

Chapter 51

PLANNING AND DEVELOPMENT

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ARTICLE I.

IN GENERAL

Secs. 51-1--51-20. Reserved.

ARTICLE II.

WARWICK STATION REDEVELOPMENT DISTRICT*

* **Editors Note:** Ord. No. 98-42, § 1, adopted Dec. 12, 1998, enacted provisions which pertained to the Warwick Station Redevelopment District and the agency therefor. Such provisions, designated as §§ 6-401--6-410, have been redesignated by the editors, with the concurrence of the city, as §§ 51-21--51-30 for purposes of classification.

Cross References: Boards and commissions, § 6-1, et. seq.

Sec. 51-21. Purpose.

The purpose of the Warwick Station Redevelopment District (WSRD) and Warwick Station Redevelopment Agency (WSRA) is to encourage, guide and direct development in the district, to ensure that the

character prescribed in the Warwick Station Redevelopment District Master Plan is maintained, that new development is compatible with the projected scale and building fabric, that architectural quality is maintained and that mixed uses provide for the health and growth of the district. The construction and design of buildings and open spaces shall be regulated and approved in accordance with the provisions of this article.

Specific components of this purpose include:

- (1) To ensure that the district capitalizes on the recent \$200 million public investment in the new terminal at T.F. Green Airport.
- (2) To ensure that the district capitalizes on the recent \$25 million dollar authorization of Federal Funds for a new rail station and connection to the T. F. Green Airport in the Transportation Equity Act of 1988 (TEA-21).
- (3) To expand economic development opportunity within the district by encouraging private-sector investment based on extensive public improvements and capital investment in the district.
- (4) To encourage institutional cooperation between the major stakeholders in the district to facilitate the short and long term implementation of The Warwick Station Redevelopment District.
- (5) To provide for an orderly development process which places a premium on quality of design, function and in mitigating traffic impacts.

(Ord. No. O-98-42, § 1(Exh. A), 12-14-98)

Sec. 51-22. District boundaries.

The Warwick Station Redevelopment District is established as depicted on the "zoning plat" and labeled as the Warwick Station Intermodal and Gateway Districts as provided in section 303 of the City of Warwick Zoning Ordinance, and includes those areas established by the City Council through the enactment of amendments to the "zoning plat."

(Ord. No. O-98-42, § 1(Exh. A), 12-14-98)

Sec. 51-23. Warwick Station Redevelopment Agency (WSRA).

(a) *Establishment.* This article shall constitute the determination by the city council that a need exists for a redevelopment agency and is intended to satisfy the requirements of section 45-31-10 of the Rhode Island General Laws. This article also constitutes a determination and finding that the Warwick Station Redevelopment District is an "arrested blighted area" as defined in section 45-31-8 of the Rhode Island General laws. The Warwick Station Redevelopment Agency (WSRA) is hereby established to carry out the purposes of the Warwick Station Redevelopment District. All development in the district shall be reviewed and approved by the WSRA in conformance with this section. The WSRA shall also provide assistance to property owners and the city including the city council, zoning board of review and other agencies on planning issues within the district related to design and site planning and on related issues as it deems appropriate, including the design of public improvements such as street rehabilitation, paving, lighting, sidewalks, curbing and drainage.

(b) *Additional determinations.* This article shall constitute the following determinations and findings

by the city council:

- (1) The "Warwick Station Redevelopment Master Plan" constitutes a "redevelopment plan" as defined in section 45-31-8(16) of the Rhode Island General Laws and satisfies the requirements of section 45-32-8 of the Rhode Island General Laws.
- (2) The redevelopment plan has been submitted to the Warwick Planning Board and has been found to be in conformity with the City of Warwick Master Plan as required by section 45-32-7 of the Rhode Island General Laws.
- (3) The hearing at which the city council approved the redevelopment plan satisfies the requirements of section 45-32-11 of the Rhode Island General Laws.
- (4) The redevelopment plan is hereby incorporated by reference and is designated as the approved plan for the Warwick Station Redevelopment District as set forth in subsections 45-32-20 (e) and (f).
- (5) With reference to section 45-32-13 of the Rhode Island General Laws, that redevelopment plan is feasible, conforms to the master plan for the community and would effectuate the purposes of chapters 31-33 of the Rhode Island General Laws.
- (6) With respect to section 45-32-14 of the Rhode Island General Laws, the redevelopment plan does not call for the expenditure of city money.
- (7) With respect to section 45-32-15 of the Rhode Island General Laws, the city council declares its intention to institute proceedings to modify streets and highways, etc. At the appropriate time in accordance with the redevelopment plan.
- (8) With respect to section 45-32-17 of the Rhode Island General Laws, that the financial aid from the federal government provided for in the redevelopment plan is necessary to enable the land in the project area to be redeveloped in accordance with the redevelopment plan.
- (9) That the redevelopment plan satisfies the conditions of section 45-32-18 of the Rhode Island General Laws.
- (10) Pursuant to [section] 45-32-23, the redevelopment plan may not be modified unless the city council shall approve such modification.

