

Town of North Kingstown, Rhode Island



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To: Town Council

From: Planning Department

Date: March 14, 2016

Re: Second Reading of an Amendment to the Land Use Element of the Comprehensive Plan

At the February 8, 2016 Town Council meeting, staff presented a second reading of an amendment to the Land Use Element of the Comprehensive Plan that would allow the Town to exercise the option of creating a Redevelopment Agency in the future. Following public comment and a discussion, the item was continued to the March 14, 2016 meeting with direction that staff provide examples of other Redevelopment Agencies (RDAs) operating across the State. These examples would assist in outlining the structure and powers granted to an RDA should the Town wish to establish one.

State law grants municipalities the option of creating RDAs for the purpose of redeveloping neglected or "blighted" areas of the community. Although the term "blight" is subjective in its connotation, State law requires towns and cities to declare an area or areas of the community blighted in order to establish and govern RDAs. Through this enabling legislation, several municipalities have formed RDAs to help achieve their goals of promoting economic development, providing fair and equal housing, and designing well-planned and vibrant neighborhoods. Within that paradigm, towns and cities have great latitude to customize the role RDAs play to help achieve their goals. To detail the different types of roles RDAs play in communities across the State, staff provided examples of redevelopment agency ordinances in effect for the Towns of Bristol, Burrillville and North Smithfield. The ordinances are attached for reference.

Staff recommends that the Council review the ordinances. At its discretion, the Council may direct staff to initiate the process of drafting a redevelopment agency ordinance. As recommended by staff at the February 8, 2016 meeting, the Council may also adopt the proposed amendment to the Comprehensive Plan. The adoption of the amendment would allow for the establishment of a redevelopment agency, but would not obligate the Council to do so. If approved, the amendment will be carried into the full Comprehensive Plan update scheduled for completion in the spring of 2016.

Attachments:

1. Amendment to the Land Use Element of the Comprehensive Plan
2. Redevelopment Agency Ordinance for the Town of Bristol, Rhode Island
3. Redevelopment Agency Ordinance for the Town of Burrillville, Rhode Island
4. Redevelopment Agency Ordinance for the Town of North Smithfield, Rhode Island



II. LAND USE ELEMENT

North Kingstown is a community with character and historic heritage that is recognized and valued by its residents. Through a firm community commitment to environmental quality and historic preservation, the Town has preserved and protected its historic character and sensitive natural lands. The town center – Wickford village – is the cultural center and the focus of government and recreation-based maritime activities. The Town's countryside is composed of preserved farmland and open space, sensitively mixed with recent residential and commercial development and village centers that have evolved from the small crossroads settlements of the eighteenth century.

The peaceful, and friendly character of the community conveys a “small town feeling” to those who live there and is the most highly valued feature of the Town. People choose to live in North Kingstown to experience this life style. Its central location within the State enables residents to live in a small town, yet have ready access to employment centers and cultural activities in and around the city of Providence. Access to Narragansett Bay – its beauty and the recreational opportunities it offers – is another major reason why residents choose to live in North Kingstown. Most residents are satisfied with the quality of life in the Town and feel that, despite the growth of the past decade, life is staying the same or is getting better.

Major concerns perceived by the community for this update include taxes, schools and municipal services. The pace of residential and commercial development is not a major concern at this time, but the character and quality of the Town remains very important.

The attractiveness of North Kingstown as a place to live has continued to be a stimulus for growth. Between 1990 and 2000 the number of building permits issued total 1,329. Much of this development occurred in rural areas in single-family subdivisions with 42% in the southwest corner of the Town. This trend has continued over the past five years, with 566 building permits issued between 2000 and 2005, thereby averaging 113 permits per year. Most of the new development has been designed to preserve open space and rural character. Forty-six subdivisions with 851 lots are currently under construction or have been recently completed. Of these, 64% (552) of lots are been located in cluster subdivisions, 24% (196) lots are in conventional subdivisions (196 lots), and 12% (103) of lots are in planned village districts. A number of residential developments are still awaiting approval. New commercial development in recent years has been focused in the on the major highways, Post Road, and the area of routes 2, 102, and 4.

As North Kingstown continues to grow, open land, including agricultural land, will quickly be absorbed by development if preservation mechanisms are not in place. A number of planning programs that can create incentives for preserving open land include Transfer of Development Rights (TDR), Transit Oriented Development (TOD), and Conservation or Open Space Development. The goal of TOD is to center communities around high quality train systems, thereby reducing the dependence on automobile travel, and allows communities to become compact and walkable. By making the project compact and with enough density to support transit use, lower density/auto-dependent areas can be preserved. The Planned Unit Development and the Village Center ordinances are currently available to support other types of similar development projects in other situations TDR is a tool that can be used to facilitate these method of distributing development by facilitating the movement of development from



sensitive areas, such as groundwater protection areas into areas that can accommodate development. The Town has recently implemented Conservation Development Regulations, which looks at the character of each piece of land proposed for development and determines the best locations for new construction and the means to construct the project to preserve natural features and improve the livability of the project. All of these and other land use management techniques will be options for the Town to consider.

