



**MIDDLETOWN**  
Rhode Island

## PLANNING DEPARTMENT

**TOWN OF MIDDLETOWN**

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

To: Hon. Paul M. Rodrigues, President  
Town Council members

From: William J. Nash, Jr., Chair  
Middletown Planning Board

Date: September 19, 2024

Re: Planning Board Recommendation – Zoning Ordinance Section 602, use table amendments regarding uses permitted in the limited business (LB) district: motion picture theater; video & amusement arcade; bowling alley

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During its September 11, 2024 meeting the Planning Board reviewed and voted to forward a positive recommendation to the Town Council on proposed zoning ordinance amendments regarding permitted uses in the limited business (LB) zoning district. The petition (attached) submitted to the Town Council and forwarded to the Planning Board requests that the following uses be allowed by right in the LB zoning district: motion picture theater; video & amusement arcade; bowling alley. Following review and discussion, the Planning Board voted unanimously to recommend to the Town Council that the subject uses be allowed only by special use permit in the LB district due to potential impacts of such uses on abutting properties. Requiring a special use permit will ensure oversight on a case-by-case basis. The attached recommended use table revisions are provided for the Town Council's consideration. And because a bowling alley would require a special use permit in LB where not currently required anywhere else in town, an amendment to zoning ordinance section 902 is also required to apply criteria for granting a special use permit, consistent with similar uses. That proposed amendment is also provided on the attached page.

In making this recommendation the Board made the following findings:

- (1) The proposed amendments are 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 feel free to contact me with any questions.

Sincerely,

William J. Nash, Jr., Chair  
Middletown Planning Board

cc. Town Solicitor  
Town Administrator  
Building/Zoning Official

PRINCIPAL USE	ZONING DISTRICT																
	R60	R40	R30	R20	R10	RM	GB	LB	OB	LI <sup>1</sup>	LI <sup>2</sup>	OP	OS	P	MT	ABD	
<b>ZONING DISTRICT PERMITTED USES</b>																	
Y = Permitted S = Special Use N = Not Permitted																	
<b>INDOOR COMMERCIAL AMUSEMENT SERVICES</b>																	
Motion picture theaters	N	N	N	N	N	N	S	<del>N</del> <del>S</del>	N	N	N	N	N	N	N	N	S
Video and amusement arcades	N	N	N	N	N	N	S	<del>N</del> <del>S</del>	N	N	N	N	N	N	N	N	S
Bowling alleys	N	N	N	N	N	N	Y	<del>N</del> <del>S</del>	N	N	N	N	N	N	N	N	N

Zoning Ordinance, Section 902(A)

(g) Recreational (amusement parks, miniature golf, driving range, pitch and putt, campgrounds, riding academies and schools, drive-in theater, tennis/other outdoor court games, swimming pools, water slides, other water-based amusements, boat liveries, stadia and fairgrounds, motion picture/performing arts theaters, video and amusement arcades, **bowling alleys**, billiard and pool parlors, skating rinks, indoor roller blade and skateboarding facility).

1. Demonstrates conformity with Ch. 130, §§ 130.75-130.91.
2. No significant negative impacts to ground or surface water quality.
3. Will not cause significant negative traffic or parking impacts in the neighborhood.
4. Will comply with commercial development design standards of App. A, Article 5.

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.  
Galvin Law, Ltd.  
10A Washington Square  
Newport, RI 02840  
(401) 239-8603  
[girard@galvinlawri.com](mailto:girard@galvinlawri.com)

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	L11	L12	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>R60</i>	<i>R40</i>	<i>R30</i>	<i>R20</i>	<i>R10</i>	<i>RM</i>	<i>GB</i>	<i>LB</i>	<i>OB</i>	<i>LI1</i>	<i>LI2</i>	<i>OP</i>	<i>OS</i>	<i>P</i>	<i>MT</i>	<i>ABD</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.