(c) *Membership and appointment.* The Warwick Station Redevelopment Agency (WSRA) shall consist of five (5) members and two (2) alternates who have demonstrated interest and commitment to the vision of the Warwick Station Redevelopment District. All members of the WSRA shall be appointed by the mayor subject to the approval of the city council. All members shall be residents of the City of Warwick. The mayor shall also appoint five ex-officio nonvoting members of the committee. The ex-officio members shall include a member of the Warwick Planning Board, a registered Rhode Island architect or an individual with professional training and expertise in architectural design, planning or landscape design, a representative of the Rhode Island Department of Transportation (RIDOT), a representative of the Rhode Island Department

Economic Development Corporation (EDC), and a representative of the Rhode Island Airport Corporation (RIAC). The terms of the appointees shall be for five years and shall be staggered to provide for continuity of the agency.

(Ord. No. O-98-42, § 1(Exh. A), 12-14-98)

Sec. 51-24. Powers, duties and application procedures of the WSRA.

(a) *Regulate development within the district.* The WSRA is authorized to regulate all improvements within the district including the construction, reconstruction, alteration, repair, demolition, removal, rehabilitation of the exterior of new and existing commercial, institutional and residential buildings and appurtenances within the district which require building permits or other approvals from the city. Within the district, the WSRA shall have the authority for all development and/or site plan review. Such review shall take the place of the planning board for development plan or site plan review within the district under this article.

(b) *Adoption of rules.* The WSRA shall adopt and publish all rules necessary to carry out its function.

(c) *Adoption of standards.* The WSRA is authorized to adopt regulations specifying parking, loading, signage, landscaping and other standards consistent with the article.

(d) *Waivers.* Where specifically authorized, the WSRA may grant waivers to the design and dimensional regulations promulgated pursuant to this article so long as such waivers carry out the purpose of the Warwick Station Redevelopment District. Waivers will be permitted to regulations governing design standards for projects including but not limited to parking, landscaping, new construction and building setbacks.

(e) *Zoning board of review.* The WSRA may advise the zoning board of review on all requests for variances and special use permits authorized in the district. The WSRA may also provide comments to the planning board and the city council on all proposed amendments to the comprehensive plan and all subdivision and/or land development reviews regarding the Warwick Station Redevelopment District.

(Ord. No. O-98-42, § 1(Exh. A), 12-14-98)

Sec. 51-25. Conduct of business.

(a) *Public hearing.* The WSRA shall hold a public hearing on any request for a waiver.

(b) *Record.* The WSRA shall keep a record of all proceedings, findings, decisions and actions and such record shall be open to the public. All decisions evidencing the granting of a waiver shall be recorded by the applicant in the land evidence records. No permit shall be issued until said recording. Failure to record the decision within thirty (30) days shall cause said decision automatically to become null and void.

(Ord. No. O-98-42, § 1(Exh. A), 12-14-98)

Sec. 51-26. Procedures for design approval.

(a) *Application.* Before any property owner applies for a building permit or commences any improvements on public or private land including the construction, reconstruction, alteration, repair, demolition, removal and/or rehabilitation of the exterior of new and existing buildings, or appurtenances requiring a

building permit or other city approvals (paving, curb, cuts, parking areas, drainage, etc.) within the district, a written application for such work and appropriate development plans shall be submitted to the city planner who shall forward such application to the Warwick Station Redevelopment Agency (WSRA).

An application form shall be developed by the WSRA and shall include all information which is reasonably necessary to evaluate the proposed work.

The city planning department shall forward the application to the WSRA. No building permit shall be issued before the project receives design approval from the WSRA. For those projects where no building permit is required, such as the building of a parking area, the city planner shall also refer such projects to the WSRA for approval.

No WSRA approval shall be necessary for the following:

- (1) Work meant to remedy damage or deterioration of a structure or its appurtenances, which involves no change in type of materials, dimensions, design, configuration, texture or visual appearance;
- (2) Exterior painting or staining,
- (3) Business enhancement plantings.

(b) *Review.* The WSRA shall review all applications for new construction, major additions, moving of structures and demolition of buildings. Such review shall be held during a regular meeting of the WSRA and open to the public, for which at least seven days advance written notice has been given by first class mail to the applicant, property owner, and abutting property owners (within 200 feet). A determination shall be made within 30 business days of receipt of a complete application. These time periods may be extended by mutual agreement between the applicant and the committee. In the event that the WSRA shall make a written determination within the 30-day period that a particular application requires further time for additional study and information, then the WSRA shall have a period of up to 90 business days from the date of acceptance of a complete application within which to act on such application. Nothing in this section shall be construed to prevent the applicant and the WSRA from mutually agreeing on an extension beyond the 90 days.

(c) *Determination.* The WSRA shall be authorized to approve, approve with conditions or deny an application for design approval. Approval shall be based upon conformance with the regulations of this section. The WSRA shall place on the record its reasons and conditions for approval or reasons for denial of the application, consistent with the provisions of this article. All determinations shall be made in writing. A copy of WSRA determination shall be filed with the applicable building permit.