It is found that blighted and substandard conditions exist at the Town-owned property formerly used as Wickford Elementary School, which is bound by Phillips Street to the south, Boone Street to the west, Academy Cove and the North Kingstown Free Library to the north, and a parcel owned by Narragansett Electric Company to the east. The combination of the physical deterioration of the building and its surroundings, inadequate utilities, and hazardous conditions pertaining to building and fire codes impair the ability for reinvestment based on what market conditions may support and restricts the sound growth of Wickford village. It is therefore recommended that the property be considered a candidate for redevelopment under the provisions of Rhode Island General Laws Sections 45-31 through 45-33.

State of Rhode Island Land Use Planning Initiatives

Adopted in April 2006, *Land Use 2025: Rhode Island's State Land Use Policies and Plan* is the most recent look at Rhode Island's historic land use patterns and possible future development areas. *Land Use 2025* examines trends, analyzes projections, and makes recommendations regarding future use of the State's land and resources. The document's major concepts include: sustaining the urban/rural distinction with GIS mapping that designates urban growth boundaries; statewide systems of greenspace, community design and infrastructure; and land capability and suitability analysis. North Kingstown's future land use should be guided by the goals and objectives outlined by the Rhode Island Statewide Planning Program, because the plan outlines a positive process for influencing state investments that support good planning.

A key element of *Land Use 2025* is the Future Land Use Map, which illustrates the desired patterns of Rhode Island's future development and conservation. The map proposes retaining the distinction between Rhode Island's urban and rural areas. The areas within the urban services boundary are identified as optimal areas for accommodating the majority of the state's development needs through 2025. They are areas where growth – new development or reuse, infill and redevelopment – should be encouraged. It is important to note that there are pocket areas of protected green space within the boundary. Most of the land identified outside of the urban services boundary is better suited for conservation. In North Kingstown, the urban services boundary covers most land east of Routes 1 and 4. Land to the west of these highways is identified as better suited for future conservation.

Land Use 2025 presents Goals, Objectives and Strategies for a sustainable Rhode Island, the State's Greenspace System, Community Design, Infrastructure, and Implementation. Suggested municipal responsibilities to act on the plan are indicated in 25 of the 29 Objectives and 73 of the 92 Strategies, meaning the Town has a very significant role in this statewide plan.

A. Accomplishments 2001-2008

The following provides a summary of the projects initiated as action items in the 2001 Comprehensive Plan Update:



Village District Ordinance

North Kingstown adopted a Village District Ordinance to encourage mixed-use development within existing neighborhoods and in the development of new neighborhoods.

Neighborhood Protection

An effort has been made to encourage cluster development and the use of Planned Unit Development (PUD) to maintain the historic village character, maximize the use of available infrastructure, conserve open space, protect natural resources, and increase the efficiency of public transit service and other alternative modes of transportation. The Town has also encouraged development of diverse neighborhoods with a variety of housing types that serve varied socio-economic levels and age groups as appropriate.

Post Road Corridor Plan

The Town prepared a *Post Road Corridor Plan* that will serve as a guide to enhance and revitalize Post Road as the Town's primary commercial district and improve its commercial activity and visual quality. The plan recommends application of the Growth Centers concept to obtain the type of development desired for this area.

Agricultural Protection

North Kingstown has identified specific parcels for agricultural preservation and designated agricultural lands for preservation in order of priority. The Town continues to preserve high priority agricultural land by purchasing land in fee simple or by purchasing the development rights. The Town continues to obtain support from local, state and federal programs to fund acquisition or preservation of agricultural land or to fund the purchase of development rights on agricultural land. Through a real estate transfer tax North Kingstown is committed to supporting the use of local farm products to help ensure the viability of farming.

Affordable Housing

The Town adopted the *Affordable Housing Plan* in June 2005. The Town is working cooperatively with Habitat for Humanity to build units for sale to qualified applicants and with Crossroads RI to develop transitional housing units. However, new construction is not the only path to obtain affordable units and the Affordable Housing Plan lays out additional means to create affordable units such as inclusionary land use programs.

Wastewater Management

The Town has identified areas and established boundaries where sewer services and distributive wastewater management systems would permit increased density for multi-family and high-density single-family developments without substantially increasing the overall buildout of the Town or adversely affecting groundwater quality of the sole source Hunt Aquifer. North Kingstown has also coordinated with the State to allow innovative alternatives to conventional ISDS.

Coastal Protection

The Town developed waterfront zoning that accommodates marine dependent and related uses while protecting the water quality of Narragansett Bay. It has also continued to implement the recommendations of the Harbor Management Plan. Calf Pasture Point is being developed in a manner consistent with the Allen Harbor-Calf Pasture Point Master Plan. North Kingston



worked with the RIDEM on the management of the John H. Chafee Nature Preserve. The Town will continue to secure opportunities for public access to the coast in established areas, and to encourage public access to fresh and saltwater bodies in all new developments.

