

AMENDED AND POSTED OCTOBER 12, 2022

**Presentation now at 5:30 PM – Executive Session moved to the end of the meeting and new items #2 and #3.**

POSTED OCTOBER 11, 2022  
REGULAR MEETING OCTOBER 17, 2022

TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on **Monday, October 17, 2022 at 5:30 P.M. Presentation and 6:30 P.M. Regular Meeting** at the **Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island**. Said meeting will be conducted in person, by telephone conference call/ webinar, members of the public may access and listen to the meeting in real-time by calling 1-877-853-5257 (Toll Free) or 1-888-475-4499 (Toll Free) and entering Meeting ID: 823 9862 2592 or on the web at <https://us02web.zoom.us/j/82398622592> .

If you chose to join the meeting by zoom or telephone, Council Rules allow for the Public to speak only during the Public Forum and Public Hearings. If calling in by telephone, pressing \*9 raises your hand and pressing \*6 will unmute.

The items listed on the Consent portion of the agenda are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda consideration and considered in its normal sequence on the agenda. All items on this agenda, with the exception of the Public Forum Session, may be considered, discussed, and voted upon in executive session and/or open session.

Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**RECONSIDERATION**

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert’s Rules of Order Newly Revised 10<sup>th</sup> edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to **Reconsider** [RONR (10<sup>th</sup> ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

### **5:30 P.M. - PRESENTATION**

1. Presentation – Middletown & Newport Public Schools Regionalization.

### **SCHOOL DEPARTMENT**

2. Memorandum of Finance Director, re: Award of Contract – Architectural Services – Town of Middletown and Middletown Public Schools as detailed in RFQ# MIDD-2023-007, as amended. (Documentation to follow)
3. Resolution of the Council, re: Award of Contract – Architectural Services. (Documentation to follow)

### **PUBLIC FORUM**

4. Pursuant to Rule 25 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.

### **BOARD OF LICENSE COMMISSION**

5. (Public Hearing Advertised)  
Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2022-2023 licensing year. (See attached list)

### **CONSENT**

6. Approval of Minutes, Regular Meeting, September 6, 2022.
7. Approval of Minutes, Regular Meeting, September 19, 2022.
8. Approval of Minutes, Regular Meeting, October 3, 2022.
9. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses for the 2022-2023 licensing year. (See attached list)

10. Communication of Paul Thiebeault, Middletown, re: Petition for Abandonment of Land known as "Northam Lane" (paper road) on Lot 175 – Plat 105. (Council action for forward to the Planning Board and Roads and Utilities Advisory Committee for review and recommendation)
11. Continued from the September 19, 2022, Regular Meeting.  
Public Hearing (Advertised)  
Public Hearing Remains Open.  
An Ordinance of the Town of Middletown (Second Reading)  
An Ordinance in Amendment to the Town Code of the Town of Middletown, Title XV Land Use, Chapter 152 Zoning Code, Article 13- Off-Street Parking and Loading. (Planning Board recommendation on file) (See attached)  
(Council action to continue this matter to a later date at the request of the Town Administration)

### **PUBLIC HEARING**

12. (Public Hearing Advertised)  
Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2022-2023 licensing year. (See attached list)

### **TOWN COUNCIL**

13. Memorandum of Councillor Flynn, re: Parting Presentation.

### **TOWN ADMINISTRATOR**

14. Memorandum of Finance Director thru Town Administrator, re: Development Impact Fees.
15. Resolution of the Council, re: Development Impact Fee Update Study – Award of contract to TischlerBise, Inc.
16. Memorandum of Finance Director thru Town Administrator, re: Atlantic Beach Streetscape Design.
17. Resolution of the Council, re: Approval of contract amendment with VHB – Atlantic Beach Streetscapes Design.
18. Memorandum of Finance Director thru Town Administrator, re: Development Plan Review & On-Call Engineering Services.
19. Resolution of the Council, re: Development Plan Review & On-Call Engineering Services – Award of contract to Crossman Engineering.
20. Memorandum of Finance Director, thru Town Administrator, re: Toro Ground Master Rotary Mowers.

21. Resolution of the Council, re: Authorize purchase of a two Toro large area rotary mowers and authorize the Finance Director to execute the purchase.
22. Memorandum of Finance Director, thru Town Administrator, re: Sewer Fund Revenue Bond Resolution.
23. Resolution of the Council, re: Approving the Design, Construction, Equipping, Repair and Renovation of the Middletown Wastewater System and All Attendant Expenses, including but not limited to, replacement of the Paradise Avenue Pump Station Force Main and replacement of the Marshall Village Pump Station and Approving the Financing thereof by the Issuance of Wastewater System revenue Bonds and Notes therefor in an amount not to exceed \$3,500,000.
24. Communication of Tax Assessor, re: Cancellation of Taxes for certain Middletown residents.
25. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

### **BOARDS AND COMMITTEES**

26. Email communication of Diana Skaggs, re: Resignation for the Middletown Center Citizen's Advisory Committee.

### **EXECUTIVE SESSION**

27. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a), (2) Collective Bargaining (Middletown Association of Paraprofessionals/NEARI), (2) Collective Bargaining (FOP), (2) Collective Bargaining (Teamsters) and (1) Personnel (Non-Classified Employees) - review, discussion and/or potential action and/or vote in executive session and/or open session.

*Wendy J.W. Marshall, CMC  
Town Clerk*

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before this meeting.

Posted on October 12, 2022, at Middletown Town Hall, Middletown Public Library Middletown Web Site and Secretary of State Web Site.

