

2025-12

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” Section 602 is amended as indicated in the attached table (language to be deleted is ~~striken~~ out within brackets; language to be added is underlined)

SECOND: That Town Code Title XV, Chapter 152, Entitled “Zoning Code” , Article 4 – Definitions, Section 400 is amended as follows (language to be deleted is ~~striken~~ out within brackets; language to be added is underlined):

ARTICLE 4 DEFINITIONS

§ 400 DEFINITIONS

FARM-PROMOTION ACCESSORY USE. An accessory use which is not customarily incidental to a use permitted as an agricultural use under § 602 but which tends to preserve and/or promote the use of land for farming and is clearly incidental and subordinate to the primary agricultural use. Farm-promotion accessory uses include: equipment and trade fairs, farmers’ markets, product stands, mobile food establishments, farm guest houses, livestock sales and auctions, and, when conducted in a farm setting, arts and crafts shows, banquets, corporate functions, and weddings.

HOME OCCUPATION. Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit, subject to the conditions of §728. ~~following conditions:~~

- ~~— (a) The activity is carried on by a member of the family residing in the dwelling unit;~~
- ~~— (b) The activity is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and~~
- ~~— (c) Conforms to the following conditions:~~

- ~~1. No person who is not a resident member of the family shall be employed in the home occupation;~~
- ~~2. There shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building;~~
- ~~3. No vibration, dust, odors, heat or glare or offensive noise shall be produced;~~
- ~~4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected from a single dwelling unit in a residential neighborhood; and~~
- ~~5. Any parking required for the conduct of such home occupation shall be provided off the street.~~

THIRD: That Town Code Title XV, Chapter 152, Entitled “Zoning Code” , Section 703 is amended as follows (language to be deleted is **[stricken]** out within brackets; language to be added is **underlined**):

§ 703 ACCESSORY USES AND STRUCTURES.

(A) Except as otherwise provided in divisions (F) and (G), an accessory use which is clearly incidental and secondary to the principal permitted use, or use permitted as a special use of the premises or structure shall be allowed; provided that such accessory use shall be located on the same lot to which it applies.

(B) No accessory buildings or structures shall be located nearer than ten feet to a principal building unless such accessory buildings or structure are structurally attached to the principal building except for solar carports or canopies as described in § 725.

(C) Regardless of the provisions of Table of Zoning District Dimensional Regulations concerning Accessory Buildings - Minimum Distance in Feet to Side Lot Lines and Rear Lot Line, § 603, any accessory structure, having 150 square feet or less floor area with a maximum height of 15 feet shall be permitted to be placed no closer than five feet to any lot line in the required rear yard. Provided, however, that no accessory structure, pen or enclosure used for keeping animals shall be permitted closer to a property line than the distance permitted for accessory buildings in the Table.

(D) No accessory building or structure, except signs as allowed by Article 12, satellite dish antennas and communication towers as allowed by Article 25, and solar carports or canopies as allowed in § 725 shall be located in any required front yard.

(E) Vending machines, newsstands, soft drink machines, etc., shall be considered to be accessory structures and shall not be placed within the right-of-way of streets, attached to a utility pole, or located within any required off-street parking and loading facility. Such structures are permitted only if attached to or abutting a building, upon a sidewalk or exterior mall adjacent to a building, or within pedestrian areas associated with a building.

(F) Farm-promotion accessory uses are allowed by obtaining a special use permit from the Board of Review; provided however, that the operation of a mobile food establishment on a large

farm, and a product stand with a building of 150 square feet or less as set forth in § 722 hereof, shall be permitted by right. Such uses are subject to applicable requirements and conditions of farm-promotion accessory uses, as well as to any conditions imposed by the Board under conditions on variances and special use permits.

(G) A tent erected and maintained for not more than 30 days, or for up to nine months under successive licenses issued by the Building Official under the tent chapter (Town Code, Chapter 101), shall be considered an accessory structure and shall be allowed as a matter of right in all districts. All other tents exceeding 120 square feet in area shall require a special-use permit from the Zoning Board of Review, which is expressly authorized, after considering the requirements for special-use permits under § 902, to allow the tent to be located on the lot containing the principal use or on an undeveloped lot.