Capital Improvements Plan

North Kingstown prepared and adopted a Capital Improvement Ordinance to help serve residents and businesses.



Sustainability

In 2003, Grow Smart Rhode Island and the Washington County Regional Planning Council commissioned the *Washington County Sustainable Economy Project*. The report made a number of recommendations for North Kingstown, including: promote office campus development on Quaker Lane, control retail expansion on Ten Rod Road, and promote redevelopment of areas adjacent to the Quonset Business Park.

Conservation Development Regulations

North Kingstown repealed the cluster development ordinance and regulations and has adopted non-mandatory Conservation Development regulations as amendments to the Town's Comprehensive Plan, Subdivision and Land Development Regulations and Zoning Ordinance. The significant changes in the regulations include:

- Not allowing land that is physically unsuitable for development, wetlands, steep slopes, etc. to count towards the minimum lot area required when creating new lots; and,
- Providing bonus incentives of up to 50 percent over the density allowed by zoning for:
 - Creation of lot sizes smaller than allowed by zoning;
 - Preservation of existing natural resources and location of development outside those resources;
 - Limiting the total number of bedrooms allowed; and,
 - Providing age-restricted housing within the development.

The new regulations will not only create well-designed subdivisions that protect open space and the character of the Town, they will also reduce construction costs and maintenance costs throughout the life of the development.

B. Public Visioning and Survey

The majority of residents surveyed marked North Kingstown's character as the aspect they most liked about town (29%), with its "rural, peaceful, friendly, small town feeling." This was followed by the natural environment and resources (16.1%), access and views to Narragansett Bay (14%), its central location in Rhode Island (10.8%), and public amenities such as parks, playgrounds, fields and library (10.8%).

When asked about their major concerns, taxes, schools and other municipal services ranked the highest. Redevelopment of Quonset and emergency preparedness ranked the lowest. Residential and commercial development were indicated as a middle ground. Most respondents found that the current level of commercial and residential development was about right, but that there may be too much residential development and not enough commercial development. Although a majority believes that sewer service should be expanded, the top reasons were for the environment and protection of groundwater quality, not development of land.

Survey respondents stated that the preservation and protection of the environment and open space ranked as the most important action North Kingstown should accomplish to manage land. The restoration and reuse of existing developed areas before building in undeveloped areas and the protection of farmland ranked second and third, respectively. These top three



were followed by: implement conservation zoning to protect open space while providing residential development; strengthen design guidelines; improve transportation and traffic circulation; and promote mixed use development.

C. 2008 Comprehensive Plan Update

The residents of North Kingstown have stated their desire to maintain North Kingstown's character and natural beauty. However, change is necessary to effectuate this goal. The Land Use goals, objectives and actions are intended to retain the best of the town character and to encourage change for the benefit of the community. The key program goals are:

- ❑ Preserve and protect the Town's villages with specific area planning and new regulatory protections. Design and construct streets and streetscapes consistent with unique village character;
- ❑ Identify the key qualities of historic Wickford and include the transferable qualities in the redevelopment of the Town's other commercial areas;
- ❑ Protect rural character and open space as part of the land development process and continue the Town's successful farmland preservation program;
- ❑ Improve Narragansett Bay quality and appreciation by implementing harbor management plans and ensuring compatible marine dependent activities; preserving, planning for, and regulating public access to the shoreline; and utilizing land use regulations to reduce pollution in near shore waters;
- ❑ Manage the rate, timing and location of growth so that it is compatible with the natural carrying capacity of the land and the Town's ability to provide efficient and adequate public facilities and services;
- ❑ Establish commercial and industrial uses that are compatible with the Town's character, that will provide local employment opportunities, and will improve the local tax base;
- ❑ Build Growth Centers defined by high quality, transit-oriented, mixed-used, pedestrian friendly, and high density development, which reinforce local historic character, and provide new options for joint living and working arrangements;
- ❑ Continue a tradition of effective regional planning through cooperative projects primarily with communities in the County, but also elsewhere in the State when there are common goals.

D. VISION STATEMENT

The community of North Kingstown seeks to protect and enhance its natural beauty and scenic assets, its traditional New England character, and its natural resources within healthy ecosystems. To retain North Kingstown's distinctive suburban, yet charming town character and to prevent unmanaged growth, historic areas should be preserved, new development



should reinforce our sense of place, and remaining open space and farmland should be preserved. High priority will be given to open space planning and sustainability.¹ Growth must be managed in a way that respects physical characteristics of the site, protects the surrounding area, and is supported with appropriate municipal services. To avoid suburban sprawl, the Town will promote an integrated mix of residential and commercial uses in existing village centers, new commercial and residential growth within designated "Growth Centers" as identified within the Post Road corridor and at Wickford Junction, and support the Urban Services Boundaries concept presented by Statewide Planning in *Land Use 2025*. New commercial development throughout Town should use the best qualities of the Wickford village center design to reinforce the North Kingstown identity. This Comprehensive Plan asks for sustainable economic development to promote a stable tax base for the Town. A key to this success is the close coordination between the Town and the Quonset Development Corporation, regarding the redevelopment of the over 3,000-acre Quonset Business Park. This coordination will help to ensure a successful outcome that benefits both state and community interests.

