

# SHORT TERM RENTAL COMMISSION: ZONING



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RI Division of Statewide Planning

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# TODAY'S AGENDA:

What is  
zoning?

Why was it  
created?

Zoning  
districts

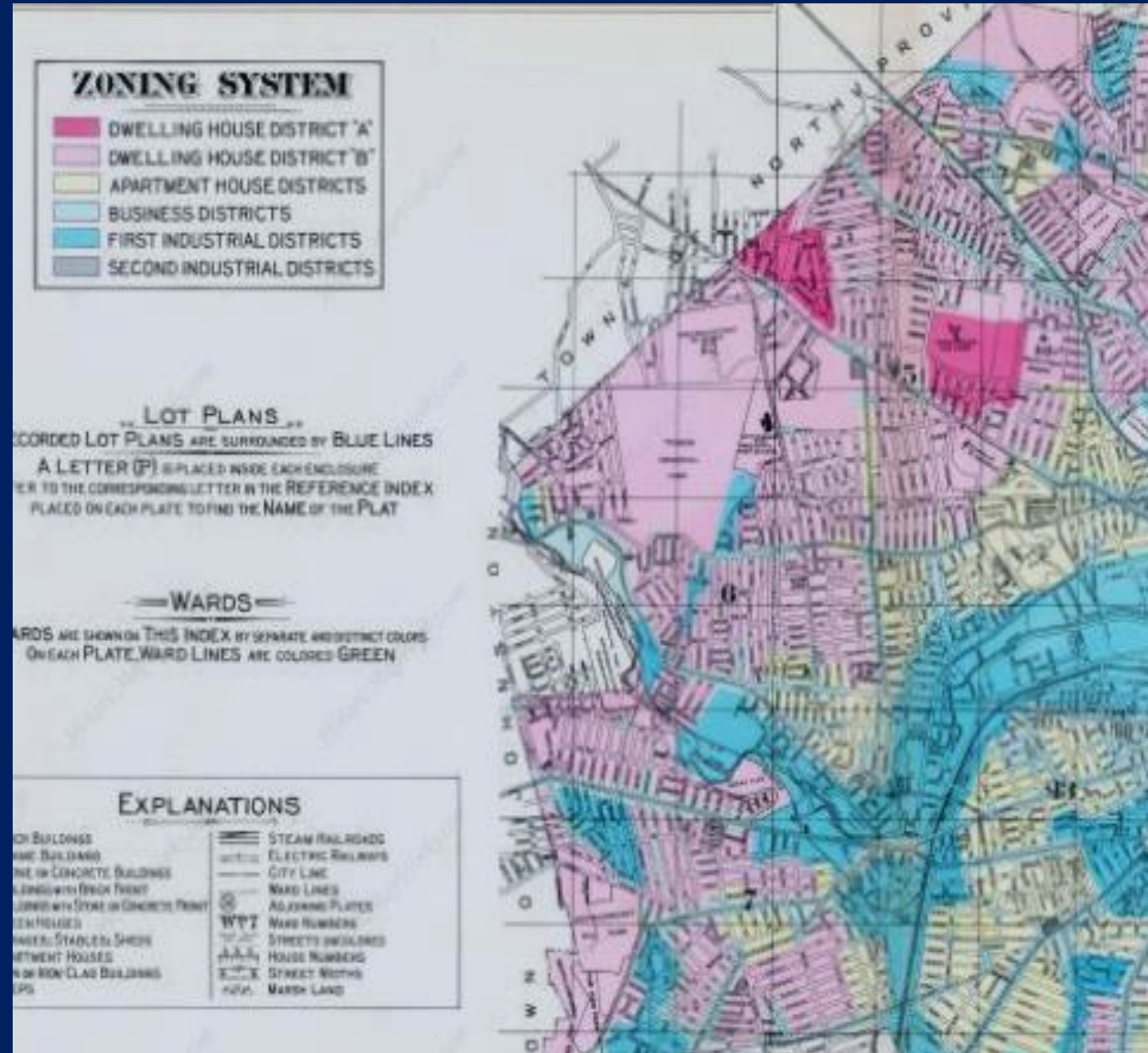
Zoning and  
STRs

Things to  
consider



# WHAT IS ZONING?

- Zoning is an umbrella term for regulations that determine what a property owner can build on their land and what the building can be used for.
- Concept originated in the 1920s in the U.S.
- Created to separate uses that were not compatible.



