

*AMENDED AND POSTED OCTOBER 17, 2024
POSTED OCTOBER 16, 2024
REGULAR MEETING OCTOBER 21, 2024

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 21, 2024, 6:00 P.M. Executive Session 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: 896 0216 6891 or on the web at <https://us02web.zoom.us/j/89602166891>

If you choose 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 10th 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 (10th 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)

6:00 P.M. – EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a), (2) Potential Litigation and (2) Potential Litigation - review, discussion and/or potential action and/or vote in executive session and/or open session.

6:30 P.M. - REGULAR MEETING

PRESENTATION

2. (Continued from the October 7, 2024, Regular Meeting)
Memorandum of William J. Niemeyer, Superintendent of Schools, re: Middletown High School CTE Program.

TOWN UPDATES

3. The Town Administrator will provide an update on the School Building Project.

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.

CONSENT

5. Approval of Minutes, re: Regular Meeting, October 7, 2024.
6. License of Burial, re: Cynthia L. Smothers (for the benefit of Herman S. Santos), Section 51E, Grave 133.
7. Communication of Tax Assessor, re: Cancellation of Taxes for certain Middletown Residents.
8. Resolution of the Council, re: Cancellation of Taxes for certain Middletown Residents.

9. Application of Milk and Honey Kitchen, LLC dba Milk and Honey, 796 Aquidneck Avenue, for RENEWAL of a Victualling House License for the 2024-2025 licensing year.

OTHER COMMUNICATIONS

10. Communication of Melissa Kleinknecht, Varsity Cheer Coach, re: Request for support to purchase new uniforms.
11. Communication of James I. "Jimmy" Winters, President, NAACP, re: Request for support for programs by placing an ad in the souvenir booklet for its 102nd Annual Awards Dinner.
12. Email communication of Nicholas Coogan, Chairman Middletown Open Space and Fields Committee, re: Brown's Lane, Burma Road Connector.
- *12A. Email communication of Karen Biastre, re: Requesting a refund of taxes the town over collected with interest.

PUBLIC HEARING

13. (Public Hearing Advertised)
Public Hearing Remains Open.
An Ordinance of the Town of Middletown (Second Reading)
An Ordinance in Amendment to the Town Code Title XV, Chapter 152, Entitled "Zoning Code", Article 4 – Definitions, Section 400, Article 6, § 602. Schedule of District Regulations – Uses and Districts and Article 27C. Short Term Rentals, § 27C01. Short-Term Rental. Application of District Regulations. (Planning Board recommendation is on file)

TOWN COUNCIL

14. Communication of Councillor Connerton, re: MHS Mock Trial Team Donation Request.

Wendy J.W. Marshall, MMC
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 16, 2024, at Middletown Town Hall, Middletown Public Library and Secretary of State Web Site.

*Posted on October 17, 2024, at Middletown Town Hall, Middletown Public Library and Secretary of State Web Site.

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 4 – Definitions, Section 400, Article 6, § 602. Schedule of District Regulations – Uses and Districts and Article 27C. Short Term Rentals, § 27C01. Short-Term Rental. Application of District Regulations is amended as follows (language to be deleted is [struck] out within brackets; language to be added is underlined):

§ 400. Definitions

~~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.

Article 6. Application of District Regulations

§ 602. Schedule of District Regulations – Uses and Districts

	R60	R40	R30	R20	R10	RM	GB	LB	OB	L1	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.

Article 27C. Short Term Rentals

§ 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.

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

READ AND PASSED IN COUNCIL

Wendy J. W. Marshall, MMC
Town Clerk



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842

(401) 849-4027 | MiddletownRI.com

To: Hon. Paul M. Rodrigues, President
Town Council members

From: William J. Nash, Jr., Chair
Middletown Planning Board

Date: August 16, 2024

Re: Planning Board Recommendation – Zoning Ordinance Amendments for Short-term Rentals

During its August 14, 2024 meeting the Planning Board reviewed and voted to forward a positive recommendation to the Town Council on the attached proposed zoning ordinance amendments regarding regulation of short-term rentals as presented to it by the Town Council. The vote was 6-1-0, with Mr. Amarant voting in opposition. In making this recommendation the Board made the following findings:

- (1) The proposed amendments are 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

In considering this recommendation the Board discussed the following aspects of the proposed amendments presented by the Town Council:

- Amendment to Section 400 to delete the definition for rooming house and insert a definition for short-term rental. This new 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. 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.
- Amendment to Section 602, the use table, to delete the line for rooming house and add 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.
- New 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.

Thank you for your consideration. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "William J. Nash, Jr.", written in a cursive style.

William J. Nash, Jr., Chair
Middletown Planning Board

cc. Town Solicitor
Town Administrator
Building/Zoning Official

Version A

Middletown – Draft Zoning Ordinance Amendment – Short-Term Rental

Chapter 152 – Zoning Code

* * *

Article 4. Definitions

§ 400. Definitions

* * *

~~*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	L1	L2	OP	OS	P	MT	ABD
Residential – Conventional Development																
Rooming houses Short- Term Rental	<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

* * *

§ 27C01. Short-Term Rental.

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