



MEMORANDUM

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

From: Ron Wolanski, Town Planner

Date: July 22, 2024

Re: Consideration of a request of the Town Council for recommendation on proposed amendments to Article 4 and Section 602, and addition of new Article 27C to the Middletown Zoning Ordinance, Town Code Chapter 152, to address regulation of short-term rentals.

The Town Council has provided the attached draft zoning ordinance amendments for Planning Board review and recommendation regarding regulation of short-term rentals in Middletown. The amendments would add a new definition for short-term rental to Article 4, amend the use table in Section 602, and add new Article 27C which will include the criteria to be used in considering a request for a special use permit for a short-term rental.

The draft ordinance containing the proposed amendments is attached. In summary, proposed amendments include:

- Amend Section 400 to delete the definition for rooming house and insert a definition for short-term rental. This definition indicates that the owner must reside in the building, which may contain one or more dwelling units, during the time it is being rented. It appears that this will prohibit future whole-house rentals on a short-term basis. The definition also calls for a maximum of six (6) renters per building, regardless of the number of dwelling units or bedrooms in the building.
- In Section 602, the use table, would be amended by deleting the line for rooming house and adding a line for short-term rentals. Short-term rentals meeting the new definition would be allowed by special use permit in residential zoning districts, by right in business districts, and prohibited elsewhere.
- Article 27C would require that a short-term rental meet the following criteria before a special use permit could be issued:
 - Compliance with Chapter 98, the town's short-term rental ordinance.
 - The owner must submit an affidavit confirming compliance with the short-term rental definition of Article 4.
 - The use would be subject to any conditions applied to the special use permit as allowed under Section 904 of the zoning ordinance.

The attached draft amendments are provided for Planning Board review and consideration. Once the Board has considered and made any further revisions to the draft ordinance amendments, and is satisfied with the final draft, it should be forwarded to the Town Council for consideration. The Town

Council will then hold the required public hearing and two readings before the amendments are finally adopted. In support of its recommendation to the Town Council on a zoning ordinance amendment the Planning Board must make 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 (attached).

Please contact me with any questions.

cc. Town Solicitor
Building/Zoning Official

§ 45-24-30. General purposes of zoning ordinances.

(a) Zoning regulations shall be developed and maintained in accordance with a comprehensive plan prepared, adopted, and as may be amended, in accordance with chapter 22.2 of this title and shall be designed to address the following purposes. The general assembly recognizes these purposes, each with equal priority and numbered for reference purposes only.

- (1) Promoting the public health, safety, and general welfare.
- (2) Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.
- (3) Providing for orderly growth and development that recognizes:
 - (i) The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title;
 - (ii) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;
 - (iii) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 - (iv) The values of unique or valuable natural resources and features;
 - (v) The availability and capacity of existing and planned public and/or private services and facilities;
 - (vi) The need to shape and balance urban and rural development; and
 - (vii) The use of innovative development regulations and techniques.
- (4) Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
- (5) Providing for the protection of the natural, historic, cultural, and scenic character of the city or town or areas in the municipality.
- (6) Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.

(7) Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.

(8) Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.

(9) Providing opportunities for the establishment of low- and moderate-income housing.

(10) Promoting safety from fire, flood, and other natural or unnatural disasters.

(11) Promoting a high level of quality in design in the development of private and public facilities.

(12) Promoting implementation of the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title.

(13) Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.

(14) Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

(15) Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.

(16) Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

Middletown – Draft Zoning Ordinance Amendment – Short-Term Rental

Chapter 152 – Zoning Code

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Article 4. Definitions

§ 400. Definitions

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~~*Rooming House Short-Term Rental.* A building in which one or more dwelling units or rooms for sleeping are rented for lodging accommodations for periods of thirty-one (31) consecutive days or less with or without the furnishing of meals and with the owner who is in charge and manages such rentals residing in said building at all times during the period of such rental. No more than six short-term renters, regardless of age, shall be allowed during any rental period irrespective of the number of dwelling units or rooms for sleeping that are contained in the building. Only one building on a lot or parcel of land shall be allowed a Short-Term Rental use. All Short-Term Rentals must be registered in accordance with the requirements of Chapter 98 of the Town Code of Ordinances, titled Short-Term Rental Leases, and must fully comply with the restrictions stated therein. A single-family dwelling in which the principal resident rents not more than two rooms, without kitchen facilities and with or without provision of meals, to not more than two persons per room.~~

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Article 6. Application of District Regulations

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§ 602. Schedule of District Regulations – Uses and Districts

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Middletown – Draft Zoning Ordinance Amendment – Short-Term Rental

	R60	R40	R30	R20	R10	RM	GB	LB	OB	LI	L2	OP	OS	P	MT	ABD
Residential – Conventional Development																
<u>Rooming houses Short-Term Rental</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S*</u>	<u>S*</u>

*Any special use permit granted for a Short-Term Rental shall be subject to the conditions set forth in Article 27C of this ordinance.

Middletown – Draft Zoning Ordinance Amendment – Short-Term Rental

Article 27C. Short Term Rentals

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§ 27C01. Short-Term Rental.

Short-Term Rental shall only be permitted by special use permit in all residential zoning districts, and must fully comply with the restrictions set forth for said use in the definition of “Short-Term Rental” as stated in Article 4 of this Zoning Ordinance, or else the use is prohibited. In addition to any other requirements set forth in this zoning code for granting of a special use permit, a special use permit may only be granted for a Short-Term Rental if the following standards are also met:

- (1) The use of the property must fully comply with Chapter 98 of the Middletown Code of Ordinances, as currently drafted and as may hereafter be amended, titled Short-Term Rental Leases.
- (2) The property owner must submit an affidavit to the Zoning Enforcement Officer attesting that the use fully complies with the restrictions stated in Article 4 of this Zoning Ordinance in the definition of “Short-Term Rental.”
- (3) The grant of any special use permit set forth may be granted upon any condition allowed under § 904 of this zoning code.

S: Middletown/draft STR zoning ordinance 6-12-24 - version B (including children under 12).docx