# WHAT IS ZONING?

- Consists of both a written ordinance and a map. Both can be amended.
- Legally binding instrument
- Part of the general "police power" that state governments can transfer to lower levels of government; police power refers to the ability of a government to ensure the "health, safety, morals, and general welfare" of its people.
- Creates predictability for purchasers of parcels and/or structures.
- In RI, zoning flows from a community's Comprehensive Plan, so each municipality's zoning ordinance is different.

# WHAT IS ZONING?

- Some common building elements that are covered by zoning include:
  - Height
  - Setbacks- how far from a property line a building can be
  - Lot coverage- how much of a parcel can be used for buildings

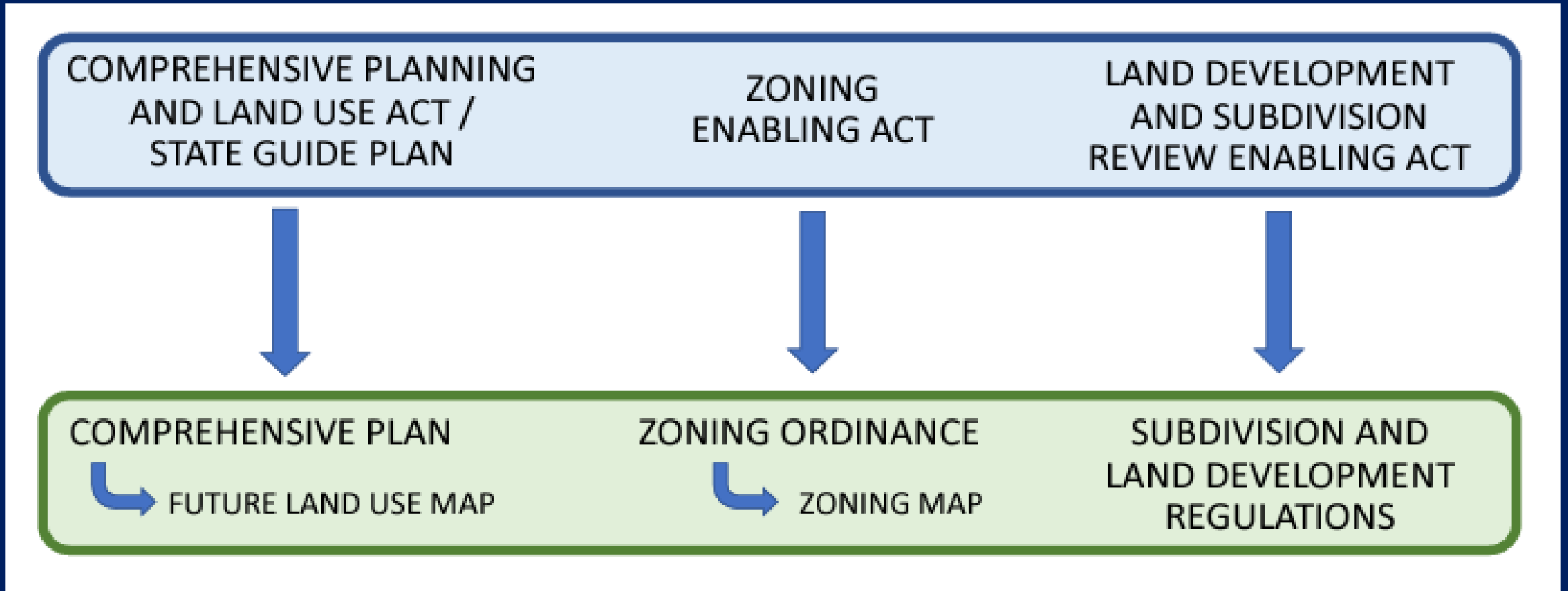


*Providence Zoning Ordinance  
User's Manual:*

[https://www.providenceri.gov/  
zoning-ordinance-user-  
manual/](https://www.providenceri.gov/zoning-ordinance-user-manual/)