¹ *Open space planning is defined as land use patterns that reflect and respect natural resources, wildlife habitat and rural traditions and provide generous amounts of open space and recreational opportunities between built-up areas. Sustainability is defined as development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend*



E. LAND USE DESCRIPTIONS

Residential Land Uses

Very Low Density Residential (VLDR)

Very Low Density Residential uses permit one dwelling unit per 120,000 to 200,000 square feet of lot area, or approximately 3 to 5 acres. This designation reflects natural and environmental constraints in the Town, as well as areas that lack infrastructure. VLDR uses are also designed for use at Pojac Point, where the existing zoning classification requires 5-acre minimum lots.

Low Density Residential (LDR)

Low Density Residential uses permit one dwelling unit per 80,000 to 120,000 square feet of lot area, or approximately 2 to 3 acres. This range of density is also used for environmentally sensitive areas and areas that rely on ISDS units for wastewater disposal.

Medium Density Residential (MDR)

Medium Density Residential uses permit one dwelling unit per 40,000 to 80,000 square feet of lot area, or approximately 1 to 2 acres. These areas generally include residential subdivisions that have been approved since the 1950s. This designation is predominate in the northern section of Town.

High Density Residential (HDR)

High Density Residential Uses permit one dwelling unit per 20,000 to 40,000 square feet of lot area, or approximately 0.5 to 1 acre. Most HDR areas consist of older Village Centers, former summer communities and former Navy or mill housing. HDR areas are connected to Town water service and are generally located close to major circulation facilities and commercial uses. Some HDR areas are on sewers that are connected to the Quonset Business Park Wastewater Treatment Facility. HDR areas include Wickford, Wickford Point, Plum Beach/Point, Davisville, Lafayette, and a number of neighborhoods off of Post Road.

Industrial Land Uses

Light Industrial

The emphasis of the Light Industrial designation is for the development of businesses that do not draw additional retail traffic. It includes uses, such as research and development facilities, industrial mini-warehouses, skilled trade businesses, warehouses, "clean" industry, and light manufacturing. It is also intended for industrial sites immediately adjacent to residential neighborhoods and in environmentally sensitive areas.



General Industrial

The General Industrial designation is for areas serviced by sewers and good transportation access. Uses in this designation include manufacturing, fabrication, assembly, processing, trucking, warehousing and distribution.

Waterfront Industrial

Waterfront Industrial area designations are located within the Quonset Business Park and support water dependent industrial activities.

Commercial Land Uses

Commercial

The Commercial designation is intended for intensive commercial activities relating to the daily needs of North Kingstown residents. Typical Commercial areas include supermarkets, drugstores, restaurants, and other convenience goods. Retail development, including shopping centers, restaurants, and the like that serve the needs of North Kingstown residents. Commercial developments along Post Road and Ten Rod Road by the Route 4 interchange are examples of this land use designation.

Neighborhood Commercial

The Neighborhood Commercial designation is to allow a mix of uses in the village center areas of Town. The businesses in this designation serve the needs of neighborhood residents. Small village scale business along Boston Neck Road and Tower Hill Road are examples of this land use designation.

Waterfront Commercial

Waterfront Commercial areas are established for businesses catering to marine activities and for small business operations. Examples of Waterfront Commercial include boatyards, fish or shellfish establishments, marine oriented recreational clubs for boating and swimming, and areas that construct or store boats.

Other Designations

High Density Mixed Use

The High Density Mixed Use designation is to provide a mix of commercial and residential uses at higher densities than what is permitted in most other areas of Town. Better site design practices shall be encouraged to facilitate the development of pedestrian friendly



environments, to leverage environmental improvements, to increase property values, to promote commercial development, and to improve the general aesthetic appeal of the area. The primary area for High Density Mixed Use is along the Post Road Corridor.

Quonset Mixed Use

The Quonset Mixed Use designation is for the development of commercial office, small-scale retail, hotel, and high-density residential housing in certain areas of the Quonset Business Park. Areas under this classification are located in the Gateway parcels, Davisville Waterfront, West Davisville, Kiefer Park and by the Airport. High-density residential housing consisting of multifamily and townhouse units will only be permitted in the West Davisville area.

Open Space

The Open Space designation identifies public and private land identified for conservation or recreational use. Open Space includes parks, golf courses, beaches, conservation areas, preserves and buffers around wetlands, streams and coastal features. Open Space in North Kingstown includes several large expanses of undeveloped land, such as Cocumscussoc State Park, Rome Point, and Casey Farm.

Public

Uses under the Public designation include federal, State, and Town buildings, community facilities, schools, religious institutions and cemeteries.

Airport

The Airport land use designation identifies the area dedicated to the Quonset State Airport. This area is designed for the landing and taking off of aircraft and is to be utilized in the interest of the public for those purposes.