(d) *Advice from other agencies.* In order to assist in its review of plans, the WSRA may request other agencies to review and comment on proposals.
(Ord. No. O-98-42, § 1(Exh. A), 12-14-98)

Sec. 51-27. General regulations.

- (a) Establishment and classification of districts. For the purpose of this article the Warwick Station

Redevelopment District is hereby divided into two districts, listed and designated on the "zoning plat" as follows:

Warwick Station Intermodal District (Intermodal)

Warwick Station Gateway District (Gateway)

(b) The general intent and purposes of the districts are as follows:

Warwick Station Intermodal District (Intermodal). Properties mapped in accordance with subsection 303 of the City of Warwick Zoning Ordinance and are intended to comply with the special needs resulting from their location near the railroad terminal and the airport terminal site, including appropriate complementary uses, pedestrian and vehicular circulation and parking needs, access issues, traffic flow and congestion, lot coverage and height restrictions. The intent of the intermodal zone is to create and sustain an area of regional economic activity within a retail commercial and office core located on a circulation access spine linking the two transportation nodes described above. This area is the core commercial activity area of the Warwick Station Redevelopment District. It is intended that this zone have a high quality of design for pedestrian use, infrastructure improvements that will enable a flow of users between the two transportation nodes and an appropriate intensity of associated retail, office and hotel uses.

Warwick Station Gateway District (Gateway). Properties mapped in accordance with subsection 303 of the City of Warwick Zoning Ordinance and are intended to serve as transitional areas leading to the intermodal district of the Warwick Station Redevelopment District from outlying areas, including the Post Road and Airport Road general business districts. The Gateway District is intended to allow limited commercial uses customarily associated with transportation facilities such as airport and railroad terminals as well as general commercial uses commonly allowed within general business districts. It is intended that this district have a high quality of design associated with vehicular circulation and appropriate landscaping and architectural design intended to create a separate identity and a cohesive appearance distinguishable from the outlying areas.

(c) Use regulations:

Yes--The use is allowed in the district so designated.

No--The use is prohibited in the district so designated.

Zoning Districts	Intermodal	Gateway
	100. Residential uses:	
101. Detached single-family dwelling unit	no	no
102. Two-family and multiple-family dwelling in a development containing between two and ten units	no	no
103. Two-family and multiple-family dwelling in a development containing more than ten units	yes	yes

104. Congregate elderly housing containing between two and ten units	no	no
105. Congregate elderly housing containing more than ten units	no	no
106. Rooming house	no	no
107. Room for less than three boarders	no	no
107.1 Bed and breakfast for up to four guests	no	no
108. Mobile home, mobile home park, or trailer park	no	no
109. Community residence	no	no
200. Agricultural uses:		
201. Raising of crops (commercial and non-commercial)	no	no
202. Commercial greenhouse	no	no
203. Sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors	no	no
204. Raising and keeping of animals and livestock	no	no
300. Office uses:		
301. Medical offices, excluding clinic	no	yes
302. Clinic	no	yes
303. Law office, accountant, architect or other non-medical professional person	yes	yes
304. Real estate, insurance, travel agency, advertising or similar agency office	yes	yes
305. General office use	yes	yes
306. Bank, trust company or similar financial institution with drive-in window	no	yes
307. Bank or other financial institution without drive-in window	yes	yes
308. Research and development laboratory, testing facility for environmental or medical purposes, or facility excluding radioactive and chemical or biological processes	no	no

309. Biological technologies, including DNA (recombinant deoxyribonucleic acid), cell fusion, and novel bioprocessing techniques, including related research into processes that promote health diagnostics and therapeutics, agricultural biology including plant genetics for food purposes, environmental remediation techniques, and manufacture of instruments that assist in biological research	no	no
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400. Service uses:

410. Barbershop, beauty salon	yes	yes
411. Hotel or motel	yes	yes
412. Public gathering hall, theater or auditorium	yes	yes
413. Indoor commercial recreation facility including, health club and private club	yes	yes
414. Outdoor commercial recreation facility, including amusement park, and sports center not elsewhere classified, driving range, pitch & putt, miniature golf, or similar activity	no	no
415. Golf course (excluding driving range, pitch & putt, miniature golf, or similar establishment)	no	no
416. Coin-operated amusement establishment	no	no
417. Message establishment	no	no
418. Marina, yacht club	no	no
419. Vehicle rental agency	yes ⁽¹⁴⁾	yes
420. Carwash	no	no
421. Gasoline station (no repairs), may include convenience and/or grocery retail	no	yes
422. Service station (with repairs)	no	no
422.1. Auto body repair shop	no	no
423. Boat repairs, painting or storage.	no	no
424. Building trades contractor, oil and fuel service, or similar establishment	no	no

