

THE CITY OF WARWICK
STATE OF RHODE ISLAND

APPENDIX A
ZONING

No..... Date.....

Approved.....Mayor

AN ORDINANCE AMENDING APPENDIX A, ZONING ORDINANCE OF THE CITY OF WARWICK TO DEFINE, ESTABLISH AND CLASSIFY DISTRICTS, CREATE ADMINISTRATIVE PROCEDURES FOR SHORT-TERM RENTAL USE OF RESIDENTIAL DWELLING UNITS, AND PROVIDE SUPPLEMENTARY REGULATIONS FOR THE SHORT-TERM RENTAL OF DWELLING UNITS. CITY OF WARWICK, PETITIONER

Be it ordained by the City of Warwick:

Section I. Appendix A, Zoning Section 200 of the Code of Ordinances of the City of Warwick is hereby amended by adding thereto the following:

Bedroom. Any room in a residential structure which is greater than seventy (70) square feet in area and complies with current applicable building codes and any current City of Warwick Ordinances.

Short-term rental of non-owner-occupied dwelling. In a dwelling that is not occupied by the owner, the rental, lease or other contractual arrangement for the occupation of a dwelling unit by a tenant for residential and/or dwelling purposes, for any period of less than thirty-one (31) consecutive days.

Short-term rental of owner-occupied dwelling. In a dwelling that is occupied by the owner, the rental, lease or other contractual arrangement for the occupation of a dwelling unit by a tenant for residential and/or dwelling purposes, for any period of less than thirty-one (31) consecutive days.

Section II. Appendix A, Zoning Section 302, Table 1 of the Code of Ordinances of the City of Warwick is hereby amended by adding thereto the following:

Zoning Districts	OS	A-40	A-15	A-10	A-7	O	WB	GB	LI	GI	Inter-modal	Gateway	Village District
<u>110. Short-term rental of non-owner-occupied dwelling</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>111. Short-term rental of owner-occupied dwelling</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>

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Section III. Appendix A, Zoning Section 500 of the Code of Ordinances of the City of Warwick is hereby amended by adding thereto the following:

510. – Regulation of short- term rental of dwelling units.

It is the intent of this subsection to protect the public health, safety and welfare of the City by regulating short term rental of dwelling units in the City.

Residential rentals in Warwick, including short-term rentals in residential neighborhoods, have been the source of noise, congestion, pollution, and disorderly behavior involving tenants and other persons on and near the premises, as well as violations of City Ordinances, including the Zoning and Noise Ordinances and violations of various Rhode Island General Laws. These conditions have disturbed the peace of the neighborhoods in which they have occurred; they have violated the repose, comfort and quiet enjoyment of persons in their homes; they have produced unreasonable disturbances of the peace, and they are inconsistent with the public health and safety and general welfare of the people.

The City of Warwick finds that, by application of the regulatory framework contained herein, the short-term rental of owner-occupied dwelling units can have a positive effect on the health, safety and welfare of the community by providing a flexible housing stock that allows travelers safe accommodations while contributing to the local economy and providing homeowners an opportunity to hold property in difficult economic circumstances.

510.1. Application. The provisions of this subsection shall apply to all dwelling units offered for rental within the City of Warwick except hotels, motels, and community residences.

1 510.2. Prohibitions. The following dwelling units are not eligible to be offered for short-
2 term rental:

3
4 (A) Accessory family dwelling units.

5
6 (B) Accessory structures.

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8 (C) Dwelling units that have been designated as “affordable” or are otherwise below
9 market rate, such as those units that are subject to housing or rental assistance
10 and/or deed restrictions.

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12 (C) Dwelling units subject to any requirement of local, state, or federal law that
13 prohibits the leasing or subleasing of the unit or use of the unit as a short-term
14 rental.

15
16 (D) Dwelling units that are subject to three or more violations of any municipal
17 Ordinance or state law or regulation in a twelve-month period related to excessive
18 noise, improper disposal of trash, disorderly conduct, parking, or any other nuisance
19 behavior.