Planned Village District (PVD)

The Planned Village District designation is intended to encourage development of harmonious, efficient and environmentally sound neighborhoods by promoting variety in land use, residential density and site design through the grouping or other configuration of buildings and by the preservation of unique features of the site and may include compatible residential and recreational uses.

Corporate Compound

The Corporate Compound designation is established for the purpose of allowing corporate headquarters to locate within areas of the Town in which this activity will be compatible with surrounding uses. In residential areas, the Corporate Compound shall be allowed where it can



conform to the rural character of the existing area and where it will preserve open space. It is not the intent of this district to allow uses that are prohibited in other districts or that are inconsistent with the master plan. Wherever possible, siting shall preserve prime agricultural or scenic areas.

GOALS, OBJECTIVES AND ACTIONS

GOAL LU.1 MAINTAIN THE CHARACTER OF NORTH KINGSTOWN WHILE PRESERVING AND ENHANCING ITS SCENIC BEAUTY, NATURAL RESOURCES AND CULTURAL HERITAGE.

Objective LU.1.1 Protect, preserve and, where possible, restore the natural resources of North Kingstown.

(See Natural Resources and Cultural Resources Element Goal NC.1 and related Objectives and Actions and Open Space and Recreation Element Goal OS.1 and related Objectives and Actions)

Objective LU.1.2 Encourage development and redevelopment in existing villages based upon the concept of the traditional compact New England village and work to ensure full accessibility of the village for its occupants and visitors.

Action LU.1.2.1 Continue a thorough analysis of each village to determine its unique characteristics and qualities, as well as its historic, natural and cultural resources and create specific area plans for each village center to encourage ongoing preservation and to ensure compatible land use and economic development through maintenance or creation of buffers, or other means of land use separation, where appropriate.

Action LU.1.2.2 Consider locations to apply the Village District Ordinance such as the targeted Growth Centers.

Action LU.1.2.3 Continue to ensure that street furniture, lighting, utilities and signage in villages are compatible with the unique character of each village.

Action LU.1.2.4 Continue to encourage the RIDOT to install pedestrian-actuated controls at signalized intersections to improve pedestrian safety.

Action LU.1.2.5 Continue implementing the Wickford Village Plan, and consider the transferable qualities that other village centers could incorporate.

Action LU.1.2.6 Consider establishing a Redevelopment Agency (RDA) to administer redevelopment projects within blighted areas of the Town.

Objective LU.1.3 Protect existing residential neighborhoods and ensure that development of new neighborhoods is in character with the Town.

Action LU.1.3.1 Wherever possible, continue to encourage the use of conservation development to maintain the historic village character, maximize the use of available infrastructure, conserve open space, protect natural resources, and increase the efficiency of public transit service and other alternative modes of transportation.



- Action LU.1.3.2** Continue to encourage the use of Planned Unit Developments (PUD) that result in high quality mixed use projects and create site designs that contribute to overall village character and achieve the various objectives of infrastructure efficiency, use of alternative transportation modes, and open space preservation.
- Action LU.1.3.3** Continue to encourage design of new neighborhoods at a scale that supports walking and encourages biking.
- Action LU.1.3.4** Encourage the interconnection of neighborhoods by requiring adequate pedestrian and vehicular access to nearby subdivisions and between commercial centers and other facilities such as schools and parks.
- Action LU.1.3.5** Continue to encourage development of diverse neighborhoods with a variety of housing types that serve varied socio-economic levels and age groups as appropriate.
(See Housing Element Goals H.1 and Related Objectives and Actions)
- Action LU.1.3.6** Continue to utilize conservation development techniques, PUDs, conservation easements and/or preferential tax assessment tools to preserve natural resources, unique landscapes, open space, historic structures and archaeological sites.
(See Open Space, Conservation and Recreation Element, Goal OS.1 and Related Objectives and Actions)
- Action LU.1.3.7** Modify legal agreements to enable public access to trails within private dedicated open space in residential developments which is contiguous with trail networks in adjacent publicly owned natural open space to form a continuous and publicly-accessible greenspace network.
(See Open Space, Conservation and Recreation Element, Goal OS.1 and Related Objectives and Actions)
- Action LU.1.3.8** Create additional and maintain current historic districts to protect the existing housing stock and the character of significant areas.
(See Natural and Cultural Resources Action NC.2.4.1)
- Action LU.1.3.9** Prior to cessation of earth removal activities in the Slocum area, examine the appropriate future land use for the area.
- Action LU.1.3.10** Further develop the impact assessment methodology that evaluates the potential impact that new development can have on nearby properties.
- Objective LU.1.4** Encourage the use of special design concepts that accomplish the goal of protecting the environment and community character.
- Action LU.1.4.1** Continue to consider ordinances that encourage private retention of open space for agricultural and forestry purposes.
- Action LU.1.4.2** Consider a Transfer of Development Rights (TDR) ordinance that could be applied:



- In groundwater protection zones, for transferring development rights from receiving areas closer to the wellhead to receiving areas outside the most sensitive recharge areas to protect water quality;
- In agricultural areas, using TDR to preserve farm land; and
- For Village Center, Growth Center, and TOD projects, using TDR to allow an increase in density at the project location, without an increase in the Town's total buildout.

