

ORDINANCE No. 7

**AN ORDINANCE IN AMENDMENT TO
THE BARRINGTON ZONING ORDINANCE**

IT IS HEREBY ORDAINED by the Town Council of Barrington, Rhode Island, that the Zoning Ordinance of the Town of Barrington be amended to add Article XXXIII, Short Term Residential Rental, to read as follows:

PART II – GENERAL LEGISLATION

* * *

CHAPTER 185 – ZONING

* * *

Article XXXIII – SHORT TERM RESIDENTIAL RENTAL

Sec. 185-230. Purpose.

- (a) This Chapter sets forth comprehensive standards governing the short-term rental of a dwelling unit and establishes requirements and enforcement mechanisms intended to encompass and regulate all persons engaged in the business of short-term rentals, including without limitation, property owners, property managers, leasing agents, and platforms that facilitate short-term rentals.
- (b) This article is adopted to support the economic opportunity created by short-term rentals, create a level playing field for all parties engaged in the business of providing lodging, ensure the sufficient collection of tax revenue, mitigate the disruptive effects that unmonitored short-term rentals can have on neighborhoods, and protect the livability and quality of life in the Town of Barrington’s residential neighborhoods.

Sec. 185-231. Definitions.

The following definitions apply in this section in addition to the generally applicable definitions in § 185-5:

- (a) *Booking transaction* means any contractual agreement between a guest and an owner relative to a short-term rental
- (b) *Guest* means any person who occupies a dwelling unit pursuant to a short-term rental.
- (c) *Short-term rental* means the use and enjoyment of a dwelling unit, or any portion thereof, by guests for a period of less than thirty (30) consecutive days, in exchange for money, commodities, services, or other performances. Hotels, motels, and bed and breakfasts are not considered to be short-term rentals.
- (d) *Bedroom* is defined as “sleeping room” as set forth in the current version of the Rhode Island Building Code SBC-1.

Sec. 185-232. Occupancy and parking requirements.

- (a) *Occupancy.* The maximum occupancy for a dwelling unit subject to a short-term rental booking transaction shall be two persons per bedroom. The maximum occupancy may be further limited by the requirements of division (b) below. For the purpose of establishing occupancy, a person is defined as an individual at least 12 years of age; provided however, that in no event shall exceed one occupant per 200 gross square feet.
- (b) *Parking.* One off-street parking space shall be provided on the same lot on which the short-term rental is located for every two short-term rental guests which the host advertises the dwelling may accommodate. Where the number of parking spaces required by this section cannot be provided on-site, the permitted occupancy of the dwelling shall be reduced to conform to the available amount of off-street parking. All parking spaces required hereunder shall be paved or crushed stone.
- (c) *Rental with owner occupancy.* If the record owner occupies the dwelling during the short-term rental period, two (2) additional spaces are required per unit.

Sec. 185-234. Local contact and registration.

- (a) The record owner of any property engaged in a short-term rental booking transaction shall register with the Barrington Police Department and provide the contact information of an individual who is able to respond within a reasonable period of time from being notified to any issues or emergencies that arise during the short-term rental. Contact information must include a mobile cell phone number that is active 24 hours per day and an email address.
- (b) The local contact must be authorized by the record owner to respond to tenant and neighborhood questions or complaints regarding the use of the dwelling for short-term rentals. The local contact shall respond to those complaints to ensure that the use of the dwelling complies with the requirements of this chapter, as well as other applicable town ordinances pertaining to parking, noise, disturbances, or nuisances, as well as state law pertaining to the consumption of alcohol and/or the use of illegal drugs.
- (c) The record owner of any property engaged in a short-term rental booking transaction shall maintain a record of the number of days and dates of occupancy, in for the past three (3) calendar years, which the dwelling was occupied by short-term renters, and the occupancy of each such booking. Record owners should provide these upon request to the Town Clerk.
- (d) The failure to comply with the above requirements, as well as the failure of the local contact to respond to Barrington Police Department inquiries, shall be considered a violation of this chapter.

Sec. 185-235. Nonconforming uses.

- (a) All booking transactions entered into before the passing of this Ordinance shall be allowed as a preexisting nonconforming use pursuant to Article IX of the Zoning Ordinance. All booking transactions entered into after the passage of this Ordinance shall

not be considered preexisting nonconforming uses and shall be subject to the provisions herein.

* * *

This Ordinance shall take effect upon its passage.

Council Member

Filed: February 28, 2022

Introduced: March 7, 2022

Amended: May 2, 2022

Adopted: May 2, 2022

ORDINANCE No. 2022-7

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- (b) *Parking.* One off-street parking space shall be provided on the same lot on which the short-term rental is located for every two short-term rental guests which the host advertises the dwelling may accommodate. Where the number of parking spaces required by this section cannot be provided on-site, the permitted occupancy of the dwelling shall be reduced to conform to the available amount of off-street parking. All parking spaces required hereunder shall be paved or crushed stone.
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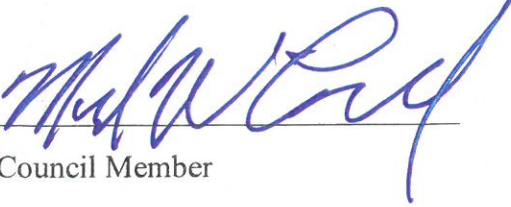
Sec. 185-234. Local contact and registration.