Item #5

ALCOHOLIC BEVERAGE LICENSES 2022-2023

CLASS A

ANDREW'S AT EASTGATE, LTD/GOLDS WINE & LIQUOR – 1374 WEST MAIN ROAD  
AQUIDNECK PACKAGE STORE, INC./AQUIDNECK LIQUORS – 15 EAST MAIN ROAD  
BEACH LIQUORS, LLC/BEACH WINE & LIQUORS – 43 AQUIDNECK AVENUE  
BREWTUS, INC./SANDY'S LIQUORS- 717 AQUIDNECK AVENUE

CLASS B LIMITED

CARDINAL RESTAURANT CORPORATION/IHOP RESTAURANTS- 159 WEST MAIN ROAD  
D ANG P CORPORATION/BANGKOK CITY RESTAURANT – 23 VALLEY ROAD  
SPROUT AND LENTIL, LLC/SPROUT AND LENTIL- 796 AQUIDNECK AVENUE  
WAMM, INC./ANTHONY'S SEAFOOD & RESTAURANT – 963 AQUIDNECK AVENUE

CLASS BM – BREW PUB

D & H, INC./CODDINGTON BREWING COMPANY – 210 CODDINGTON HIGHWAY  
NEWPORT VINEYARDS & WINERY, LLC/NEWPORT VINEYARDS, BRIX RESTAURANT &  
TAPROOT- 909 EAST MAIN ROAD

CLASS B VICTUALLER

APPLE NEW ENGLAND, LLC/APPLEBEE'S NEIGHBORHOOD GRILL & BAR-  
349 WEST MAIN ROAD  
AQ, INC./AQUIDNECK RESTAURANT & PIZZERIA- 27 AQUIDNECK AVENUE  
ATLANTIC GRILLE, INC./ATLANTIC GRILLE- 91 AQUIDNECK AVENUE  
BACK OF THE BUS, LLC/IDA'S RESTAURANT - 21A VALLEY ROAD  
BLUE PLATE DINER, INC./BLUE PLATE DINER- 665 WEST MAIN ROAD  
BOTTEGA BOCCONI, LLC/BOTTEGA BOCCONI- 36 AQUIDNECK AVENUE  
CHING TAO CHINESE RESTAURANT, INC. – 268 WEST MAIN ROAD  
CHIPOTLE MEXICAN GRILL OF COLORADO, LLC/ CHIPOTLE MEXICAN GRILL-  
11 EAST MAIN ROAD  
DENNIS M. CROOKES, SR./WOODHOOKER'S SPORTS TAVERN – 238 EAST MAIN ROAD  
DIEGO'S MIDDLETOWN, LLC- 116 AQUIDNECK AVENUE  
FLATWAVES, LLC/THE FOOD SHACK- 499 EAST MAIN ROAD  
FOODLOVE MARKET MIDDLETOWN, LLC/FOODLOVE MARKET- 1037 AQUIDNECK AVE  
HPK, INC./TICKETS – 15 AQUIDNECK AVENUE  
ISLAND MANAGEMENT, INC./FLO'S CLAM SHACK – 4 AQUIDNECK AVENUE  
MISSON, LLC-58 AQUIDNECK AVENUE  
MIZU WEI JAPANESE RESTAURANT CORPORATION/MIZU WEI JAPANESE RESTAURANT-  
250 EAST MAIN ROAD  
MYKONO PIZZA, LLC/MYKONO PIZZA PUB- 59 AQUIDNECK AVENUE  
NAPHA THAI CUISINE, LLC/NAPHA THAI CUISINE – 120 WEST MAIN ROAD  
NEWPORT BEACH HOUSE, INC./NEWPORT BEACH HOUSE – 3 AQUIDNECK AVENUE  
NEWPORT NATIONAL GOLF CLUB INC/NEWPORT NATIONAL GOLF CLUB-  
324 MITCHELLS LANE  
PEPPER DINING, INC./CHILI'S GRILL & BAR – 845 WEST MAIN ROAD  
PIMTONG, INC./SIAM SQUARE FINE THAI CUISINE – 238 EAST MAIN ROAD  
S.C.S.JR. RESTAURANT CORP., INC./SCOTTY'S BIG DAWG'S SPORTS PUB – 823 WEST  
MAIN ROAD  
S.H.I.J., INC./NEW SEA SHAI- 747 AQUIDNECK AVENUE  
SK INDUSTRIES, INC./RUSTY'S – 44 WAVE AVENUE  
THE PUB AT TWO MILE CORNER, INC/ THE PUB AT TWO MILE CORNER- 10 MAPLE AVE

TITO'S CANTINA, INC./TITO'S CANTINA – 651 WEST MAIN ROAD  
CLASS B TAVERN

FIRST BEACH, LLC/GASTRO PUB – 1 WAVE AVENUE  
ISLAND HOTEL GROUP, LLC/RESIDENCE INN BY MARRIOTT – 325 WEST MAIN ROAD  
MAIN HOTEL, LLC/HOMEWOOD SUITES- 348 WEST MAIN ROAD  
MIDDLETOWN TENANT,LLC/PORTOFINO BAR & GRILLE AT ROYAL PLAZA- 425 EAST MAIN ROAD  
SEAVIEW HOTEL, INC- 240 AQUIDNECK AVENUE  
SONESTA INTERNATIONAL HOTELS CORPORATION/SONESTA SELECT NEWPORT  
MIDDLETOWN – 9 COMMERCE DRIVE  
WM HOTEL GROUP, LLC/HAMPTON INN- 317 WEST MAIN ROAD