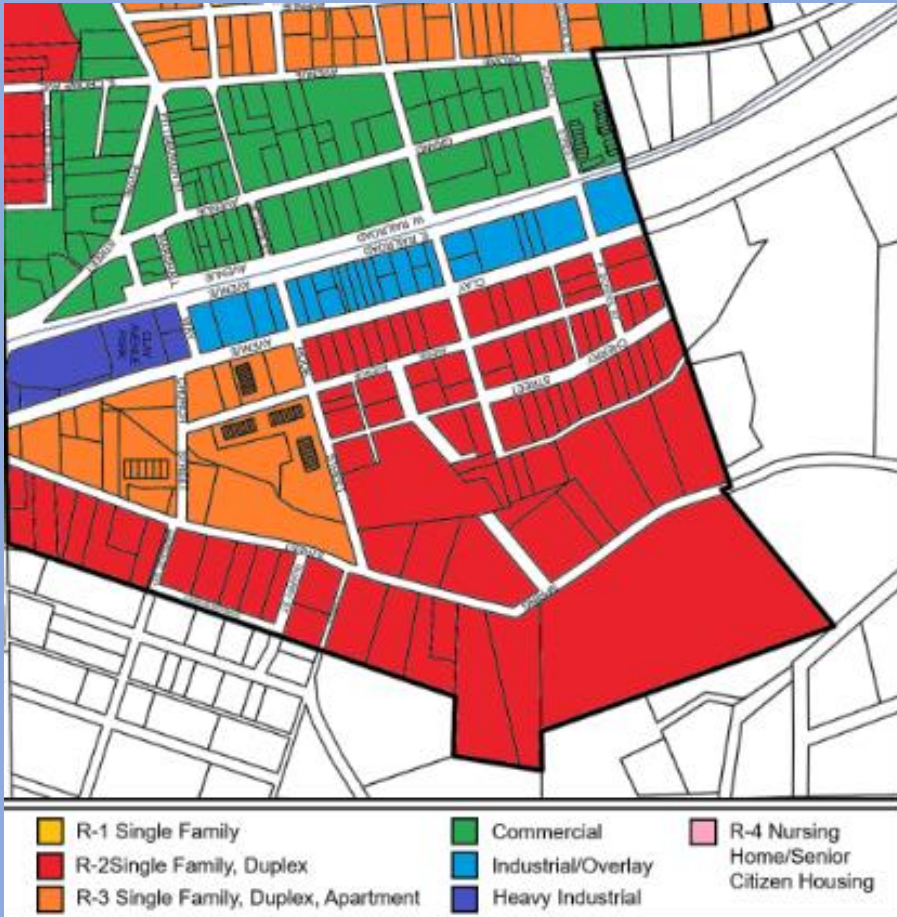
# WHAT IS ZONING?

In Rhode Island...





# WHY WAS ZONING CREATED?



- Zoning separates uses that are not compatible.
  - Examples: allowing an incinerator next to elderly housing or adult entertainment next to a school.
- Nuisance: one person's activity has a negative effect on another person's property.
  - Example: if a neighbor dumps chemicals that leach onto another person's land, they be sued for damages.

# WHY WAS ZONING CREATED?

- Represents a proactive action to prevent or eliminate harm.
  - A municipality can regulate the use of land to avoid nuisance conditions before they happen.
- It was also used to prevent the influx of immigrants and minorities into established communities.

