

Tiverton Town Council Discussion Matrix for Draft Zoning Ordinance on Short Term Rentals

| Key Point | Current Draft Language | Questions for discussion based on public comments and other ordinances from other municipalities |
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| Preamble or purpose statement | Not included | <ul style="list-style-type: none"> - Do we want to include a preamble/purpose statement? |
| STRs are not a permitted use in any zone in Tiverton at this time (Code of Ordinances, 6-4-01(3), Section 15: Prohibited Uses reads: "Uses not listed or not generally provided for in the zoning district use table shall not be permitted anywhere in the Town of Tiverton" | Provides an avenue for an STR to be permitted provided compliance with the ordinance | <ul style="list-style-type: none"> - Some have suggested to enforce now use enforcement tools to do so? - Some have suggested that they are permitted under new state law requiring cities/towns to allow the advertising of STRs on hosting platforms - Do we enforce this until we finalize an ordinance? - Solicitor has been clear that the new law (http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-63.1/42-63.1-14.htm) does not prohibit cities/towns from regulating if STRs should be permitted and, if yes, where to be permitted. - Do we proceed while there is the legislation being introduced in the General Assembly which would give cities/towns broader authority to license STRs outside of the zoning ordinances? |
| Permitted Zones | All zones by Special Use Permit except excluded in Highway Commercial, Industrial and Open Space | <ul style="list-style-type: none"> - Not allow in residential zones; - Restrict in specific zones such as Waterfront - How does permitting in certain zoned areas support the intent of the Comprehensive Plan regarding the character of the town, quality of life of residents, the promotion of tourism and affordability of housing? (this is not to suggest that other parts of the Comp Plan are not affected by a decision on STRs and therefore are of course open for discussion). |

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| Use of Special Use Permit (if granted, stays with the property even after sold) | In suggested permitted zones, can only be done by special use permit provided annual fee is paid and up to date and that the property continues to meet the STR requirements in Section 5 of the draft | <ul style="list-style-type: none"> - Do we simply restrict from certain zones and allow by right in others? <p>Do (can) we create a new category of special use permit that does not follow the property if sold?</p> |
| Definitions | Only defines the term “dwelling unit” but contains certain exclusions such as tents, campers, RVs, lean to’s and also excludes properties that are served by cesspools. | <ul style="list-style-type: none"> - Some municipalities have specific restrictions that do not permit designated “affordable” housing units to be used as STRs - Some indicate that accessory units and accessory family dwelling units cannot be used for STRs - Do we exclude properties served only by private wells? |
| Owner Occupancy | Must occupy same dwelling unit or reside on same lot for 180 days annually or live in Tiverton within a 3 mile radius of the property and must own STR property for five years before it can be used as STR | <ul style="list-style-type: none"> - Do we require owner occupancy? - Do we maintain the Tiverton residency requirement - Do we keep the need to own for five years? - Do (can) we limit the number of STRs owned and operated by one person? - Can we not permit corporations to own/operate? |
| Occupancy (by renters) | Defined as 150% of the sleeping capacity as defined by the building official | <ul style="list-style-type: none"> - Do we specify the number of occupants by the number of bedrooms (e.g., some specify 2 per bedroom but the # of bedrooms further defined by wastewater system) - What other ways might we define occupancy? - Do we cap the number of bedrooms allowed? |
| State Registration requirements | Must be registered with RI Dept. of Business Regulation per http://webserver.rilin.state.ri.us/Statutes/TITLE42/42-63.1/42-63.1-14.htm | - |

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| Parking | Limits it to parking requirements of Code of Ordinances Article X Section 1 – “1½ car spaces for each dwelling unit. (In residential zones, parking must be met with off-street parking.)” | <ul style="list-style-type: none"> - Do we specify that all parking must be off-street - If yes on allowing only off-street, do we further specify that it must be on the same parcel? - |
| Registration fee | \$1,000 annually per dwelling unit | <ul style="list-style-type: none"> - Do we reduce the fee to a lower flat fee that is the same regardless of the occupancy size of the STR? If so, to what dollar amount? - Do we set a tiered system based on the number of bedrooms (e.g., 1 bedroom - \$250 annually, 2 - \$500 annually; 3 - \$750 annually; 4 - \$1,000 annually and any additional bedrooms add \$100 per bedroom) |
| Local Representative | Must live within 25 miles of the STR and must respond to the police/fire within 12 hours of contact or sooner upon request by the police. | <ul style="list-style-type: none"> - Should this be time-based v. distance-based? - Should we specify a response time within 1 hour or less for any contact from renters or police/fire? |
| Trash/recycling collection | Must provide instructions for renters based on Tiverton regulations | <ul style="list-style-type: none"> - Do we require the owner to obtain a private trash service? - If we do require a private trash service, are we concerned about large trash bins? |
| Noise and other Quality of Life Ordinances | Currently states must comply with all requirements of the Tiverton Code of Ordinances | <ul style="list-style-type: none"> - Do we want to be more specific with what is allowed/not allowed? - Do we want to specifically state that no events including but not limited to catered parties, weddings (all aspects), funerals, or other special events |
| Fire/safety inspections | Authorizes appropriate local official to conduct but does not require | <ul style="list-style-type: none"> - Do we want to require annual inspections? If yes, which? |

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| Enforcement | \$100 per day for non compliance with conditions of the special use permit; \$500 per day if found to advertise the STR without having obtained a special use permit; Potential conditions to be imposed for citations/police reports and revocation of permit for repeat offenders | <ul style="list-style-type: none"> - Is this adequate? - Are these too burdensome? - Do we consider using the services of a company that assists municipalities in tracking for enforcement purposes? |