



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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

MEMORANDUM

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

From: Ron Wolanski, Town Planner

Date: July 22, 2024

Re: Review and recommendation to the Town Council on a proposed amendment to Article 4, Section 400 of the Middletown Zoning Ordinance, Town Code Chapter 152, regarding the definition for “household” to address recent state legislation.

Due to a change in state law adopted by the General Assembly during the 2024 session, the zoning ordinance must be amended to address the definition for “household”. The intent of the bill was to address how towns regulate the number of unrelated persons residing in a dwelling. Specifically, town’s must allow at least 3 unrelated persons per dwelling, or 1 per bedroom, whichever is greater, up to a maximum of 5 unrelated persons per dwelling. The attached draft amendment is provided for Planning Board review and consideration. It has also been provided to the Town Solicitor and Building/Zoning Official for comment. I will provide any comments as they become available.

Once the Board has considered and made any further revisions to the draft ordinance amendment, 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 amendment is 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.

**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" is amended as follows (language to be deleted is ~~struck~~ and within brackets; language to be added is **underlined**):

§ 400 DEFINITIONS.

HOUSEHOLD. One or more persons living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. ***HOUSEHOLD UNIT*** shall be synonymous with the term ***DWELLING UNIT*** for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

(a) A family, which may also include servants and employees living with the family; or

(b) A person or group of unrelated persons living together not to exceed four **(4), or one (1) person per bedroom, whichever is greater, up to a maximum of five (5) unrelated persons per dwelling. The maximum number shall not apply to NARR-certified recovery residences.**

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