424.1 Landscape and tree service	no	no
425. Cesspool company	no	no
425.1 Other service establishment	no	no
500. Retail uses:		
501. Restaurant (with liquor license)	yes	yes
501.1. Nightclub	yes	yes
502. Restaurant (without liquor license)	no	yes
503. Fast food restaurant	yes ⁽¹⁵⁾	yes
503.1. Retail trade-neighborhood establishment 2,000 square feet GFA or less	yes	yes
503.2. Retail trade-community wide establishment of more than 2,000 square feet GFA	yes	yes
505. New or used vehicle sales, with service or outdoor display (excluding boats)	no	no
507. New or used boat sales, with service or outdoor display	no	no
508. Marine equipment, fishing and tackle store, bait shop	no	no
509. Open air market or outdoor sales and display, mobile or otherwise	no	no
50X Adult entertainment	no	no
510. Other retail uses	no	no
600. Transportation, communication and utility uses:		
601. Airport or heliport	yes	no
602. Bus or railroad passenger station	yes	no
603. Automobile parking lot or parking garage for private passenger cars (as a principal use)	yes	yes
604. Truck, bus, taxi, or other commercial vehicle terminal yard or building for storage and servicing of such	no	no
605. Radio and television transmission station including towers	no	no
606. Radio or television studio	no	no

607. Electrical transformer station and substation, gas regulator station, water and sewer pumping station, and telephone exchange station as a principal use and not elsewhere classified in this table	no	yes
608. Electric power plant	no	no
609. Nuclear power plant	no	no
610. Other utility, utility station, receiving or transmitting device or tower, satellite dish antenna as a principal use and not elsewhere classified in this table	no	no

	700. Institutional uses:	
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701. Religious place of worship, including rectory, parsonage, convent and monastery	no	no
702. Social community or recreation center	yes	yes
703. Other use with religious purposes	no	no
704. Hospital, including hospital for mental, drug, or alcohol treatment but excluding animal hospital	no	no
704.1. Family day care home, as defined	no	no
704.2. Day care facility, as defined	no	no
705. Extended care, convalescent, rest, or nursing home	no	no
706. Preschool and kindergarten	no	no
707. Primary or grammar and junior high school or middle school, public, parochial or private school providing compulsory education, including uses listed in 706 when located in the same facility	no	no
708. High school, including preparatory school or academy, public, parochial or private school providing compulsory education	no	no
709. Junior college, college or university, including public or private institutions of higher learning	no	yes
710. Vocational, business or other schools	no	yes

711. Resident dormitory fraternity, or sorority	no	no
712. Government administrative offices	yes	yes
713. Police, fire, other public safety facility or other government facility not elsewhere classified in this table	yes	yes
714. Library or museum	no	no
715. Public park, playground or public recreation building	yes	yes
716. Community water supply, wells or conservation area	yes	yes
717. Cemetery	no	no
718. Crematory	no	no
719. Prison	no	no

800. Light industry:		
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801. Assembling and packaging of articles	no	no
802. Manufacturing, welding, fabricating, processing, assembling or packaging of:		
1. Food and beverage products	no	no
2. Clothing but not textile manufacture	no	no
3. Paper and paper board products	no	no
4. Drugs	no	no
5. Leather goods excluding footwear	no	no
6. Electric and electronic equipment including audio, video, computer, and office machines	no	no
7. Engineering and scientific instruments and supplies	no	no
8. Medical and dental instruments and supplies, including optical instruments and lenses but excluding laboratory testing	no	no
9. Photographic equipment and supplies	no	no
10. Watches, clocks, and clockwork mechanisms	no	no
11. Jewelry, insignia emblems, badges, notions, and costume jewelry, but excluding electroplating	no	no
12. Musical instruments	no	no
13. Sporting goods and toys	no	no

14. Art supplies, including pens, pencils, and similar products	no	no
15. Signs and advertising devices	no	no
16. Miscellaneous products including umbrellas, parasols, canes, brooms, and brushes	no	no
803. Bottling beverages	no	no
804. Distribution center, parcel delivery center, delivery warehouse	no	no
805. Laundry, dry cleaning plant	no	no
806. Printing, binding publishing and related arts and trades	no	no
807. Mini-storage and mini-warehouse facility	no	no
808. Processing and packaging of fish or fish products	no	no
809. Wholesale business and storage in roofed structure or outdoors, but not including wholesale storage of flammable liquids, gas or explosives	no	no
810. Storage warehouse, cold storage plant, storage building but not including storage of junk scrap metal, rags, waste paper and similar materials	no	no
811. Open-lot storage of new building materials, machinery, but not junk, scrap and wastes	no	no
812. Open-lot storage of coal, sand, or other similar material	no	no

900. General industry:

901. Dismantling or wrecking of used motor vehicles and storage or sale of dismantled inoperative or wrecked vehicles or their parts	no	no
902. Stone cutting	no	no
903. Textile mill	no	no
904. Plaster of Paris or ceramic products manufacture	no	no
905. Asphalt or concrete plant	no	no
906. Sand and gravel operation	no	no