CLASS C

BREAKWATERS CIGAR & WHISKEY LOUNGE, LLC- 796 AQUIDNECK AVENUE

CLASS D

CLAMBAKE CLUB OF NEWPORT – 353 TUCKERMAN AVENUE  
GILBERT-BURTON VFW POST #4487/CAPTAIN KENNETH L. GILBERT POST #4487,  
52 Underwood Lane  
MIDDLETOWN COLUMBUS CLUB, INC. – 7 VALLEY ROAD  
MIDDLETOWN FRATERNAL ORDER OF POLICE LODGE #21 – 464 MITCHELL'S LANE  
(P.O. BOX 4644, MIDDLETOWN)  
NORTH END CLUB OF NEWPORT, RI & PROV. PLANTATIONS – 26 BROOKDALE ROAD  
WANUMETONOMY GOLF & COUNTRY CLUB, INC. – 152 BROWN'S LANE

CLASS J

KEMPENAAR CATERING, LLC/KEMPENAAR'S CLAMBAKE CLUB – 323 VALLEY ROAD

Item #9

**VICTUALLING HOUSE LICENSE 2022-2023**

Apple New England LLC/Applebee's Neighborhood Grill & Bar – 349 West Main Road  
AQ, Inc./Aquidneck Restaurant And Pizzeria – 27 Aquidneck Avenue  
Aquidneck Donuts, Inc./Dunkin Donuts – 811 West Main Road  
Aquidneck Donuts, Inc./Dunkin Donuts – 536 East Main Road  
Atlantic Grille, Inc./ Atlantic Grille, 91 Aquidneck Avenue  
Back of the Bus, LLC/IDA's Restaurant- 21A Valley Road  
Bagel Barn, Inc./Bagel Boys – 747 Aquidneck Avenue  
Barnes & Noble Booksellers, Inc. – 1311 West Main Road  
Beebe & Family, Inc./7-Eleven Food Stores – 726 Aquidneck Avenue  
BJ'S Wholesale Club, Inc. – 173 East Main Road  
Blue Plate Diner, Inc./Blue Plate Diner – 665 West Main Road  
Bottega Bocconi, LCC/Bottega Bocconi- 36 Aquidneck Avenue  
Bucks & Dough Enterprises, Inc/Domino's Pizza- 1397 West Main Road  
Byam, Ken/Subway Sandwiches – 238 East Main Road  
Cardinal Restaurant Corp./IHOP Restaurants – 159 West Main Road  
China Star II 778, Inc./China Star II – 877 West Main Road  
Ching Tao Chinese Restaurant, Inc. – 268 West Main Road  
Chipotle Mexican Grill of Colorado, LLC/ Chipotle Mexican Grill- 11 East Main Rd  
Colbea Enterprises LLC/Seasons Corner Market – 207 East Main Road  
Colbea Enterprises LLC/ West Main Shell – 1149 West Main Road  
Dennis M. Crookes, Sr./Woodhooker's Sports Tavern – 238 East Main Road  
Cortes, Deltra/The Nutrition Spot- 796 Aquidneck Avenue Unit D  
Cumberland Farms Store #1264 – 94 Aquidneck Avenue  
Custom House Coffee, LLC/Custom House Coffee – 796 Aquidneck Avenue  
D & H, Inc./Coddington Brewing Company – 210 Coddington Highway  
D ANG P Corp./Bangkok City Restaurant – 23 Valley Road  
DDO-New England, LLC/Taco Bell #4086-641 West Main Road  
D.E. Food, Inc./Kentucky Fried Chicken – 1387 West Main Road  
Diego's Middletown, LLC – 116 Aquidneck Avenue  
Double RB, Inc./Becky's BBQ – 82 East Main Road  
DSM Deli, Inc./Pickles – 936 Aquidneck Avenue  
East Main Wraps, LLC/Gansett Wraps- 510 East Main Road  
Eckhart, Jan & Michelle/Sweet Berry Farm- 915 Mitchell's Lane  
Flat Waves, LLC/ The Food Shack- 499 East Main Road  
Flat Waves, LLC/Flat Waves- 1130 Aquidneck Avenue  
Fire & Water Concessions SB, Inc./Salty's- 315 Sachuest Point Road  
First Beach, LLC/Gastro Pub – 1 Wave Avenue  
Foodlove Market, LLC/Foodlove Market- 1037 Aquidneck Avenue  
Ghorayeb, Moufid B/International Pockets Cafe – 52 East Main Road  
HPK, Inc./Tickets – 15 Aquidneck Avenue  
Island Cinemas 10, LLC/Island Cinemas 10-866 West Main Road  
Island Hotel Group, LLC/Residence Inn by Marriott – 325 West Main Road