- (a) The record owner of any property engaged in a short-term rental booking transaction shall register with the Barrington Police Department and provide the contact information of an individual who is able to respond in person to any issues or emergencies that arise during the short-term rental within one (1) hour of being notified. Contact information must include a telephone number that is active 24 hours per day.
- (b) The local contact must be authorized by the record owner to respond to tenant and neighborhood questions or complaints regarding the use of the dwelling for short-term rentals. The local contact shall respond to those complaints to ensure that the use of the dwelling complies with the requirements of this chapter, as well as other applicable town ordinances pertaining to parking, noise, disturbances, or nuisances, as well as state law pertaining to the consumption of alcohol and/or the use of illegal drugs.
- (c) The record owner of any property engaged in a short-term rental booking transaction shall provide in writing to the Town clerk the number of days, in the past calendar year, which the dwelling was occupied by short-term renters, by January 31 of the following calendar year.
- (d) The failure to comply with the above requirements, as well as the failure of the local contact to respond to Barrington Police Department inquiries, shall be considered a violation of this chapter.

Sec. 185-235. Nonconforming uses.

- (a) All booking transactions entered into before the passing of this Ordinance shall be allowed as a preexisting nonconforming use pursuant to Article IX of the Zoning Ordinance. All booking transactions entered into after the passage of this Ordinance shall not be considered preexisting nonconforming uses and shall be subject to the provisions herein.

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Council Member

Filed: February 28, 2022

Introduced: March 7, 2022

Amended:

Adopted:

LEGAL NOTICE

TOWN OF BARRINGTON PROPOSED ZONING ORDINANCE AMENDMENT – OUTDOOR EVENT ZONING AND SHORT-TERM RENTALS NOTICE OF PUBLIC HEARING

The Barrington Town Council will hold a public hearing on May 2, 2022, at 7:00 p.m. for consideration of proposed amendments to the Zoning Ordinance. Members of the public may attend in person at the Barrington Middle School – Presentation Room 1402, 261 Middle Highway, Barrington, RI 02806. If this meeting is held in a hybrid or remote format allowing remote participation by members of the public, the login information for accessing the meeting remotely will be available on the meeting agenda posted on the Secretary of State's website.

The proposed amendments to the Zoning Ordinance would create Article XXXII, adding Sections 185-230 through 185-235 to the Zoning Ordinance, which would regulate the short-term rental of residential dwelling units. Further, the definition section of the Zoning Ordinance, Sec. 185-5, and the use table for open recreation uses, Sec. 185-8(C), will be amended to define a newly created Outdoor Event Use and Accessory Outdoor Event Use and regulate the manner in which and in what zones these newly added uses will be allowed

All interested parties may review, examine, and obtain a copy of the proposed zoning ordinance amendments by contacting the Barrington Town Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m.

At the public hearing opportunity will be given to all interested persons to be heard upon the proposed zone change. The proposal may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration must be presented for comment in the course of said hearing.

By order of the Barrington Town Council

Meredith J. DeSisto, Town Clerk

BARRINGTON PLANNING BOARD

MEETING MINUTES [EXCERPT]

Regular Meeting

7:00 p.m. Tuesday, March 1, 2022

Council Chambers – 283 County Road, Barrington, RI

1. Call to Order

Chair Jared Wallace called the meeting to order at 7:05 p.m.

2. Roll Call and Determination of Quorum

In attendance:), Bill Kurtz, Greg Lucini, Brian Morley (1st Alternate), Jared Wallace (Chair)

Absent: Kathleen Berard (1st Alternate), Roni Phipps (Vice Chair), Mariana Silva-Buck, Richard Simms

Also in attendance: Teresa Crean, Director of Planning, Building and Resiliency; Andy Teitz, Town Solicitor; Isabelle Gillibrand, Planning Board Clerk, Carl Kustell, Council Liaison

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4. New Business

4.1 Discuss and Act: Ordinance Amendments on Short-Term Rentals and Zoning for Outdoor Events

Solicitor Teitz summarized the drafts provided to the Board and its iterations, and context behind the proposed amendments, summarizing the Rhode Island School of Design (RISD) litigation with the Town. The Board discussed components of the ordinance amendments, including the number of people that can be there with rentals, and registration with the Town, both how that will be done and enforced.

Solicitor Teitz noted how the Zoning for Outdoor Events amendment to compliment the Short-Term Rental one. The goal of these amendments will be to mitigate the complaints regarding noise, parking, and related concerns. Solicitor Teitz then discussed Newport as an example of Air BnB and how the city has handled that. Solicitor Teitz concluded that the ordinance amendment asks those who participate in short-term rentals to track how many days a property is used as a short-term rental. Further discussion about the of amount of people and number of events ensued. The Board and Solicitor agreed to change the language from two events per calendar year to four events and leaving the number of permitted attendees at 50.

MOTION: Member Lucini, seconded by Member Kurtz, made a motion to recommend the ordinance amendments to the Town Council with the amendment

changing two events per year to four, finding that the amendments are consistent with Comprehensive Plan. Motion carried unanimously (4-0).

W. Kurtz: Yea

B. Morley: Yea

G. Lucini: Yea

J. Wallace: Yea