907. Manufacturing, welding, fabricating, processing, assembling or packaging or other industrial operation, but the following are expressly prohibited:	no	no
1. Acid manufacture 2. Cement, lime or gypsum manufacture 3. Explosives or fireworks manufacture 4. Glue manufacture 5. Incineration of solid waste or dead animals 6. Petroleum refining 7. Stockyard 8. Landfill or underground injection well for hazardous materials		
908. Open-lot storage of second-hand lumber or other used building material	no	no
909. Open-lot storage of junk, scrap, paper, rags or other salvage articles	no	no

Footnotes:

- (14) Vehicle rental agency with on site storage is prohibited.
- (15) Fast food restaurant with drive-through window shall be prohibited

(d) Dimensional regulations:

Zoning Districts	Intermodal	Gateway
Minimum lot area (square feet)	6,000sf	30,000sf
Maximum density, dwelling units per acre	0	0
Minimum frontage (feet)	60	60
Minimum lot width (feet)	60	60
Minimum front and corner side yard (feet)	0	10
Minimum side yard (feet)	0	15
Minimum rear yard (feet)	0	20
Maximum structure height (feet)	75	75
Minimum landscaped open space (percent)	10%	10%

(Ord. No. O-98-42, § 1(Exh. A), 12-14-98)

Sec. 51-28. Design regulations for alterations or enlargements of existing buildings, parking areas and/or

landscaping.

All exterior improvements on existing buildings in the district are subject to approval by the WSRA and shall be regulated by these standards and guidelines. The purpose of these regulations is to establish design standards to create and maintain the architectural and landscape features of the district envisioned in the Warwick Station Redevelopment District.

- (1) *Minimum standards.* The following are minimum standards for the design of alterations or new additions to existing buildings:
 - a. **Design.** Traditional and/or contemporary design for alterations and additions to existing buildings shall be encouraged when such alterations and additions follow the design standards for new construction within the district and such design is compatible with the size, scale, massing, rhythm, proportion, material, and other features and environmental setting of a pedestrian-scaled urban setting.
 - b. **Additions and alterations.** Wherever possible, additions or alterations to buildings, structures, or appurtenances shall be designed and executed in such a manner that transforms existing buildings that do not fit into the district's character to more compatible character in conformance with the standards for new construction listed in section 51-29.
 - c. **Lighting.** Lighting of building facades shall be designed to ensure that the fixtures are shielded and directed toward the building. Pedestrian level lighting shall be encouraged. Electrical conduit and junction boxes shall be located so as to eliminate their visibility from the public way.

(Ord. No. O-98-42, § 1(Exh. A), 12-14-98)

Sec. 51-29. Design regulations for new construction, parking, landscaping, stormwater control, and signage.

All new construction requiring a building permit or any form of city approval in the district shall be approved by the WSRA and shall be regulated by these standards and guidelines. The purpose of these standards is to establish design regulations to create an architectural and landscape character for the district which is pedestrian in scale and to ensure that new construction complements its character and creates a new architectural identity consistent with the Warwick Station Redevelopment District.

- (1) *Minimum standards.* The following are minimum standards for all construction projects.
 - a. **Visual relationship of buildings and their design.** Proposed structures shall be related harmoniously to the streetscape and to the buildings in the vicinity which have a beneficial visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location and height of building(s).
 1. The design of the project, buildings, structures and site layout, shall be visually compatible with the character of the scheme embodied in the Warwick Station

Redevelopment District and the surrounding area, including building materials, massing, scale, and building roof line.

2. Architectural elements should be in proportion with the overall building and should also be in keeping with the surrounding building context. Exaggerated or excessively large (or tiny) architectural elements should be avoided. If used properly, traditional and contemporary architectural detailing can create variety, interest and texture on new buildings and additions which is compatible with the character of the area.
 3. Development projects should reuse existing buildings of historical significance whenever possible.
 4. Large scale development may be encouraged in appropriate zones, but pedestrian level streetscapes shall be included as an integral design development. These streetscapes shall take the form of traditional urban main street like groupings of small scaled building facades. Conventional suburban-oriented, individual structures with a single entrance set back on a large expanse of asphalt parking are prohibited. New buildings should not be single story, large, bulky masses, but should be vertical in orientation and multi-storied. Large scale buildings may be lined with smaller scaled building facades to create a more urban and pedestrian-scaled appearance as an alternative required by the WSRA.
- (2) *Vehicular access.* The proposed site layout should limit direct access to Post Road whenever feasible and shall provide for safe access and egress from public and private roads by providing adequate location, numbers and control of access points including site distances, turning lanes and traffic signalization when required by existing and projected flow on the municipal road systems. Provisions shall be made providing and maintaining safe and convenient emergency vehicle access to all buildings and structures on the site at all times. The development shall not impose unreasonable burdens on the circulation system of the district or surrounding areas. City roads inadequate to handle the volume of traffic generated by the development shall be improved by the applicant to provide safe passage. The developer may be required to provide a traffic impact report prepared by a certified traffic engineer if there are unusual safety concerns.
- (3) *Parking and circulation.* Adequate off-street parking and loading shall be provided to prevent on-street traffic congestion; all parking spaces, maneuvering areas, entrances and exits shall be identified on the site plan; the interior circulation system shall be designed to provide safe and convenient access to all structures, uses and/or parking spaces; parking areas shall be protected with suitable guards, rails, islands, crosswalks, speed bumps, and similar devices deemed necessary by the WSRA. The layout and design of vehicular and pedestrian circulation, including walkways, interior drives and parking areas, shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangement and use of parking areas.
- a. Parking lots shall be located behind, beneath or within commercial buildings.