Action LU.1.4.3 Prepare design standards for all commercial, industrial and business uses.

Action LU.1.4.4 Continue to develop design guidelines and performance standards that promote high quality mixed-use development in commercial areas.

Action LU.1.4.5 Consider adoption of Low Impact Design standards to improve long-term sustainability.

Action LU.1.4.6 Consider the adoption of environmental and energy efficiency standards, such as the Leadership in Energy and Environmental Design (LEED) program.

Objective LU.1.5 Encourage landscape diversity that creates identity and a sense of place, fosters the creation of distinct neighborhoods and villages, and respects the natural features of the land.
(See Open Space, Conservation and Recreation Element Goal OS.1 and related Objectives and Actions)

Objective LU.1.6 Encourage opportunities for commercial, office, and industrial land uses to increase local employment and tax income to the Town, while protecting the environment.

Action LU.1.6.1 Establish new mixed use centers considering the following:

- Targeted Growth Centers on Post Road;
- Implementation of the Village Center zoning;
- TOD at Wickford Junction.

Action LU.1.6.2 Continue to work with the QDC on redevelopment opportunities.

Action LU.1.6.3 Develop an Airport Overlay Zone around the Quonset State Airport consistent with RIGL 1-3:



- to preserve the airport as a local and regional resource,
- for the landing and taking off of aircraft,
- to be utilized in the interest of the public,
- to protect against noise and light impacts, as well as land use conflicts with surrounding properties.

Action LU.1.6.4 Coordinate the development of any multi-family or townhouse units with the Rhode Island Airport Corporation for consistency with the Airport Overlay Zoning in the Airport Overlay Zone.

Action LU.1.6.5 Continue to ensure that economic development is environmentally compatible through zoning performance standards and a site selection and land development review process based on environmental criteria and compatibility with nearby land uses.

Action LU.1.6.6 In village centers, continue to integrate commercial uses with existing development and cause minimal impact on nearby uses.

Action LU.1.6.7 Designate and design open space in commercial and industrial areas so that it is functional, aesthetically pleasing, and provides recreation for workers and patrons alike.

Action LU.1.6.8 Continue to promote land use patterns that encourage the use of rail and other means of mass transportation as a means to ease roadway congestion, and promote energy efficiency/conservation.

Action LU.1.6.9 Establish an Extraction Zoning District and rezone all duly licensed sand and gravel sites to this designation.

Action LU.1.6.10 Enact new regulations regarding earth removal and the siting, design, and reclamation of borrow sites that protects natural resources, nearby uses, and groundwater and provides for the restoration of forest resources.

Action LU.1.6.11 Continue to enforce requirements for reclamation plans and strengthen regulations where necessary for all gravel extraction operations.

Objective LU.1.7 Develop architecturally compatible and high quality civic buildings and community facilities within the villages and neighborhoods of North Kingstown.

Action LU.1.7.1 Prepare a design manual for all town buildings that promotes design of civic buildings that:



- reflects the character of North Kingstown
- becomes the focal point in village centers and traditional neighborhoods
- encourages community involvement in government,
- encourages efficient use of buildings;
- provides a forum for public participation; and
- ensures energy efficient and sustainable building practices.

Objective LU.1.8 Preserve and protect the Town's scenic resources.

Action LU.1.8.1 Develop a Viewshed Protection Ordinance, and apply the ordinance to coastal, agricultural and historic areas.

Action LU.1.8.2 Implement a Scenic Corridor Overlay Zone and clearly define standards to:

- Protect the scenic assets of state and local byways and highways.
- Where permitted, strive for commercial development along scenic corridors that is compatible with surrounding uses.

Action LU.1.8.3 Use height regulations and site guidelines to protect scenic vistas or consider implementation of performance based zoning to ensure that scenic corridors are maintained.

Action LU.1.8.4 Amend zoning to require an undisturbed buffer along all properties abutting state highways designated as urban freeways/expressways to retain scenic qualities.

Objective LU.1.9 Control litter and maintain cleaner roads.

Action LU.1.9.1 Consider programs to organize volunteer assistance.

Action LU.1.9.2 Consider adopt-a-spot and adopt-a-road programs.

GOAL LU.2 PROTECT AND PRESERVE THE AGRICULTURAL CHARACTER OF THE TOWN.

Objective LU.2.1 Implement an agricultural preservation program.

Action LU.2.1.1 Create a Farm Advisory Board to direct and oversee the agricultural preservation program.

Action LU.2.1.2 Designate specific parcels for agricultural preservation and designate agricultural lands for preservation in order of priority.

Action LU.2.1.3 Continue to preserve high priority agricultural land by purchasing land outright or by purchasing development rights.

Action LU.2.1.4 Continue to obtain support from local, state and federal programs that can be used to assist in funding acquisition or preservation of agricultural land.



