

**ORDINANCE NO. O-22-XX**

**APPENDIX A  
ZONING**

**AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE CITY OF  
WARWICK REGARDING ASSESSOR'S PLAT 291, ASSESSOR'S LOTS 0045 AND 0074**

*Be it ordained by the City of Warwick:*

Section I:

Whereas, Assessor's Plat 291, Lots 0045 and 74 ("the properties"), located at 175 Post Road and Venturi Ave., respectively, are presently zoned light industrial; and

Whereas, there are identified concentrations of Total Petroleum Hydrocarbons, the Volatile Organic Compounds TCE, 111 TCA, 11 DCE and cis 1,2 DCE in site soils, TCE in site groundwater, and low concentrations of TPH and Mercury in sediments on the property; and

Whereas, due to the environmental contamination on the site, there is presently a Settlement Agreement and an Environmental Land Use Restriction that are binding, that run with the land and that ensure the Rhode Island Department of Environmental Management maintains supervision over activities on the properties; and

Whereas, the owners of the properties have received multiple Notices of Violation and Cease and Desist Orders from the Rhode Island Department of Environmental Management and the City of Warwick for engaging in illegal activities that endanger the Pawtuxet River and the public health; and

Whereas, since the major Pawtuxet River flood of 2010, wherein the properties were under several feet of water, causing hundreds of thousands of dollars in damages, the property has sat vacant as a public nuisance with complaints of dumping, vandalism and contamination; and

Whereas, the properties are located in FEMA flood zones AE and X; and

Whereas, parts of the properties are designated as state wetlands; and

Whereas, sea level elevations are rising due to climate change and floods will likely become more frequent and intense; and

Whereas, a popular walking trail called the Pawtuxet River Trail runs through the land; and

Whereas, there once were rational reasons, such as energy production and transportation of goods, for industrial uses in close proximity to waterways; and

Whereas, modern public policy in the City of Warwick, as outlined in the comprehensive plan and the code of ordinances, is to protect and preserve the Pawtuxet River; and

Whereas, the City of Warwick comprehensive plan provides support for the change of zoning for the properties from light industrial to open space, as follows:

- Strategy B - “Protect, preserve and enhance natural resource areas adjacent to developed or potentially developed areas.” [Page 4.20]
- Action 5 - “Continue to prioritize acquisition in areas with the most potential for preserving the city’s natural resources.” [Page 4.21]
- Strategy C – “Protect freshwater bodies, coastal waters, areas with soil limitations, unique natural features, fish and wildlife habitat, and threatened and endangered species habitat through land use planning and regulatory management programs.” [Page 4.21]
- Action 3 - “Preserve remaining coastal and riparian vegetated buffers, establish them on public lands, and promote the establishment of new vegetated buffers at water edges on private lands.”
- Strategy D - “Support the programs of the Pawtuxet River Authority and Watershed Council that mitigate flood damage to low lying areas of the City.” [Page 4.22]
- Action 1 - “Support the programs of the Pawtuxet River Authority and Watershed Council that promote increased access to the River for Warwick’s residents.”
- Action 2 – “Collaborate to enhance or restore wetlands to mitigate flood impacts.” [Page 4.22]
- Action 3 - “Carefully review proposed developments within the Pawtuxet River flood zone to mitigate or eliminate potential additional future flood damage.” [Page 4.22]
- Action 4 – “4. Continue to work with FEMA as necessary on flood mitigation.” [Page 4.22]
- Part VI, The Future City, Strategies 2, 4 and 5 – “make historic village centers into hubs of walkability, “preserve open space,” and “intensify efforts to make Warwick a “green” community.” [Page 6.1]

Whereas, the City of Warwick code of ordinances provides support for the change of zoning for the properties from light industrial to open space, as follows in Article IV of Chapter 22:

- “The city council does hereby find that disposal of waste, garbage, trash and abandoned manmade objects along the banks of the Pawtuxet River constitutes a hazard to the public health, safety and general welfare of the people of the city. In recognition of the ever-increasing environmental problems resulting from the demands made upon the land and the renewable resources of the city, and in recognition of the need to preserve and protect one of the city's most valuable natural resources, the Pawtuxet River, it is hereby declared to be the policy of the city to provide for the preservation of the Pawtuxet River, the development of the water resources and the improvement of its water quality in order to prevent the impairment of dams and reservoirs by sediment or any waste material, and to

protect wildlife and preserve the natural beauty of the river and its banks for the health, safety and general welfare of the people of the city...”

- “It is the purpose of this article to: (1)Protect the environment, especially the Pawtuxet River and its environs, from the effects of improper or illegal disposal of waste; (2)Establish a program of regulation and enforcement to control and eliminate the improper or illegal disposal of wastes; and (3)Protect and promote public health and safety.”
- “It shall be unlawful for any occupier of land to dispose of or deposit or allow to be disposed or deposited any waste on any property located in the city which is within 200 feet of the Pawtuxet River. Any person found in violation of this section, or who shall counsel, aid or abet any person in the violation of this section, shall be punishable as provided in section 1-4. Each day of noncompliance shall be a separate violation of this section;” and

Whereas, a change in zoning from light industrial to open space will preserve and protect the wetlands, preserve and protect the cleaning up of the Pawtuxet River and provide for further flood mitigation.

Section II: The Zoning Map and the Record Book of Lot Classifications which are a part of the Zoning Ordinances of the City of Warwick are hereby amended by changing the classification of Assessor’s Plat 291, Assessor’s Lots 0045 and 0074 as said plats appear on the Tax Assessor’s map of the City of Warwick, located on 175 Post Road and Venturi Avenue, respectively, from Light Industrial (LI) to Open Space (OS).

Section III: The Clerk of the Zoning Board of Review is hereby authorized and directed to cause said changes to be made on the Zoning Map and the Record Book of Lot Classifications.

Section IV: This Ordinance shall take effect upon passage and publication as prescribed by law.

SPONSORED BY: XXXXXXXXXXXX

COMMITTEE: LAND USE