



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: June 26, 2023

Re: 2023 RI General Assembly Session – Zoning-related bills

In the session that just ended, the General Assembly passed several bills that will require amendments to the Town’s Zoning Ordinance and/or Subdivision Regulations, or change requirements for drafting and implementing comprehensive plans. The following is a summary of each of the bills. Links to each bill are also provided for your reference.

Note that the ADU bill, which would have made ADUs a by-right use in many circumstances was not adopted, meaning that the current statute, which is ambiguous and open to interpretation remains in effect. We will also need to again discuss how to amend the zoning ordinance relative to ADUs to comply with current law.

- **S1032-A:** Among other changes, limits zoning relief needed when developing substandard lots; changes variance standards, including removing the requirements that relief be the least necessary, and not primarily for financial gain; removes the requirement that requests for special use permits be consistent with the comp plan. Effective 1/1/2024
<http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1032A.pdf>
- **S1033-A:** Requires adoption of zoning map amendments within 18 months of comp plan adoption; future land use map (not zoning map) will govern land use decisions; requires annual report to the Town Council on comp plan implementation; Housing element must include specific actions for developing affordable housing. Effective 3/1/2024
<http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1033A.pdf>
- **S1034-A:** Among other changes, including significantly limiting the types of applications that go to the Zoning Board of Review (ZBR), new definitions for land development projects and development plan review; Administrative officer given authority to approve minor subdivisions and land development projects, except those proposing new streets or requiring zoning relief; plans requiring zoning relief to be reviewed by Planning Board using unified review (no ZBR review); minor plans that the Admin. Officer can approve (with no public hearing, no abutter notice, no Planning Board review) include subdivisions of 9 or fewer lots unless new street or zoning relief is needed, commercial land developments of 7,500 sq.ft. or less floor area or additions up to 10,000 sq.ft., mixed-use with up to 6 residential units, multi-family up to 9 units; Admin. Officer may request Technical Review Committee (TRC) review of these; For major subdivisions and land developments the Planning Board does the review; if zoning relief is needed

Planning Board conducts unified review (no ZBR review); the Admin. Officer can combine stages of review; public hearing required at master plan stage, but not at preliminary though abutters must be notified; Admin. officer approves final plan; for DPR applications, the Town can determine which reviews are administrative or formal; formal applications will have a two-step review, preliminary & final, with unified review by Planning Board where zoning relief is needed (no ZBR review); Appeals of Administrative Officer or Planning Board decisions on subdivisions or land developments go directly to superior court, not ZBR. Effective 1/1/2024
<http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1034A.pdf>

- **S1035-A:** Allows the conversion of any commercial structure to multi-family residential or mixed-use as a permitted use in any zoning district unless there is a recorded environmental land use restriction; where there is public sewer and water, density of at least 15 units per acre, or about 3,000 sq.ft. of land per unit (much more dense than currently allowed anywhere in Middletown). Effective 1/1/2024
<http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1035A.pdf>
- **S1037-A:** Changes to requirements for affordable housing Comprehensive Permit - Density bonus of at least 5 units per acre where at least 25% of units are affordable and where public sewer and water, 3 units where no utilities; density bonus of 9 units per acre where 50% or more affordable with utilities, 5 without utilities; density bonus of 12 units per acre where 100% affordable units with utilities, 8 without; may require no more than one parking space for each unit up to two bedrooms; cannot limit the number of bedrooms per unit to less than three; can limit projects based on floor area . Effective 1/1/2024 <http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1037A.pdf>
- **S1038-A:** Change public notice requirements for major subdivision/land development project, and variance applications, including required posting of the public notice in the Town Clerk's office and one other town building, and on the town's webpage at least 14 days in advance of the hearing. Effective upon passage
<http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1038A.pdf>
- **S1050-A:** Appeals of affordable housing Comprehensive Permit decisions to go directly to Superior Court, rather than the state housing appeals board. Effective 1/1/2024
<http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1050A.pdf>
- **S1051-A:** Regarding inclusionary zoning, at least 25% of units must be affordable (the draft the PB just sent to the TC requires 20% affordable); maximum threshold to require inclusion of affordable units is 10 total units (the threshold in our draft is major subdivision, so we're good there); density bonus of at least 2 additional market rate units for each affordable unit (depending on the size of the development, equates to about 150% overall density bonus, which is consistent with our draft, but we'll need to revise the ordinance language to match the statute). Effective 1/1/2024
<http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1051A.pdf>

The Planning Board should begin discussion of how it wishes to proceed with addressing the required amendments.

cc. Town Solicitor