Island Management, Inc./Flo's Clam Shack – 4 Aquidneck Avenue  
J & W Ice Cream Inc/Clementine's Homemade Ice Cream- 62 Wave Avenue  
Joe's Kwik Marts, LLC/Joe's Kwik Marts-864 West Main Road  
Jozon Enterprises, LLC/Domino's Pizza- 19 West Main Road  
JSC New England Operating, LLC/Burger King #1221- 569 West Main Road  
Kasbac, LLC/McDonald's Restaurants – 1425 West Main Rd  
Kasbac, LLC/McDonald's Restaurants – 300 East Main Rd  
Kempenaar's Catering LLC/Kempenaar's Clambake Club – 323 Valley Road  
Kimark, Inc./Frosty Freez – 496 East Main Road  
LaPetite Gourmande, LLC/The Power of Juice- 698 Aquidneck Avenue  
Lawton, June/ June Love English Cakes- 796 Aquidneck Avenue  
Le Bec Sucre, LLC/Le Bec Sale- 700 Aquidneck Avenue  
Le Bec Sucre, LLC/Le Bec Sucre- 696 Aquidneck Avenue  
Leite Donuts, Inc./Ma's Donuts & More – 78 West Main Road  
Lin Enterprises, LLC/Yumi Garden Buffet- 872 West Main Road  
Longade, LLC/Del's Lemonade – 729 West Main Road  
Main Hotel LLC/Homewood Suites- 348 West Main Road  
Margolis, Shawn/Sig's Place- 1151 Aquidneck Avenue  
Middletown Tenant,LLC/Portofino Bar & Grille at Royal Plaza- 425 East Main Road  
Milk and Honey, LLC/Aquidneck Meat and Provisions. – 800 Aquidneck Avenue  
Ming Moon 66, Inc./Ming Moon Chinese Restaurant- 694Aquidneck Avenue  
Mission, LLC- 58 Aquidneck Avenue  
Miz Wei Japanese Restaurant Corporation/  
Mizu Wei Japanese Restaurant- 250 East Main Road  
M.O.P.O., Inc./The French Confection- 72 East Main Road  
Mykono Pizza, LLC /Mykono Pizza Pub- 59 Aquidneck Avenue  
Napha Thai Cuisine, LLC/Napha Thai Cuisine – 120 West Main Road  
Nardolillo, Michael Joseph/Provençal Bakery – 750 Aquidneck Avenue  
Neon Marketplace Operating I, LLC/Neon Marketplace- 533 East Main Road  
New England Authentic Eats, LLC/D'Angelos – 401 West Main Road  
Newport Beach House, Inc/Newport Beach House-3 Aquidneck Avenue  
Newport Creamery, LLC – 208 West Main Road  
Newport National Golf Club, Inc/Newport National Golf Club- 324 Mitchell's Lane  
Newport Vineyards & Winery, LLC/ Newport Vineyards, Brix Restaurant & Taproot-909  
East Main Road  
No Nonsense Nutrition/Rhode Island Nutrition- 883 West Main Road  
Peabody's Beach Enterprises, LLC- Third Beach Road  
Pepper Dining, Inc/Chili's Grill & Bar – 845 West Main Road  
Pimtong, Inc./Siam Square Fine Thai Cuisine – 238 East Main Road  
Plant City X, LLC/Plant City X- 691 West Main Road  
Port Pizza, LLC/Port Pizza- 659 West Main Road  
The Pub at Two Mile Corner Inc/The Pub at Two Mile Corner- 10 Maple Avenue  
RI Fried Chicken, Inc./Crown Chicken, 390 West Main Road  
Rodrigues, Richard & Hooks, Gary/Chelsea's – 1015 Aquidneck Avenue  
S.C.S.JR. Restaurant Corp., Inc./Scotty's Big Dawg's Sports Pub – 823 West  
Main Road



Seaview Hotel, Inc./Johnny's at the Atlantic Resort- 240 Aquidneck Avenue  
Shaw's Supermarket, Inc. #7442 – 71 East Main Road  
S.H.I.J., Inc./New Sea Shai- 741 Aquidneck Avenue  
SK Industries, Inc./Rusty's- 44 Wave Avenue  
Sonesta International Hotels Corp/Sonesta Select Newport Middletown –  
9 Commerce Drive  
Southcoast Subs of Rhode Island, Inc./Jersey Mike's Subs- 7 East Main Road  
Sprout and Lentil, LLC/Sprout and Lentil, LLC- 796 Aquidneck Avenue Unit 3  
Starbucks Corporation/ Starbuck's Coffee #7599– 85 East Main Road  
Stop & Shop Supermarket Company, Inc. – 1360 West Main Road  
Sunrise Viet, LLC/Sunrise Restaurant – 823 West Main Road  
Tecs Donuts, Inc./Dunkin' Donuts- 159 East Main Road  
Teli, Inc./Sea Breeze Inn – 147 Aquidneck Avenue  
Tito's Cantina Inc./Tito's Cantina- 651 West Main Road  
Wamm, Inc./Anthony's Seafood & Restaurant – 963 Aquidneck Avenue  
Wendy's International/Wendy's – 62 Valley Road  
Wicked Good Shakes, LLC/Slim Possible-717 Aquidneck Avenue  
WM Hotel Group, LLC/Hampton Inn- 317 West Main Road  
3 MT, LLC/Pizza Hollywood-796 Aquidneck Avenue

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" , Article 13 – Off-Street Parking and Loading, is amended as follows (language to be deleted is **[stricken]** out within brackets; language to be added is **underlined**):

**ARTICLE 13 OFF-STREET PARKING AND LOADING**

§ 1300 GENERAL REQUIREMENTS.

No structure or use shall be erected, substantially altered or developed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this chapter.

§ 1301 SITE IMPROVEMENTS.