- Action LU.2.1.5** Participate in review of state property tax programs such as Estate Tax, Farm Forest and Open Space, and Historic Tax credits to determine options to preserve agricultural land.
- Action LU.2.1.6** Use the real estate transfer tax to fund the purchase of development rights on agricultural land.
- Action LU.2.1.7** Continue to support local farm products to help ensure the viability of farming;
- help promote markets for local farm products
 - support alternative farm and forest products such as specialty woods, recreation, and specialty foods
- Action LU.2.1.8** Consider the adoption of agricultural zoning.
- Action LU.2.1.9** Continue to encourage the use of the State Farm, Forest and Open Space tax program.

GOAL LU.3 PRESERVE AND PROTECT THE TOWN'S COASTAL RESOURCES AND MARINE DEPENDENT ACTIVITIES

Objective LU.3.1 Ensure that marine dependent activities² and harbor management are fully compatible with nearby uses and have access to available Town services through land use planning and appropriate permitting practices.

- Action LU.3.1.1** Continue developing waterfront zoning that accommodates marine dependent and related uses while protecting the water quality of Narragansett Bay.
- Action LU.3.1.2** Continue to implement the recommendations of the Harbor Management Plan.

Objective LU.3.2 Maintain, improve and develop public access to coastal waters for the benefit of all user groups.

- Action LU.3.2.1** Continue to develop Calf Pasture Point consistent with the Allen Harbor-Calf Pasture Point Master Plan.
- Action LU.3.2.2** Continue working with the RIDEM on the management of the John H. Chafee Nature Preserve.
- Action LU.3.2.3** Continue to secure opportunities for public access to the coast in established areas.
- Action LU.3.2.4** Continue to encourage public access to fresh and saltwater bodies in all new developments.

² Marine dependent activities that require planning consideration include swimming beaches, beachfront recreation facilities and parks, recreational boat ramps, boat moorings, commercial and sport fishing, fish farming, offshore mining of gravel and sand, dredging, commercial ship traffic, Quonset Business Park pier and airport uses, marinas, shipbuilding and repair, offshore gas and oil development, sewage treatment plants, power plant siting, as well as industrial development at Quonset Business Park.



Objective LU.3.3 Reduce pollution to Narragansett Bay through appropriate land use regulations and zoning.

Action LU.3.3.1 Continue to implement the Phase II Stormwater Runoff program.
(See Natural and Cultural Resources Element Objective NC.1.2 and Land Use Objectives LU 1.3 and LU 1.4)

GOAL LU.4 MANAGE GROWTH TO MAINTAIN THE CHARACTER OF NORTH KINGSTOWN.

Objective LU.4.1 Continue implementing growth management strategies.

Action LU.4.1.1 Continue to publish an annual report and approval process for growth management strategies.

Objective LU.4.2 Manage the rate, timing and location of growth so that it is compatible with the natural carrying capacity of the land and the Town's ability to provide adequate public facilities and services in an efficient and cost effective manner.

Action LU.4.2.1 Determine the limit of the Town's growth based upon but not limited to the following standards:

- the amount of land which should be left undeveloped to preserve the Town's character and quality of life;
- the amount of land necessary to support future Town facilities;
- the natural carrying capacity of the land to accommodate development, taking into consideration soil suitability, drainage conditions, wetlands, flood hazard, steep slopes, coastal features and other environmentally sensitive features;
- the population that can be served by the Town's groundwater resources; and
- consideration for the Urban Service Boundary promoted by Statewide Planning.

Action LU.4.2.2 Consider the development of an Adequate Public Facilities Ordinance that:

- establishes minimum levels of service that must be available for proposed development prior to issuance of building permits
- conditions development upon the availability of adequate public facilities
- considers the potential for high density development within the Urban Service Boundary promoted by Statewide Planning
- considers the limitations of development outside of the Urban Services Boundary.

- **Action LU.4.2.3** Consider the use of alternative programs such as TIF (tax increment financing) districts to provide cost effective services and concentrate growth in areas such as the Post Road Corridor.



Objective LU.4.3 Limit permitted land uses and residential densities based on the natural carrying capacity of the land.

- Action LU.4.3.1** Continue to review and revise permitted residential densities so that they do not exceed the natural carrying capacity of the land.
- Action LU.4.3.2** Continue to eliminate wetland areas when calculating permitted density on development sites.
- Action LU.4.3.3** Continue to apply overlay districts (unsuitable soil, wetlands, high water table, flood zones, steep slopes, and sensitive coastal features) uniformly throughout the Town in all zoning districts.
- Action LU.4.3.4** Continue to ensure that mitigation measures and compatible land uses are implemented on former waste disposal sites.
- Action LU.4.3.5** Consider the use of nutrient loading standards to protect public groundwater supplies.
- Action NC.1.3.6** Amend zoning for groundwater overlay protection district to limit the number of bedrooms per acre and not the number of units per acre. This could facilitate a diversity of housing types and encourage construction of smaller housing units and multifamily housing.
(See Housing Element)

Objective LU.4.4 Plan for capital improvements needed to serve residents and businesses.