- b. Whenever possible, surface level parking lots on adjoining commercial lots shall be connected internally to each other to allow for through traffic between and reducing the need for multiple curb cuts.
- c. Surface level parking lots shall be designed with ample landscaping. Parking lots containing ten or more spaces shall be planted with at least one tree per three spaces, no smaller than two-inch caliper and at least five feet in height at the time of planting and shall be of a species characterized by hardiness within the area. Each tree shall [be] surrounded by no less than 40 square feet of permeable unpaved area.
- d. Parking structures may be required to satisfy parking space requirements. Due to the pedestrian nature of the intermodal zone and the use of the automated people mover (APM) between the air and rail terminals, the WSRA shall limit the number of parking spaces provided for each use within the zone. In addition, WSRA shall limit the egress and exit points of parking facilities to side streets to ensure that traffic congestion is mitigated and the Post Road traffic corridor is not adversely impacted. No free-standing parking structures structurally unrelated or non accessory to other commercial, residential, institutional, and transportation uses shall be permitted within the Intermodal Zone.
- e. The Warwick Station Redevelopment Agency may require the consolidation of existing curb cuts into a smaller number of clearly defined entrances. In such cases where new additions or new structures are part of the application, the WSRA may encourage such new construction to be located along the road at the setback line to create a visual screen to existing or proposed interior parking areas or existing incompatible structures.
- f. No development shall be allowed where there is unrestricted access to public streets or roads or where the public street must be utilized to maneuver in and out of a parking space.
- g. Glare from the installation of outdoor lights and signs and from the movement of vehicles on the site shall be shielded from the view of adjacent residential properties.
- h. Buildings and the grounds adjoining them shall permit easy access and operation of fire, police, and other emergency vehicles.
- i. Small-scaled interior streets, alleyways, pedestrian paths, pocket public spaces and bikeways shall be encouraged within the Warwick Station Redevelopment District for additional circulation which is not auto-dependent. Such interior circulation shall link to an overall system envisioned in the adopted Warwick Station Redevelopment District.
- j. The design of the project's circulation systems shall relate to planned improvements in the area, including future street widening, realignments, or paving programs which have been planned and/or scheduled for construction. The design should be congruent with any proposed area master plan, commercial master plan, Warwick Station Redevelopment District or mixed-use area plan adopted by the City of Warwick for the district.

- (4) *Landscape.* After construction is completed, landscaping shall be installed according to the landscaping design shown on the approved site plan that will define, soften or screen the appearance of the off-road parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the design or building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.
- a. Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.
 - b. Views of significant features such as the new railroad station, the Elizabeth Mill and the airport terminal shall be preserved whenever possible.
 - c. The planting of large deciduous "street trees" along the roadside to help shade and enclose the highway shall be encouraged.
 - d. New landscaping shall use plant material of species hardy to the area.
- (5) *Stormwater run-off and erosion control.* Adequate provisions shall be made for stormwater runoff so that removal of surface water shall not adversely affect neighboring properties, downstream water quality, soil erosion or the storm drainage system. Whenever possible, on-site absorption of runoff waters shall be utilized to minimize discharges from the site. Provisions shall be made to control erosion during and after construction. All erosion control shall meet the standards of the City of Warwick and the Rhode Island Erosion and Sediment Control Handbook.
- a. Erosion and sedimentation shall be controlled during and after construction and shall not adversely affect adjacent or neighboring property or public facilities or services either during or after construction.
 - b. Increased runoff due to the development on the site shall not be injurious to any adjoining property or cause hazardous conditions on adjoining streets, driveways or roadways.
 - c. All development stormwater control shall meet the standards of the Rhode Island Stormwater Design and Installation Standards Manual and Section D.2.7 "Drainage" as contained in the City of Warwick Development Review Regulations. Such stormwater control shall be designed to be integral to the designed landscape of the project.
- (6) *Existing and future utilities.* The development shall not impose unreasonable burdens on sewers, sanitary and storm drains, water lines or other public utilities. All utility lines shall be underground.
- (7) *Signs.* The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures shall be compatible with the design of the proposed building(s) and structure(s) and surrounding properties and conform with standards established by the WSRA. The WSRA may limit the size and number of signs for any property, provided, however, that at

least one sign for each nonresidential use which meets the WSRA's design criteria shall be allowed. Such criteria includes:

- a. Signs shall be located upon or in close proximity to the buildings which the advertised activities or businesses are located. No off-site, or off-premises signs shall be allowed.
- b. The size of a sign, if located upon a building facade shall be proportional to the facade and located so as to complement the facade and not obscure character-defining architectural details or features. In commercial new construction, signs shall be designed as integral components of the building facade and shall complement its character.
- c. A uniform signage design for projects is recommended. No plastic or interior lighted signs shall be allowed within the district.