20
21 (E) Dwelling units that are subject to any outstanding building, sanitary, fire, zoning,
22 or property maintenance code violations.

23
24 (F) Dwelling units on properties where weddings or other special events are occurring.

25
26 510.3. Short-term rental of dwelling units. Short-term rental of dwelling units shall be
27 permitted by right in certain zoning districts as presented in Table 1, provided that any
28 dwelling unit utilized for short-term rental must satisfy the following performance
29 standards:

30
31 (A) Must comply with the City’s Short-Term Rental Registration.

32
33 (B) Weddings or other special events are not permitted in conjunction with short-term
34 rentals.

35
36 (C) The Property owner must submit an affidavit to the Zoning Enforcement Officer
37 indicating that a dwelling unit on the subject property is owner-occupied.

38
39 510.4. Registration and inspection required; permit.

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41 (A) For all dwelling units which are let, leased, or otherwise occupied, in whole or in
42 part, by a tenant for any period of less than thirty-one (31) consecutive days for
43 residential and/or dwelling purposes, the owner shall first obtain a short-term rental
44 permit from the Building Official.

1 (B) If a dwelling unit is offered on an online hosting platform for tourist or transient
2 use, it shall be registered by the record property owner thereof with the Rhode
3 Island Department of Business Regulation before any tenant occupies the premises.
4

5 (C) After applying for the short-term rental permit, the dwelling unit shall be subject to
6 annual inspection by the Building Official or his/her designee and the Fire Marshal.
7 The purpose of the inspection is to determine the occupancy limit of the unit
8 pursuant to subsection 510.8, to determine if smoke and CO2 detectors are installed
9 in compliance with the State Fire Code for dwelling units and to determine the
10 number of off-street and on-street parking spaces available. The Building Official
11 or his/her designee shall issue a short-term rental permit stating the maximum
12 occupancy for the dwelling unit.
13

14 510.5. Short-term rental permit registration form. The short-term rental permit registration
15 form shall indicate the Tax Assessor's plat and lot number, address of the rental dwelling
16 unit, the number of rental dwelling units therein, the name, permanent mailing address and
17 telephone number of the record owner, and the usual period of occupancy by tenants
18 (monthly, weekly or other). Copies of the permit registration form, with 24/7 contact
19 information, will be held on file by the Warwick Police and Fire Departments.
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21 510.6. Filing date; term. On or before December 31 of each year, the record owner of the
22 rental dwelling unit shall file the completed short-term rental permit registration form with
23 the Building Official or his/her designee, which shall be valid for a one-year period from
24 January 1 to December 31 of the following year. If the property is registered during the
25 calendar year, the permit shall be valid until December 31 of that same year.
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27 510.7. Permit registration fee. There shall be a permit registration fee of \$250 per year for
28 each dwelling unit covered under the provisions of this subsection.
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30 510.8. Occupancy limits and parking requirements.
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32 (A) The maximum occupancy for the dwelling unit shall be two (2) persons per
33 bedroom, plus two (2) additional persons. The number of bedrooms for occupancy
34 purposes shall not exceed the number of bedrooms supported by the design load of
35 the property's septic system (on-site wastewater treatment system, or "OWTS").
36 The owner shall provide records and/or information that the Building Official or
37 his/her designee deems reasonably sufficient to determine the number of bedrooms
38 for which the OWTS is rated. The maximum occupancy may be further limited by
39 the parking requirements of subsection 510.8(B).
40

41 (B) One (1) off-street parking space shall be provided on the same lot on which the
42 short-term rental is located for each bedroom, plus one additional parking space, as
43 determined by the Building Official. The total number of parking spaces required
44 shall be one greater than the number of bedrooms utilized for occupancy. Each
45 required parking space shall be not less than ten feet (10') in width and twenty feet
46 (20') in length exclusive of drives and maneuvering space. Off-street parking

1 spaces shall be located within an identified driveway area and not on lawn areas.
2 Where the required number of off-street parking spaces cannot be provided on said
3 lot, then legal on-street parking spaces along the frontage of said lot [one (1) space
4 per twenty feet (20') of frontage may be utilized to meet the parking requirement.
5 Where the total number of parking spaces required by this subsection cannot be
6 met, the permitted occupancy of the dwelling shall be reduced to conform to the
7 available amount of off-street and on-street parking spaces.