FORTH: That Town Code Title XV, Chapter 152, Entitled “Zoning Code” , Article 7 is amended by adding new section 728 as follows (language to be added is underlined):

§ 728 Home Occupation

A home occupation is a permitted use in all zoning districts subject to the following conditions:

- (a) The activity is carried on by a resident of the dwelling unit;
- (b) The activity is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and
- (c) Conforms to the following conditions:
 1. No person who is not a resident of the dwelling unit shall be employed in the home occupation;
 2. There shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building;
 3. No vibration, dust, odors, heat or glare or offensive noise shall be produced;
 4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected from a single dwelling unit in a residential neighborhood; and
 5. Any parking required for the conduct of such home occupation shall be provided off the street.

FIFTH: That Town Code Title XV, Chapter 152, Entitled “Zoning Code” , Article 13 – Off-street parking & loading, is amended by adding new section 1308 as follows (language to be added is underlined):

§ 1308 Parking Restrictions

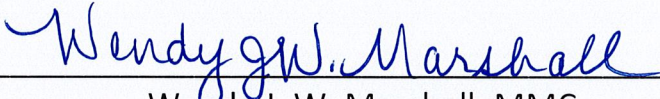
Parking or outdoor storage of more than one commercial vehicle over 1½-ton capacity is permitted only in the limited business (LB), general business (GB), and light industrial (LI) zoning districts, and is prohibited in the Atlantic Beach Overlay District.

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

**Amended by Council (Proposed amendments in Use Table for Multifamily dwelling structure dwelling units per structure and Multifamily dwelling project, including condominiums were not adopted.)*

MARCH 17, 2025

READ AND ADOPTED IN COUNCIL, AS AMENDED



Wendy J. W. Marshall, MMC
Town Clerk

Middletown, RI Code of Ordinances

§ 602 SCHEDULE OF DISTRICT REGULATIONS - USES AND DISTRICTS.

	ZONING DISTRICT PERMITTED USES																	
	Y = Permitted S = Special Use N = Not Permitted																	
	PRINCIPAL USE							ZONING DISTRICT										
	R60	R40	R30	R20	R10	RM	GB	LB	OB	L1 ¹	L1 ²	OP	OS	P	MT	ABD		
NOTES:																		
AGRICULTURAL																		
Livestock farms, excluding raising swine, <u>which is prohibited</u>	Y	Y	Y	N	N	N	N	N	N	N	N	N	Y	Y	N	N		
Licensed kennels for the raising, boarding and care of dogs, cats or other fur-bearing animals	<u>NS</u>	N	N	N	N	N	S	N	N	S	N	N	N	N	N		N	
RESIDENTIAL - Conventional Development																		
Two-family dwellings	N	<u>NS</u>	<u>NS</u>	<u>S_Y</u>	<u>S_Y</u>	Y	N	N	N	N	N	N	N	N	N	N		
*Multifamily dwelling structure (3 - <u>6 12</u> dwelling units per lot structure) <u>See §§ 1500-1508</u>	N	N	N	<u>NS</u>	<u>NS</u>	S	N	S	<u>NS</u>	N	N	N	N	N	N	N		
*Multifamily dwelling project, including condominiums <u>See §§ 1500-1508</u>	N	N	N	<u>NS</u>	<u>NS</u>	S	N	N	N	N	N	N	N	N	N	N		

- 1 Refer to § 725 and Article 23 of this chapter for use and design restrictions and performance standards applicable to uses in light industrial districts.
- 2 (Abutting Residential) Light industrial (adjacent to residential) is not a separate zoning district. It is a subset of light industry and is shown here for clarity only.
- 3 Refer to Article 25A of this chapter for use restrictions, design standards and application procedures for wind turbines.

ZONING DISTRICT PERMITTED USES																
Y = Permitted S = Special Use N = Not Permitted																
PRINCIPAL USE	ZONING DISTRICT															
	R60	R40	R30	R20	R10	RM	GB	LB	OB	L1'	LP2	OP	OS	P	MT	ABD
NOTES:																
RESIDENTIAL - Conventional Development (Cont'd)																

Mobile home parks See §§ 2300-2314	N	N	N	N	N	<u>SN</u>	N	N	N	N	N	N	N	N	N	Y	N
Institutional dormitory as a principal or accessory use	N	N	N	N	N	S	S	S	S	N	N	N	N	N	N	N	N
Cluster development	N	N	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>
Time share unit within a multifamily dwelling structure or project, except with a cluster development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

See §§ 2300 - 2314

ZONING DISTRICT PERMITTED USES															
Y = Permitted S = Special Use N = Not Permitted															
PRINCIPAL USE	ZONING DISTRICT														
	R60	R40	R30	R20	R10	RM	GB	LB	OB	L1'	LP2	OP	OS	P	MT