Off-street parking and loading facilities shall conform to the following regulations:

- (A) **Except for one- or two-family dwelling uses, [T]**the area shall be permanently paved and maintained and shall have adequate and safe ingress and egress. **[Parking spaces required in connection with one- or two-family dwelling uses need not be permanently paved.]** For the purposes of this section, the term PAVING shall mean a uniform, hard, smooth covering which will bear travel by vehicles or by pedestrians in all seasons, which includes concrete, bituminous concrete, oil-penetrated gravel, brick and paving stone but shall not include such materials as gravel, crushed clamshells or any other similar material. The use of porous pavements, space paving blocks or similar pavements which provide for infiltration of ground water are permitted **and encouraged**, provided they will result in a durable and dust-free surface.
- (B) **Parking spaces required in connection with one- or two-family dwelling uses need not be permanently paved, but must have a durable, dust-free, all-weather surface that does not result in soil erosion. Surface materials such as gravel, crushed stone, and clam shells are permitted, provided that an appropriate base material is provided to support vehicle parking, subject to the approval of the Town Engineer. If not paved,**

**the boundaries of the area dedicated to parking must be clearly delineated, such as by use of landscape blocks, stones, or wooden ties.**

**(BC) Except for one- or two-family dwelling uses, [W]**where an off-street parking or loading area adjoins or lies within a residential district or abuts a residential use in any zoning district, a landscaped buffer strip of not less than 20 feet in width containing a double row of compact evergreen vegetative screening not less than four feet in height shall be erected and maintained between such area and the adjoining residential district or use. This screening requirement shall not apply to parking places required in connection with dwelling uses, except motels or hotels.

**~~[(C) Lighting fixtures used to illuminate the parking or loading area shall reflect the light away from adjoining property and away from adjacent streets and shall not exceed one foot candle projection onto abutting property.]~~**

(D) No off-street parking facility shall be located closer than ten feet to any front lot line, street line, rear lot line or side lot line in any commercial or industrial zoning district.

(E) Access driveways serving any required parking lot from a street shall not be less than 12 feet in width for one-way traffic, and not less than 24 feet in width for two-way traffic.

(F) Individual parking stalls shall be no less than nine feet wide and 18 feet in length and in no case shall the gross area of parking space including aisles be less than 162 square feet per car. Aisles between rows of parking stalls shall not be less than 12 feet for one-way traffic, and not less than 24 feet for two-way traffic.

(G) **Except for one- or two-family dwelling uses, [A]**all parking areas shall be landscaped in accordance with the Rules and Regulations Regarding the Subdivision and Development of Land. Design of landscaping area(s) as bio-retention cells to accept and infiltrate stormwater runoff is encouraged whenever site conditions allow.

(H) Handicapped parking spaces accessible to disabled persons shall be provided as may be applicable under the Americans with Disabilities Act (ADA) and any federal or state regulations promulgated thereunder.

(I) All off-street parking and loading facilities shall be suitably sloped and drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, so as not to cause any nuisance to adjacent or public property. The design of all parking **[lot] area** drainage shall conform to the Rules and Regulations Regarding the Subdivision and Development of Land and Chapter 153 of this code.

(J) All off-street parking and loading facilities shall maintain distances from buildings, fire hydrants, post indicator valves and emergency access ways as required by the applicable Fire Code.

(K) No motor vehicle repair work or service of any kind shall be permitted in conjunction with parking or loading facilities provided in commercial districts, except emergency repair service necessary to start vehicles.

(L) Any parking area and loading space as defined in this chapter shall be continually maintained in satisfactory condition so as to be safe and attractive and free of hazard, nuisance, weeds, overgrown grass or other unsafe condition.

§ 1302 LOCATION OF FACILITY.

(A) All parking and loading facilities required by this chapter shall be located on the same lot as the principal use it is intended to serve. Shared parking facility plans may be approved as part of the development plan review process, if applicable. Parking plans shall be a part of overall site planning and shall be subject to review and approval by the Planning Board. All parking shall be in accordance with the Rules and Regulations Regarding the Subdivision and Development of Land, as applicable.

**(B) For one- and two-family dwelling uses, required off-street parking spaces shall be contained entirely on the subject property. Driveways and other designated parking spaces located in the front yard, which is the area located between the dwelling structure and the street, shall not occupy more than 50% of the front yard area.**

§ 1303 SUBMISSION OF PLANS.

Plans and specifications for the required parking or loading facility shall be submitted at the time of application for a building permit for the main use or at the time of application for development plan review pursuant to § 305.

§ 1304 MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS.

The following minimum off-street parking space requirements shall apply to all principal and accessory uses as listed in §602 of this code. The total parking spaces provided shall not exceed 150% of the minimum number required, except that for retail uses the total parking spaces shall not exceed 125% of the minimum number required. **Where more than one use occurs on one site, the requirements of this Section shall be cumulative unless the Board finds that the periods during which a given use requires parking which will not substantially overlap the parking periods of other uses on the site and accordingly approves a proportional reduction in required spaces. In no case shall the number of required spaces be less than the number of spaces required by the use requiring the greater number of spaces.**

MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS

<i>Type of Use (Principal and Accessory)</i>	<i>Minimum Parking Spaces Required</i>
Residential dwellings, except elderly housing	2 spaces per dwelling
Elderly housing	1 space per dwelling unit
Hotel or motel with restaurant/meeting room	5 spaces plus 1 space per unit
Hotel or motel only	4 parking spaces plus 1 per unit

	<b>Extractive and industrial non-manufacturing; manufacturing uses; transportation, communication and utilities; wholesale commercial</b>	<b>1 space for every 2 employees on the largest shift for which the building is designed, plus 1 for each motor vehicle maintained or used on the premises (minimum of 4 total spaces)</b>
	<b>Automobile service stations</b>	<b>1 for each employee, minimum 2; plus 4 for each service bay</b>
	<b>Gas station/mini-mart</b>	<b>1 for each employee plus 3 each 1,000 sq. ft. of GFA (not to include parking at the pumps)</b>
	<b>Lunchrooms, restaurants, taverns, etc.</b>	<b>1 space for each 3 persons of total capacity</b>
	<b>Large scale shopping center</b>	<b>2.5 for each 1,000 sq. ft. gross leasable floor area (GFA)</b>
	<b>Small scale shopping center</b>	<b>3 for each 1,000 sq. ft. gross leasable floor area (GFA)</b>
	<b>General retail/all other commercial uses</b>	<b>4 spaces per 1,000 sq. ft. of gross leasable floor area (GFA)</b>