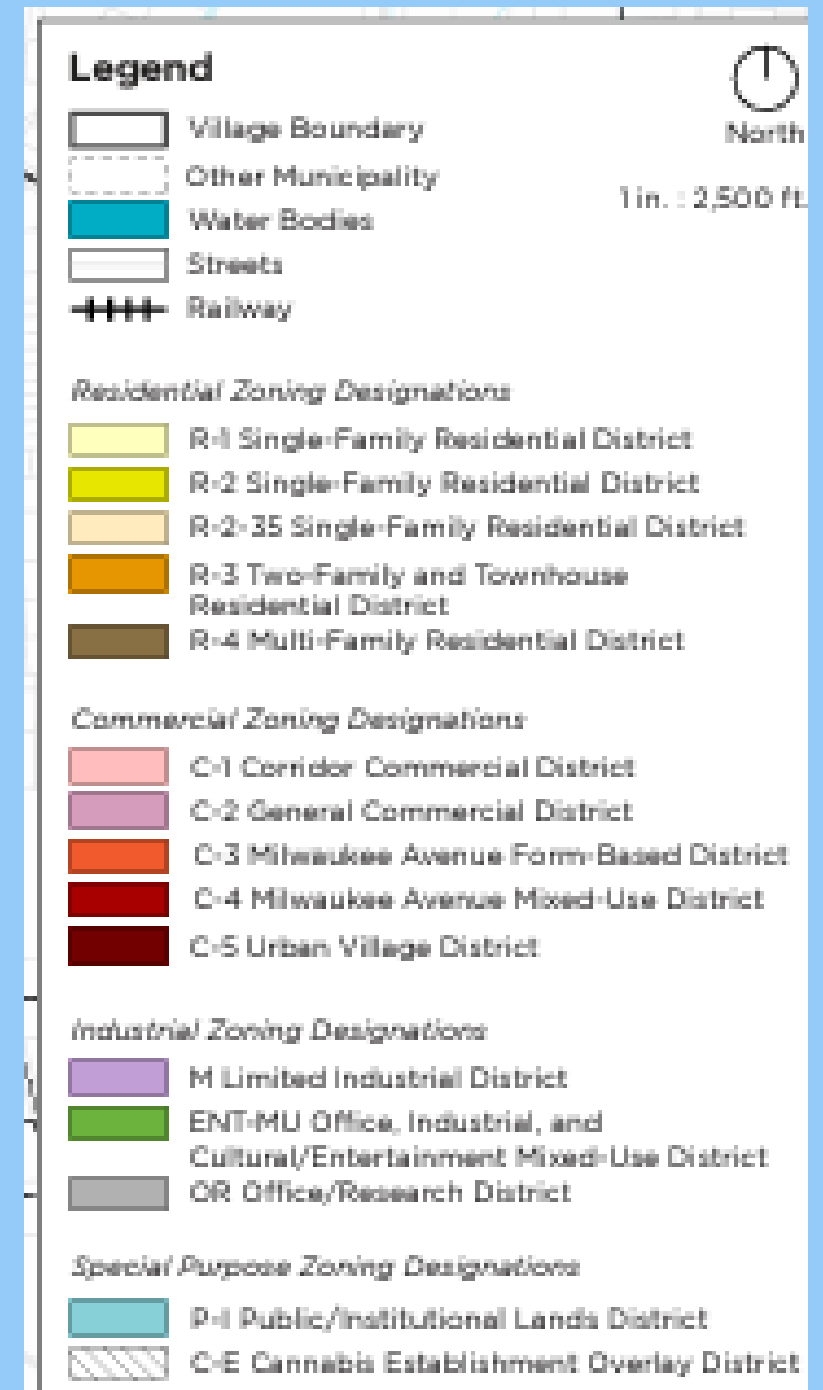


- “Residential Security Maps” were created by the Home Owners Loan Corporation in the 1930s to grade the level of security or risk for making home loans in residential areas of cities throughout the US.



# ZONING DISTRICTS

- Divides land into "zones", each of which has a set of regulations for new development that differs from other zones.
- Residential (single-family or “R1”, two-family or “R2”, etc.), Commercial (“C”), Manufacturing (“M”), Industrial (“I”), Open Space “OS”), mixed-use zones, etc.