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9 510.9. Owner's obligations.

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11 (A) All short-term rental agreements shall have as an attachment a copy of the
12 applicable short-term rental permit for the premises. The rental agreement shall
13 state that the renter may be held legally responsible for any violations of law
14 committed by the renter or by other occupants or guests while at the premises,
15 including violations of the laws and ordinances pertaining to noise, disorderly
16 conduct, disturbance of the peace, keeping dogs on a leash, parking, trash
17 maintenance and disposal, and dwelling occupancy limits.

18
19 (B) The owner shall obtain accurate and up-to-date information, including the names,
20 home addresses and phone numbers of the renters, the date of the rental period and
21 the model, year, color and vehicle registration of all motor vehicles registered to or
22 used by such renters. The owner shall maintain this information throughout the term
23 of the short-term rental agreement and for one hundred eighty (180) days thereafter;
24 and shall make this information available to City officials who are lawfully
25 investigating or prosecuting any offense reasonably believed to involve one or more
26 of the renters. Failure of the record owner to maintain or provide this required
27 information shall constitute a violation of this subsection.

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29 510.10. Posting of notice by owner. The record owner shall post in plain view, in a
30 conspicuous place within the rental dwelling unit, a notice to be drafted by the Planning
31 Department and available at the office of the Building Official, containing general
32 information regarding certain City Ordinances with which tenants must comply. The record
33 owner or any person in control or possession of said rental dwelling unit subject to the
34 provisions of this subsection shall cause the registration form and permit required by this
35 subsection to be posted or affixed to the inside of the primary access door to said dwelling
36 unit so as to allow the lease and registration form to be readily available for inspection by
37 police, zoning, building, or property maintenance officials of the City of Warwick.
38 Additionally, the record owner or any person in control or possession of said rental
39 dwelling unit must post a copy of the short-term rental permit on the exterior of the
40 dwelling unit, which shall contain the twenty-four hour emergency contact information for
41 the owner and the maximum occupancy for the dwelling unit, as determined by the
42 Building Official.

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44 510.11. Enforcement; penalty for violation; revocation of permit.
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1 (A) Violations of this subsection shall be enforceable through issuance of a summons
2 by any Zoning Enforcement Official of the City. Violations and citations shall be
3 heard and adjudicated by the Warwick Municipal Court.

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5 (B) Any violation of the provisions of this subsection shall be subject to a fine of not
6 more than one hundred dollars (\$100) per day for a first violation, two hundred fifty
7 dollars (\$250) per day for a second violation, and five hundred dollars (\$500) per
8 day for a third and each subsequent violation, and such fines may be imposed for
9 each day the violation continues.

10
11 (C) The Zoning Enforcement Official may revoke a short-term rental permit issued
12 under this subsection if it is determined, by a violator's admission or a Municipal
13 Court finding of a violation, that three or more violations of this subsection have
14 occurred for the same property, and no new permit shall be issued to the property
15 owner for the same property for a period of twelve months following the revocation.
16 Any revocation of a short-term rental permit may be appealed to the Zoning Board
17 of Review as an administrative appeal pursuant to the provisions of Sec. 906.4 of
18 the Warwick Zoning Ordinance.

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21 Section IV. This Ordinance shall take effect on January 1, 2023.

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24 SPONSORED BY: COUNCILMAN LADOUCEUR
25 COUNCILWOMAN TRAVIS

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27 COMMITTEE: LAND USE