- (8) *Special features of the development.* Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audio-visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.
- (9) *Exterior lighting.* All exterior lighting shall be designed to minimize negative impact on neighboring properties. Night sky pollution shall be minimized by down-shaded lighting or shielded lighting. Although building facades may be illuminated, all lighting shall be based upon a pedestrian scale appropriate for the Warwick Station District setting.
- (10) *Municipal services.* The development will not have an unreasonable impact on the municipal road system, fire department, police department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.
- (11) *Water supply.* Sufficient water must be available for reasonably foreseeable needs of the development and not cause any unreasonable burden on the existing water supply if this supply is utilized.
- (12) *Sewage disposal.* All new construction must utilize the Warwick sanitary sewer system.
- (13) *Capacity.* In the case of significant projects having a substantial impact upon the district or the city as a whole or any surrounding area the WSRA may require an improvement guarantee be provided by the applicant ensuring that the project will be completed in accordance with the approved plans and any conditions imposed by the WSRA.

(Ord. No. O-98-42, § 1(Exh. A), 12-14-98)

Sec. 51-30. Demolition.

In order to create the appropriate architectural and landscape character of the district envisioned by the Warwick Station Redevelopment District, no building shall be demolished until the WSRA has granted a permit to demolish the building.

- (1) Review of application. In reviewing an application for demolition, the WSRA shall consider the architectural quality of the existing building and the quality of the demolition site re-landscaping or new replacement building to be constructed if demolition is approved.
- (2) Grant of demolition. If the WSRA authorizes the demolition of the building, a demolition permit will not be issued until the applicant demonstrates to the WSRA adequate financial ability to demolish the existing structure, re-landscape the demolition site or construct a new approved building on the site. The WSRA may require a performance guarantee to ensure that all work approved in the grant of demolition is satisfactorily completed. Prior to issuing the demolition permit, the WSRA shall record a lien on the land evidence records against the property limiting its use to the new building and/or re-landscaping which has been approved by the WSRA. Any change in plans will require a new application to the WSRA for approval.

(Ord. No. O-98-42, § 1(Exh. A), 12-14-98)

ARTICLE III.

WARWICK LAND TRUST

Sec. 51-51. Establishment.

Pursuant to Public Laws Chapter 2000-060, the city of Warwick (hereafter called the city) is hereby authorized to establish and amend by ordinance the Warwick Land Trust (hereafter called the Trust), a body politic and corporate and a public instrumentality. The trust shall have the authority to acquire, hold, and manage real property and interests therein, including development rights and easements, situated in the city consisting of open, residential, agricultural, recreational, historical and littoral property, including existing and future well fields and aquifer recharge areas, fresh water marshes, water bodies, and adjoining uplands, wildlife habitats, land or buildings providing access to or views of water bodies, or for bicycling and hiking paths, or for future public recreational use, and land for agricultural use or air space thereof. With the exception of property acquired for public historical preservation, research and/or educational, public access or recreational purposes, the trust shall hold all property or development rights solely as open space or for agricultural uses or for water protection purposes or for public access or to prevent the accelerated residential or commercial development thereof in perpetuity, as the trustees may determine.

(Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-52. Purpose.

The purpose of the trust shall be to preserve open space protect wetlands, water bodies, ground and surface water resources, farm lands, historical or cultural places of interest, scenic views, unusual, exceptional or exemplary natural habitats, provide opportunities for research and education on natural resources on land trust held properties and to secure for the city the goals and objectives established in the comprehensive plan.

(Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-53. Appointment.

The trust shall be administered by nine trustees to be appointed by the city council, with one trustee to be from each ward in the city. The trustees who are first appointed shall be designated to serve for terms of one

one-year, two two-year, two three-year, two four-year and two five-year. Thereafter, trustees shall be appointed as aforesaid for a term of office of five years, except that all vacancies occurring during a term shall be filled for the unexpired term. The city council shall appoint persons to serve on the land trust, who are resident electors, on a non-partisan basis. Said members shall serve without compensation. The planning director or his or her designee and the parks and recreation director or his or her designee shall serve as ex-officio nonvoting trustees. (Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-54. Officers.

The trustees shall annually elect a chairman and vice chairman from their members and shall appoint a secretary who may either be a member or a non-member. Copies of all meeting minutes shall be submitted to the mayor and city council and shall be filed with the city clerk and become a permanent record of the city. (Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-55. Rules and regulations; voting; budget.

