

TOWN OF MIDDLETOWN
ORDINANCE OF THE
TOWN OF MIDDLETOWN

"An Ordinance in Amendment to the Zoning Code of the Town of Middletown":

Be it ordained by the Town of Middletown as follows:

Section 1:

The Zoning Ordinance of the Town of Middletown, as amended, effective August 21, 2000 and as amended thereafter, is hereby further amended as follows:

"The boundaries of the zoning districts as shown on the zoning map entitled 'Town of Middletown, Official Zoning Map', dated August 21, 2000 and filed with the Middletown Town Clerk (hereinafter 'Zoning Map') are hereby amended and modified to provide that:

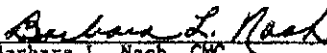
The zoning designation of those certain portions of lots or parcels of land consisting of a portion of Lot 132 on Middletown Tax Assessor's Plate 118, Lot 700 on Plate 123, a portion of Lot 12 on Plate 123, Lot 29 on Plate 124 and a portion of Lot 5 on Plate 124 which are presently zoned as Residential-40 (R-40), Residential-60 (R-60) and Residential-60/Traffic Sensitive (R-60A), shall be changed to Open Space (OS). Said tracts or parcels of land are further described in Exhibit A attached hereto and depicted on that certain map attached hereto and made a part hereof as Exhibit B; provided, however that the rezoning of Lot 132 on Plate 118 and Lot 700 on Plate 123 shall be conditioned upon the acquisition of said parcels by MR4A-JV, LP."

Section 2:

This Ordinance shall take effect upon its passage and all Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

January 18, 2005

READ AND ADOPTED IN COUNCIL WITH CONDITIONS


Barbara L. Nash, Clerk

Town Clerk

CONDITIONS
NEWPORT NATIONAL GOLF COURSE
REZONING OF WEST COURSE

Rezoning is contingent upon and will take effect upon the occurrence of the following:

1. Petitioner's acquisition of title to that certain portion of AP 118, Lot 132 identified in the Petition from the Aquidneck Land Trust.
2. With respect to the rezoning of A.P. 123, Lot 700, upon Petitioner's acquisition of title to same from the Aquidneck Land Trust.
3. Recordation of a plan merging the subject lots into one lot; provided, however, in the event that Petitioner does not acquire A.P. 123, Lot 700 then a plan be recorded merging the remainder of the subject lots

Upon satisfaction of the foregoing conditions the property shall be rezoned Open Space subject to the following limitations, conditions and restrictions:

4. In the event a sewer line is constructed connecting the site to the sewer system in East Meadow, the owners of the golf course will be solely responsible for the continued maintenance of the primary sewer line or lines connecting the site to the existing sewer system in East Meadow.
5. Petitioner shall construct entrances and exits for golf carts and golfers to allow travel between the east course and west course, said entrances and exits to be directly opposite each other on Mitchell's Lane. In the event establishment of such entrances and exits directly opposite each other is not feasible, petitioner shall pipe-in (pipe size to be determined by Director of Public Works) and fill the ditches on both sides of Mitchell Lane from the entrance to the east course to the entrance to the west course. At such time as trail easements to the Aquidneck Land Trust are installed on the east and west courses petitioner shall pipe in, (pipe size to be determined by Director of Public Works), and fill the ditches on both sides of Mitchell's Lane between the Mitchell's Lane access points of both easements.
6. The Building Official is hereby designated as the person to monitor and inspect construction and ensure all requirements are met. All fees for inspections and reviews to be borne by petitioner.

7. In the event petitioner takes groundwater from on site wells for irrigation purposes petitioner may do so only so long as no residential wells in the area are affected. The following standard to be used to determine effect on residential wells: "A well will be considered to be adversely impacted if groundwater withdrawal at the subject site results in the well being pumped dry or rendered incapable of providing sufficient water based on current reasonable use during periods of peak demand and the well was capable of providing sufficient water for peak demand periods prior to commencement of groundwater withdrawal at the subject site."
8. Parking lot lighting be extinguished at a time to be determined by the Council following cessation of operations at the club house. Lighting plan to be reviewed as part of site plan review.
9. The hours of operation of any accessory restaurant and lounge operations shall be within the judgment and discretion of the Board of License Commissioners.
10. Petitioner must receive approval by the Planning Board after Development Impact Review. Petitioner shall submit to Development Impact Review by the Middletown Planning Board, which process shall be conducted by the Planning Board with the assistance of the Town Engineer, Director of Public Works and such other third party consultants as the Planning Board may require, and shall include, but not be limited to:
 - a. sewer plan review by Planning Board as well as Public Works Director and Town Engineer
 - b. review of commercial type entrance/exit in club house restaurant area by Police and Fire chiefs.
 - c. traffic study including consideration of impacts, possible roadway improvements and traffic control measures not only at the site but also at the intersection of Mitchell's Lane and East Main Road.
11. The center line of all fairways, (forward of the tee box), shall be no less than 150 feet from any residential property line or street without the express consent of the Planning Board through the Development Impact Review process.
12. Golf course owner shall install appropriate safety signage.
13. That the existing vegetated buffer be augmented and maintained along the entire length of the common boundary with Lot 123, to deter pedestrians from crossing said boundary.