



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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

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

From: Ron Wolanski, Town Planner

Date: October 17, 2024

Re: Proposed amendments to the Middletown zoning ordinance, Town Code Chapter 152, necessary to address amendments to state law adopted in the 2024 General Assembly, bill H7982.

In the 2024 session of the RI General Assembly, bill H7982 was passed which prohibits municipalities from regulating setbacks and buffer requirements related to state-regulated wetlands and onsite wastewater treatment systems. As such, language contained in some sections of the Middletown zoning ordinance must be revised or eliminated. Please see the attached draft amendments to Sections 400 and 707.

The Town Council will hold the required public hearing on the proposed zoning ordinance amendments. In making its recommendation to the Town Council the Planning Board must consider 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.

Please contact me with any questions.

cc. Town Solicitor
Building/Zoning Official

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.

WETLAND, COASTAL. As defined in R.I. Gen. Laws § 45-22.2-4. [~~A salt marsh bordering on the tidal waters of the state and contiguous uplands extending no more than 50 yards inland.~~]

WETLAND, FRESHWATER. [~~A marsh, swamp, bog, pond, river, river or stream flood plain or back area subject to flooding or storm flowage; emergent or submergent plant community in any body of fresh water; or area within 50 feet of the edge of a bog, marsh, swamp, or pond,~~] [a] As defined in R.I. Gen. Laws § 2-1-20.

~~[§ 707 SETBACK FROM WETLANDS OR RIVERS.~~

~~— No disposal trench, disposal bed, cesspool, seepage pit, septic tank, septic field or other facility designed to leach liquid wastes into the soil shall be located:~~

~~— (A) Within 100 feet of a fresh water wetland, as defined in R.I. Gen. Laws Title 2, Chapter 1, as amended, excluding from such definitions:~~

~~— (1) That area of land within 50 feet of the edge of any bog, marsh, swamp or pond; and~~

~~— (2) That area of land within 200 feet of the edge of any flowing body of water having a width of ten feet or more; and~~

~~— (3) That area of land within 100 feet of the edge of any flowing body of water having a width of less than ten feet during normal flow; and~~

~~— (4) That area defined as a floodplain in R.I. Gen. Laws Title 2, Chapter 1.~~

~~— (B) Within 100 feet of a river as defined in R.I. Gen. Laws Title 2, Chapter 1.]~~

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