<b>Boarding and rooming houses</b>	<b>2 spaces plus 1 for each room</b>
<b>Personal, Business and Professional Services</b>	
<b>Offices, public or professional administration or service buildings</b>	<b>3 for each 1,000 sq. ft. of GFA</b>
<b>Banks, financial institutions and similar uses</b>	<b>4 for each 1,000 sq. ft. of GFA</b>
<b>ATM machine</b>	<b>2 per machine</b>
<b>Theaters, concert halls, auditoriums and similar uses</b>	<b>1 for each 3 seats of total capacity</b>
<b>Bowling alleys</b>	<b>4 for each alley or lane plus 1 additional space for each 100 sq. ft. of the floor area used for restaurant, cocktail lounge or similar use</b>
<b>Funeral parlors, mortuaries and similar uses</b>	<b>1 for each 3 seats total capacity</b>
<b>Unspecified personal and business uses</b>	<b>4 for each 1,000 sq. ft. of GFA</b>
<b>Government, Institutional and Educational</b>	
<b>Churches and other places of religious assembly</b>	<b>1 for each 5 seats</b>
<b>Hospitals</b>	<b>1 for each bed</b>
<b>Rest, retirement, convalescent or nursing homes and similar uses</b>	<b>1 for each 3 beds</b>
<b>Medical and dental offices</b>	<b>1 for every 100 sq. ft. floor area of examination, treating room, office and waiting room (Minimum of 4 spaces)</b>
<b>Libraries, museums and art galleries</b>	<b>1 for each 400 sq. ft. floor area (Minimum of 4 spaces)</b>
<b>Elementary schools (private)</b>	<b>2 for each classroom plus 1 for every 5 seats in auditoriums or assembly halls</b>
<b>High schools (private, except boarding schools)</b>	<b>1 for every 10 students or 1 for every 5 seats in auditoriums or assembly halls, whichever is greater</b>
<b>Business, technical and trade</b>	<b>1 for each 2 students</b>
<b>Colleges, universities (private)</b>	<b>1 for each 2 students</b>
<b>Kindergartens, child care centers, nursery schools and similar uses</b>	<b>2 for each classroom but not less than 6 for the building</b>

<b>Recreation</b>	
<b>Marina or yacht club</b>	<b>1.5 spaces per boat slip</b>
<b>Athletic fields and courts</b>	<b>1 space for each 4 persons of total capacity</b>
<b>Swimming pool, ice rink, public or community club or hall</b>	<b>1 for each 5 persons capacity plus one 1 for each 4 seats; or 1 for each 30 sq. ft. floor area used for seating purposes, whichever is greater</b>
<b>Golf course (18 holes)</b>	<b>80 spaces</b>
<b>Golf course (18 holes) with dining facilities add:</b>	<b>1 space for each 3 persons of total capacity</b>
<b>Health club</b>	<b>1 for every 250 sq. ft. of GFA plus 5 employee spaces</b>
<b>Golf driving range</b>	<b>2 plus 1 per tee</b>
<b>Miniature golf</b>	<b>1.25 per hole plus 2 for employees</b>

	<b><u>PRINCIPAL USE as per §602 of this code</u></b>	<b><u>MINIMUM OFFSTREET PARKING REQUIREMENTS</u></b>
<b><u>A</u></b>	<b><u>AGRICULTURAL</u></b>	
	<b><u>A.1 Veterinary Hospitals</u></b>	<b><u>3 spaces for each 1,000 sq.ft. of gross leasable floor area (GFLA)</u></b>
	<b><u>A.2 all other uses under the agricultural principal use category</u></b>	<b><u>No parking minimums</u></b>
<b><u>B</u></b>	<b><u>RESIDENTIAL – CONVENTIONAL DEVELOPMENT*</u></b>	
	<b><u>B.1 all uses under the residential conventional development use category unless otherwise specified</u></b>	<b><u>2 spaces per dwelling unit</u></b>
	<b><u>B.2 Single family, two-family &amp; multi-family dwellings</u></b>	<b><u>2 spaces per dwelling up to 2,500 sq.ft. of finished space plus 1 additional space for each 1,000 sq.ft. or fraction thereof over 2,500 sq.ft.</u></b>
	<b><u>B.3 Motel or hotel</u></b>	<b><u>4 parking spaces plus 1 per unit or if with restaurant/meeting room then add 1 space per 3 persons of permitted fire code occupancy for restaurant/meeting room space</u></b>
	<b><u>B.4 Rooming Houses</u></b>	<b><u>2 spaces plus 1 for each room</u></b>
	<b><u>B.5 Senior independent living facilities</u></b>	<b><u>1 space per dwelling unit</u></b>
	<b><u>B.6 Rest, retirement, convalescent, or nursing homes</u></b>	<b><u>1 space for each 3 persons based on fire code occupancy limits</u></b>
	<b><u>B. 7 Residential care and assisted living facility</u></b>	<b><u>1 space per dwelling unit</u></b>

