

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 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

Appendix A, Zoning Section 302, Table 1 of the City of Warwick Code of Ordinances 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
<a href="#"><u>110. Short-term rental of non-owner-occupied dwelling</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>
<a href="#"><u>111. Short-term rental of owner-occupied dwelling</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>Yes</u></a>	<a href="#"><u>Yes</u></a>	<a href="#"><u>Yes</u></a>	<a href="#"><u>Yes</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>No</u></a>	<a href="#"><u>Yes</u></a>

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Section III. Appendix A, Zoning Section 500 of the City of Warwick Code of Ordinances 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:

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4 (A) Accessory family dwelling units.

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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.

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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.

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

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

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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:

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

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

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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.

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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.

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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.

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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).

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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

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

510.9. *Owner's obligations.*

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

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

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

510.11. *Enforcement; penalty for violation; revocation of permit.*

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.

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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: ORDINANCE