	Y	N	N	N	N	N	N	N	S
Bowling alleys	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N	N

Section 602 to allow movie theaters, arcades and bowling alleys by right in the LB Zone.

Section II.

This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**TOWN OF MIDDLETOWN  
NOTICE OF PUBLIC HEARING ON PROPOSED  
AMENDMENT TO ZONING ORDINANCE**

Pursuant to Title 45, Chapter 24, Section 53 of the Rhode Island General Laws, 1956, as amended, and in accordance with the Town Code of the Town of Middletown, Chapter 152, Appendix A, Article 26, Section 2600, adopted October 30, 2006, as amended, notice is hereby given that the Town Council of the Town of Middletown, Rhode Island will hold a public hearing at the Middletown Town Hall, in said town, 350 East Main Road, Middletown, on the day of \_\_\_\_\_, 2024, at 7:00 p.m., to consider the following proposed amendment to the Zoning Ordinance which is specific in scope as hereinafter set forth, to wit:

“An ordinance in amendment to the Zoning Ordinance of the Town of Middletown, adopted effective October 30, 2006

Section I:

The Zoning Ordinance of the Town of Middletown, as amended, effective October 30, 2006, and as amended thereafter, is hereby further amended as follows:

<b>ZONING DISTRICT PERMITTED USES</b>																
<i>Y = Permitted    S = Special Use    N = Not Permitted</i>																
<b>PRINCIPAL USE</b>	<b>ZONING DISTRICT</b>															
	<i>R6 0</i>	<i>R4 0</i>	<i>R3 0</i>	<i>R2 0</i>	<i>R1 0</i>	<i>RM</i>	<i>GB</i>	<i>LB</i>	<i>OB</i>	<i>LI<sup>1</sup></i>	<i>LI<sup>2</sup></i>	<i>OP</i>	<i>OS</i>	<i>P</i>	<i>MT</i>	<i>AB D</i>
<b>INDOOR COMMERCIAL AMUSEMENT SERVICES</b>																
Motion picture theaters	N	N	N	N	N	N	S	Y	N	N	N	N	N	N	N	S
Video and amusement arcades	N	N	N	N	N	N	S	Y	N	N	N	N	N	N	N	S
Bowling alleys	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N	N

Section 602 to allow movie theaters, arcades and bowling alleys by right in the LB Zone.

Section II.

This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

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

The above described form of the proposed ordinance may be altered or amended prior to the close of public hearing without further advertising, as a result of 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.

By Order of the Town Council of the Town of Middletown.

For the Council

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Wendy J.W. Marshall, MMC, Town Clerk.