The trustees shall adopt rules and regulations governing the conduct of trust affairs, including the acquisition and management of its holdings, not inconsistent with the provisions of this article. All rules and regulations of the trust are subject to the approval of the city council. Decisions of the trustees shall be by majority of those present and voting, except in decisions on the acquisition of land, easements, rights of way and other uses referred to in section I of this trust, which must be by majority vote of all trustees. The trustees shall prepare an operating budget to be sent to the mayor to be incorporated into the annual city budget for review and consideration as provided in the city Charter. The operating budget shall include administrative expenses such as appraisals and environmental assessments as well as capital expenditures such as land purchases.

The funds authorized in this budget will be paid by the city treasurer in accordance with the accepted accounting procedures that are in place in the city at that time.

All funds that are expended for land acquisition referred to in this article, can only be expended after approval by resolution of the city council and the approval of the mayor. (Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-56. Powers and duties.

The trust shall have the responsibility to recommend to the city council to:

- (1) Purchase, receive by gift, or otherwise acquire fee simple or lesser interests in real property, including development rights as defined in Section 42-82-2 of the General Laws, or any interest in real property consistent with the purposes of this Act, including other development rights or easements of any kind whatsoever;
- (2) Accept gifts, grants or loans of funds or resources or services from any source, public or private, and comply, subject to the provisions of this article, with any terms and conditions thereof;
- (3) Accept from state and/or federal agencies, loans or grants or resources for use in carrying out the

trust's purposes and enter into agreement with such agencies respecting any such loans or grants;

- (4) Recommend possible uses for significant parcels of open space land owned or to be owned by the city, including but not limited to: Hunts River, Chipewanoxet, Dawley Farm, Barton Farm, and Confreda Farm; and review and comment on proposals by other departments, boards and commissions for such proposals;
- (5) Employ counsel, auditors, engineers, surveyors, appraisers, private consultants, advisors, secretaries or other personnel needed to perform its duties; provided, however, that expenditures authorized in the land trust budget which are less than \$2,500.00 may be made in conformity with municipal and state purchasing laws and with the advice and consent of the planning director;
- (6) Administer and manage land and interests in land held by it in a manner which allows public use and enjoyment consistent with the natural and scenic resources thereof, including conveyance of any such land or interests in land to, and contracts with, nonprofit organizations, provided such land shall continue to be used in a manner consistent with the purposes of this article and with the terms of any grant or devise by which such land was acquired by the trust;
- (7) Dispose of all or any portion of its real property or interests therein held by it, whenever in the opinion of the trustees said lands or properties have become unsuitable or have ceased to be used for the purpose set forth in this article. Such disposition shall be made only by a vote of the trustees in which at least four members vote in favor of such a disposition. Nothing in this subsection shall be construed to authorize the sale, lease or conveyance of lands or improvements held by the trust as part of a charitable trust or acquired by gift or devise for the public use, whether or not such gift of devise is subject to a condition subsequent or reverter;
- (8) Otherwise do all things necessary for the performance of its duties, the fulfillment of its obligations and the conduct of its business.

(Ord. No. O-00-26, § I, 8-8-00; Ord. No. O-02-5, § I, 2-26-02)

Sec. 51-57. Funding.

All funds shall be authorized by the city council through the city's bonding authority or through appropriation to the land trust from the annual city budget for the purpose of financing the activities of the trust under this article. Additional monies or other liquid assets received as voluntary contributions, grants or loans, or proceeds from disposal of real property or interests shall also be available for the purpose of financing the activities of the trust. All operating expenses lawfully incurred by the trust in carrying out the provisions of this Act shall be evidenced by proper vouchers and shall be paid by the treasurer of the city only upon submission of invoices approved by the trust, by the finance director and by the city council in accordance with municipal and state purchasing laws. The treasurer of the city shall prudently invest available assets of the funds, and all income thereon shall accrue to the fund.

Private non-profit land trusts in the city, which were in existence at the time that this ordinance was enacted, shall also be eligible to receive city funds, whether by appropriation or from city bonds.

Dissolution of the trust shall require a public hearing by the city council. At the conclusion of the public hearing the city council shall vote on the matter. Dissolution shall be by enactment of an ordinance, shall require the two-thirds vote of the city council in the affirmative for passage and shall be subject to the veto provisions of the city charter.

Upon termination or dissolution of the trust, the title of all funds and other properties owned by the trust which remain after payment or making provision for payment of all bonds, notes and other obligations of the trust shall vest in the city.

(Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-58. Tax exemption.

The trust and all its revenues, income, and real and personal property used by the trust for furtherance of its public purposes shall be exempt from taxation and special assessments, and the trust shall not be required to pay any tax, excise or assessment to the state or any of its political subdivisions.

(Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-59. Severability.

The provisions of the Enabling Act and any ordinance adopted thereunder are severable, and if any provision thereof shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This Act and any ordinance thereunder shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of Enabling Act and any ordinance thereunder, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

(Ord. No. O-00-26, § I, 8-8-00)