	<u>*see §2700 for additional parking requirements for mixed use developments; Chapter 98 for parking requirements related to short-term residential leases; and §709-710 for additional restriction on parking of trailers and motorhomes</u>	
<b><u>C</u></b>	<b><u>RESIDENTIAL – CONSERVATION DEVELOPMENT</u></b>	
	<u>C.1 all uses under the residential conservation development use category unless otherwise specified</u>	<u>2 spaces per dwelling unit</u>
	<u>C.2 Single family dwellings</u>	<u>2 spaces for dwellings up to 2,500 sq.ft. of finished space plus 1 additional space for each 1,000 sq.ft. or fraction thereof over 2,500 sq.ft.</u>
<b><u>D</u></b>	<b><u>EXTRACTIVE AND INDUSTRIAL NON-MANUFACTURING</u></b>	
	<u>D.1 all uses under the extractive and industrial non-manufacturing principal use category unless otherwise specified</u>	<u>1 space for every 2 employees on the largest shift for which the building is designed, plus 1 space for each motor vehicle maintained or used on the premises (minimum of 4 total spaces)</u>
	<u>D.2 Construction general contractors, including storage of materials and equipment, but excluding outdoor storage of bulk materials</u>	<u>1 space for every 1.5 employees on the largest shift for which the building is designed, plus 1 space for each motor vehicle maintained or used on the premises (minimum of 4 total spaces)</u>
	<u>D.3 Miscellaneous special trade contractors, with outdoor storage, but excluding outdoor storage of bulk materials</u>	<u>1 space for every 1.5 employees on the largest shift for which the building is designed, plus 1 space for each motor vehicle maintained or used on the premises (minimum of 4 total spaces)</u>
	<u>D.4 Miscellaneous special trade contractors with outdoor storage, including outdoor storage of bulk materials</u>	<u>1 space for every 1.5 employees on the largest shift for which the building is designed, plus 1 space for each motor vehicle maintained or used on the premises (minimum of 4 total spaces)</u>
<b><u>E</u></b>	<b><u>MANUFACTURING</u></b>	
	<u>E.1 all uses under the manufacturing principal use category</u>	<u>1 space for every 2 employees on the largest shift for which the building is designed, plus 1 space for each motor vehicle maintained or used on</u>



		<u>the premises (minimum of 4 total spaces). If retail space is included, add 1 space per 3 persons of permitted fire code occupancy for the retail space.</u>
<b><u>F</u></b>	<b><u>TRANSPORTATION, COMMUNICATIONS AND UTILITIES</u></b>	
	<b><u>F.1 all uses under the transportation, communications, and utilities principal use category unless otherwise specified.</u></b>	<b><u>1 space for every 2 employees on the largest shift for which the building is designed, plus 1 space for each motor vehicle maintained or used on the premises (minimum of 4 total spaces)</u></b>
	<b><u>F.2 Self-storage</u></b>	<b><u>1 space per 100 storage units (minimum of 6 spaces)</u></b>
<b><u>G</u></b>	<b><u>WIRELESS COMMUNICATION FACILITIES</u></b>	
	<b><u>G.1 all uses under the wireless communication facilities principal use category</u></b>	<b><u>No parking minimums</u></b>
<b><u>H</u></b>	<b><u>WHOLESALE COMMERCIAL</u></b>	
	<b><u>H.1 all uses under the wholesale commercial principal use category</u></b>	<b><u>1 space for every 2 employees on the largest shift for which the building is designed, plus 1 space for each motor vehicle maintained or used on the premises (minimum of 4 total spaces)</u></b>
<b><u>I</u></b>	<b><u>RETAIL COMMERCIAL</u></b>	
	<b><u>I. 1 all uses under the retail commercial principal use category unless otherwise specified</u></b>	<b><u>1 space per 1,000 sq.ft of gross leasable floor area (GFLA)</u></b>
	<b><u>I. 2 Small-scale shopping center</u></b>	<b><u>3 spaces per 1,000 sq.ft of gross leasable floor area (GFLA)</u></b>
	<b><u>I. 3 Large-scale shipping center</u></b>	<b><u>2.5 spaces per 1,000 sq.ft of gross leasable floor area (GFLA)</u></b>
	<b><u>I. 4 Gasoline service station (minor repairs only)</u></b>	<b><u>1 space for each employee, minimum 2 spaces; plus 4 for each service bay</u></b>
	<b><u>I. 5 Gasoline station with convenience store</u></b>	<b><u>1 for each employee plus 3 spaces per 1,000 sq.ft of gross leasable floor area (GFLA), does not include parking at the pumps</u></b>
	<b><u>I.6 Lunchroom or restaurant (no alcoholic beverages)</u></b>	<b><u>1 space for each 3 persons based on fire code occupancy limits</u></b>