# ZONING DISTRICTS

- Includes a table of uses
- Lists every zoning district and what can occur in them.
- Specifies what uses are allowed in a zoning district “by right” and what uses are prohibited.

[illegible]

# ZONING DISTRICTS

Uses		RR/R80	PP	NR/R40	VR/R20	MF	PV	VLDR
<i>Agricultural</i>								
1.	Agricultural and crop farming	Y	Y	Y	Y	Y	Y	Y
2.	Raising of livestock	S	N	S	S	N	N	S
2a.	Raising of Poultry	S/Y	S/Y	S/Y	S/Y	N	N	S/Y
3.	Commercial greenhouse or nursery(8)	S/Y	N	S/Y	S/Y	N	N	S/Y
4.	Noncommercial greenhouse	A	A	A	A	A	A	Y

- Some uses require a “special use permit” (aka “conditional use” or “provisional use”).
- Special use permits may or may not be granted, at the discretion of the governing body.
- A special use permit usually requires a public hearing or meeting with the local governing body.
- May require mail notification to abutters within a certain radius (i.e., within 200 feet from the boundary of the subject property).



# ZONING AND SHORT-TERM RENTALS



- Short-term rentals are a relatively recent phenomenon that did not exist when most zoning ordinances were adopted.
- Zoning ordinance can determine whether homeowners are permitted to rent out their home on a short-term basis and in what zoning district.

# ZONING AND SHORT-TERM RENTALS

- If the zoning ordinance is where short term rentals are regulated, it should spell out the definition of a short-term rental (minimum and maximum nights), parking requirements, occupancy, partial vs entire unit, owner-occupied status, etc.
  - ID the zoning districts in which they are allowed.
  - Some ordinances require a special use permit for STRs, which requires a public hearing or meeting.

# ZONING AND SHORT TERM RENTALS

A stylized, light gray background graphic of a building dome and columns, resembling a classical architectural structure, positioned behind the text.

- Are short term rentals a residential use or a commercial use?
- Homeowners insurance does not provide adequate coverage and typically includes a business activity exclusion.
  - Airbnb's website states this because STRs are business enterprises, or commercial uses.
- STRs are often prohibited or restricted in residential zones.
- Renting out a home in a residential district is like other commercial activities.



# ZONING AND SHORT TERM RENTALS



- STRs can be used as a single family residential one week and rented out to transient guests for profit the following week.
- Uses the property differently than one would use if it was solely a residential use.
- There are no other types of properties where the use of the property can be switched back and forth so quickly.
- “Using things in a different fashion than they were meant to.”
- The intent behind residential zones is that homes will be used as personal residences, not as businesses/commercial ventures.

## OTHER CONSIDERATIONS:

- In rural areas that do not have sewers, there is the risk of STRs overwhelming septic system capacity.
- Should they be allowed only in commercial zones?
- Should STRs meet development requirements for commercial uses (off-street parking, etc.)?

## OTHER CONSIDERATIONS

- Regulate STRs as home-based businesses?
- STRs to meet requirements for home-based businesses (off-street parking, etc.)?
- If housing is tied to turning a profit on a weekly (or daily) basis, is it a business?



# EXAMPLE: CITY OF PROVIDENCE'S SHORT-TERM RENTAL REGULATIONS

Different allowances in different zones:

- In R1, R1A, R2 AND R3 ZONES, owner-occupied dwellings can be used as short-term rentals. This includes allowing owner-occupants in multi-family dwellings to use their spare apartment(s) for short-term rentals.
- In ALLNOTHER ZONES where residences are allowed, dwellings can be used as short-term rentals.

# CITY OF PROVIDENCE'S SHORT-TERM RENTAL REGULATIONS

Temporary Use Permit requirements:

ENTIRE DWELLING UNITS being used as a short-term Rental is required to have a temporary use permit, issued by the Dept. of Inspection and Standards. These permits must be renewed annually.

PRIVATE BEDROOM RENTAL where the owner rents out an individual room in their home for a period of time and is residing in the dwelling unit during the term of the rental, do not need to apply for a temporary use permit.



**Questions?**

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