NOTES:																
RESIDENTIAL - Conventional Development (Cont'd)																

Congregate housing	S	S	S	S	S	N	N	<u>NS</u>	<u>NS</u>	N	N	N	N	N	N	N
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EXTRACTIVE AND INDUSTRIAL NON-MANUFACTURING												
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Construction general contractors, including storage of materials and equipment, but excluding outdoor	N	N	N	N	N	N	S	S	N	S	S	N	N	N	N	N
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MANUFACTURING														ABD	Reference		
Food <u>and beverage</u> and related products including meat products, dairy products or bakeries; canning, preserving and miscellaneous food processing, no retail sales	R60	R40	R30	R20	R10	RM	GB	LB	OB	L1	L2	OP	OS	P	MT	N	
Brewery/distillery <u>up to 20,000 sq.ft.</u> , with retail sales and/or tasting room required	N	N	N	N	N	N	Y	S	N	Y	S	S	N	N	N	N	S
<u>Brewery/distillery over 20,000 sq.ft. with retail sales and/or tasting room required</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>
Lumber and wood products including furniture and fixtures; <u>Plastics molding, extrusion and/or assembly of plastic parts; Rubber, leather, stone, clay or glass products</u>	N	N	N	N	N	N	S	N	S	Y	<u>YS</u>	N	N	N	N	N	N
<u>Plastics molding, extrusion and/or assembly of plastic parts</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Rubber, leather, stone, clay or glass products</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

ZONING DISTRICT PERMITTED USES

Y = Permitted S = Special Use N = Not Permitted

PRINCIPAL USE	ZONING DISTRICT																
	R60	R40	R30	R20	R10	RM	GB	LB	OB	L1'	L2'	OP	OS	P	MT	ABD	Reference
NOTES:																	
TRANSPORTATION, COMMUNICATION AND UTILITIES																	
Large Solar Energy System	N	N	N	N	N	S	S	S	S	S	S	S	SN	S	S	N	
Small Solar Energy System	S	S	S	S	S	S	S	S	S	S	S	S	SN	S	S	S	
Warehousing, self-storage, public and private	N	N	N	N	N	N	Y	S	N	Y	Y	S	N	N	N	N	

WHOLESALE COMMERCIAL																	
Warehousing, self-storage, public and private	N	N	N	N	N	N	Y	S	N	Y	Y	S	N	N	N	N	N
RETAIL COMMERCIAL																	
General merchandise retailing activities, including department stores (storage areas not to exceed 30% of gross floor area) over 20,000 sq.ft.	N	N	N	N	N	N	Y	SY	N	N	N	N	N	N	N	N	

Small-scale shopping center	N	N	N	N	N	N	YS	YS	N	N	N	N	N	N	N	S	
Auto dealers, trailers (new and used), tire, battery, access, dealers	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	
Gasoline or electric vehicle service station (minor repairs only)	N	N	N	N	N	N	S	S	N	N	N	N	N	N	N	N	
Gasoline or electric vehicle station with	N	N	N	N	N	N	S	S	N	N	N	N	N	N	N	S	
																	See §§ 1800 - 1811

ZONING DISTRICT PERMITTED USES																	
Y = Permitted S = Special Use N = Not Permitted																	
PRINCIPAL USE	ZONING DISTRICT																
	R60	R40	R30	R20	R10	RM	GB	LB	OB	L1'	L2'	OP	OS	P	MT	ABD	Reference
NOTES:																	
PROFESSIONAL SERVICES (Cont'd)																	
Sales and service offices for fuel oil and bottled gas dealers including parts and repairs but excluding storage and distribution of the product on the premises	N	N	N	N	N	N	Y	S Y	N	Y	S	N	N	N	N	N	
INDOOR COMMERCIAL AMUSEMENT SERVICES																	
Motion picture/performing arts theaters, <u>50 seats or less</u>	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N	N	S
Motion picture/performing arts theaters, <u>more than 50 seats</u>	N	N	N	N	N	N	S	S	N	N	N	N	N	N	N	N	S

COMMERCIAL OUTDOOR RECREATION																
Tennis/other outdoor court games	N	N	N	N	N	N	S	S N	S	N	N	N	N	N	N	S

ACCESSORY USES																
Accessory use customarily incidental to a use permitted in the district and located on the same lot as the principal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Accessory use customarily incidental to a use permitted as a special use exception in the district and located on the same lot as the principal use	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