	<u>I.7 Lunchroom or restaurant (alcoholic beverages)</u>	<u>1 space for each 3 persons based on fire code occupancy limits</u>
	<u>I.8 Tavern, café, club bar or cocktail lounge (alcoholic beverages)</u>	<u>1 space for each 3 persons based on fire code occupancy limits</u>
<u>J</u>	<u>PERSONAL SERVICES</u>	
	<u>J.1 all uses under the personal services principal use category unless otherwise specified</u>	<u>3 spaces for each 1,000 sq.ft. of gross leasable floor area (GFLA)</u>
	<u>J.2 Mortuary of funeral home without cremation services</u>	<u>1 space for each 3 persons based on fire code occupancy</u>
	<u>J.3 Crematorium</u>	<u>1 space for each 3 persons based on fire code occupancy</u>
<u>K</u>	<u>BUSINESS SERVICES</u>	
	<u>K.1 all uses under the business services principal use category</u>	<u>3 spaces for each 1,000 sq.ft. of gross leasable floor area (GFLA)</u>
<u>L</u>	<u>PROFESSIONAL SERVICES</u>	
	<u>L.1 all uses under the professional services principal use category</u>	<u>3 spaces for each 1,000 sq.ft. of gross leasable floor area (GFLA)</u>
<u>M</u>	<u>INDOOR COMMERCIAL AMUSEMENT AND ENTERTAINMENT SERVICES</u>	
	<u>M.1 all uses under the indoor commercial amusement services principal use category</u>	<u>5 spaces for each 1,000 sq.ft. of gross leasable floor area (GFLA)</u>
<u>N</u>	<u>GOVERNMENTAL, EDUCATIONAL, AND INSTITUTIONAL ON PRIVATELY OWNED LAND</u>	
	<u>N.1 all uses under the governmental, education, and institutional on privately owned land principal use category unless otherwise specified</u>	<u>1 space for each 5 persons based on fire code occupancy</u>
	<u>N.2 Day nursery school kindergarten or other agency giving day care</u>	<u>2 spaces for each classroom but not less than 6 total spaces</u>
	<u>N.3 Cemeteries</u>	<u>No parking minimums</u>
<u>O</u>	<u>COMMERCIAL OUTDOOR RECREATION</u>	
	<u>O.1 all uses under commercial outdoor recreation unless otherwise specified</u>	<u>No parking minimums</u>
	<u>O.2 Miniature golf, driving range, pitch and putt, etc.</u>	<u>Driving range: 2 spaces plus 2 per tee; Mini Golf: 1.25 spaces per hole plus 2 spaces per employee</u>
	<u>O.3 Golf course</u>	<u>80 spaces for 18-hole courses and 1 space for each 3 persons based on fire code occupancy if dining is included</u>

	<b><u>O.4 Tennis/other outdoor court games</u></b>	<b><u>1 space per court</u></b>
	<b><u>O.5 Swimming pools, water slides, other water-based amusements</u></b>	<b><u>1 space for each 5 persons of total pool/slide capacity plus 1 space for each 4 seats; or 1 space for each 30 sq.ft. of customer accessible floor area, whichever is greater</u></b>
<b><u>P</u></b>	<b><u>ACCESSORY USES</u></b>	
	<b><u>P.1 all accessory uses</u></b>	<b><u>No parking minimums, except see parking requirements for Farm-Promotion Accessory Uses, Section 722 of this Chapter</u></b>

§ 1305 OFF-STREET LOADING - APPLICABILITY.

No land shall be used or occupied and no structure shall be erected or used for nonresidential purposes in any zoning district unless the off-street loading spaces required herein are provided. Off-street loading spaces as specified in this chapter shall be provided for any enlargement or alterations to any such existing structure of use. These off-street loading requirements shall not apply to residential uses except motels or hotels.

§ 1306 OFF-STREET LOADING - LOCATION.

No off-street loading spaces required by this chapter shall be located closer than ten feet to any front lot line, street line or side lot line in any zoning district. Off-street loading spaces may be located closer than ten feet to any rear lot line, provided, however, that if the use lies within a residential zoning district, or the rear lot line abuts a residential zoning district or existing residential use, said off-street loading space shall be screened from said adjacent residential district or use as required in § 1301(B).

§ 1307 OFF-STREET LOADING - REQUIREMENTS.

Each nonresidential use or structure in which services or commodities are used, sold, displayed, serviced, repaired, altered or fabricated as the principal or special use permit use of the parcel or lot shall provide the following:

- (A) Each use or structure of under 1,000 square feet of gross floor area or ground area shall provide one off-street loading space of at least 300 square feet in area.
- (B) Each use or structure of over 1,000 square feet of gross floor area or used ground area shall provide one off-street loading space, plus one additional loading space for each 20,000 square feet of area. Each loading space shall have a minimum area of 450 square feet, with a minimum vertical clearance of 14 feet and shall include sufficient space for standing, loading and unloading of commercial vehicles.

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

Item #12

ADDITIONAL OPERATING HOURS LIST 2022-2023

2:00 A.M. - 6:00 A.M.

EXPIRES DECEMBER 1ST ANNUALLY

AQ, LLC/Aquidneck Restaurant & Pizzeria – 27 Aquidneck Avenue  
Aquidneck Donuts, Inc./Dunkin' Donuts – 811 West Main Road  
Aquidneck Donuts, Inc./Dunkin' Donuts – 536 East Main Road  
Beebe & Family, Inc./7-Eleven Food Stores – 726 Aquidneck Avenue  
Cardinal Restaurant Corp./IHOP Restaurants – 159 West Main Road  
Colbea Enterprises, LLC/Seasons Corner Market- 207 East Main Road  
Colbea Enterprises, LLC/West Main Shell- 1149 West Main Road  
Cumberland Farms Store #1264 –94 Aquidneck Avenue  
DDO-New England, LLC/ Taco Bell- 641 West Main Road  
Joe's Kwik Marts, LLC/Joe's Kwik Mart – 876 West Main Road  
Kasbac, LLC/McDonald's Restaurant- 1425 West Main Road  
Kasbac, LLC/McDonald's Restaurant- 300 East Main Road  
Leite Donuts, Inc./Ma's Donuts & More – 78 West Main Road  
Shaw's Supermarkets, Inc, - 71 East Main Road  
Starbucks Corporation/Starbucks Coffee #7599- 85 East Main Road  
Tecs Donuts, Inc./ Dunkin' Donuts- 159 East Main Road