- Action LU.4.4.1** Implement the adopted Capital Improvement Ordinance.

Objective LU.4.5 Ensure that new development projects do not adversely impact the character of the Town.

- Action LU.4.5.1** Adopt a Development Impact Analysis Ordinance that requires developers to submit an impact analysis for large-scale projects.
- Action LU.4.5.2** Explore regulations that trigger a local-level EIS for large-scale development.

Objective LU.4.6 Ensure high quality, architecturally compatible development consistent with town character.

- Action LU.4.6.1** Continue to develop and use the Design Review Guidelines that incorporate architecturally compatible, ecologically sensitive, aesthetically pleasing and defensible criteria.

Objective LU.4.7 Maintain the database needed to support growth management.

- Action LU.4.7.1** Continue to develop the Town's Geographic Information System (GIS).
- Action LU.4.7.2** Change Planning Districts to coincide with Census Tracts.
- Action LU.4.7.3** Continue to identify, document, and map forests, wetlands, ground and surface waters, wildlife habitats, agricultural land, greenbelts and other significant natural resources and open spaces to create a greenspace map.



Action LU.4.7.4 Continue to update mapping of wetlands as information becomes available.

Action LU.4.7.5 Continue to conduct a Priority Land Acquisition Assessment Project.

Objective LU.4.8 Assess the demand for housing to ensure a supply of affordable housing for all sectors of the Town's population.

(See Housing Element Objective H.1.1 and related actions)

Objective LU.4.9 Encourage regional planning.

Action LU.4.9.1 Maintain ongoing coordination and communication with nearby communities, with particular attention to shared natural resources and transportation systems opportunities.

Action LU.4.9.2 To the extent consistent with Town goals, continue to coordinate elements of the Town's Comprehensive Plan with corresponding elements of neighboring towns.

Action LU.4.9.3 To the extent consistent with Town goals, continue to coordinate roadway development with the land use plans of neighboring communities.

Action LU.4.9.4 Support regional planning activities of the Washington County Regional Planning Council to address areas of mutual concern with other communities.

Objective LU.4.10 Implement the Comprehensive Plan.

Action LU.4.10.1 Amend the Zoning Map so that it is consistent with all recommendations of the Land Use Element.

Action LU.4.10.2 Revise the Zoning Ordinance and Subdivision Regulations to incorporate specific performance standards identified in the Comprehensive Plan.
(See *Housing Element*)

GOAL LU.5 STRENGTHEN THE CAPACITY OF NEIGHBORHOOD GROUPS TO INFLUENCE DECISIONS THAT AFFECT THEIR NEIGHBORHOOD.

Objective LU.5.1 Budget through the Capital Improvement Program the implementation of the Davisville Neighborhood Revitalization Plan.

Action LU.5.1.1 Continue to support the Concerned Citizens of Davisville (CCOD).

Action LU.5.1.2 Execute a Memorandum of Agreement (MOA) among the original (founding) partners and the CCOD to implement the Davisville Neighborhood Revitalization Five-Year Plan.

Action LU.5.1.3 Designate a neighborhood representative to the Town's multi-year CDBG Advisory Committee to include representation in the review of grants sought by the Town, Revitalization Plan 'partner' groups, and other organizations for projects that affect the neighborhood.



- Action LU.5.1.4** Recommend nomination of a Davisville Neighborhood resident for appointment to the Quonset Development Corporation Board of Directors.
- Action LU.5.1.5** Ensure that the Police and Fire Department are properly staffed, equipped, and maintained to respond whenever necessary.
(See Community Services and Facilities Objective CS 9.1 and related Actions)
- Action LU.5.1.6** Improve linkages between Davisville Neighborhood and areas south of Quonset Point/Davisville, encouraging pedestrian and bicycle access.
(See Circulation Objectives C.2.1, C.2.8 and related Actions)
- Action LU.5.1.7** Improve the physical condition of Davisville Elementary School in order to provide children, faculty and staff with a learning environment equal to other elementary schools in North Kingstown.
(See Community Services and Facilities Objective CS. 10.3 and related Actions)
- Action LU.5.1.8** Restore Sawmill Pond as a neighborhood outdoor recreation/open space area.
(See Open Space Objective OS.2.1 and related Actions)
- Action LU.5.1.9** Complete and maintain facilities at Yorktown Park.
(See Open Space Objective OS.2.1 and related Actions)

DIVISION 4. - REDEVELOPMENT AGENCY

Sec. 2-151. - Established.

In accordance with Rhode Island General Law 45-31-12, there is established hereby a redevelopment agency which shall consist of eight members who are residents of the community, five members of which shall be regular voting members whose tenure shall be in accordance with section 45-31-13 of the Rhode Island General Laws and three members of which shall serve as alternate members whose term of appointment shall be two years.

(Code 1972, § 2-41; Ord. No. 2005-36, 9-21-05)

Sec. 2-152. - Purposes.

The redevelopment agency shall have the following purposes:

- (1) To provide assistance to the town council, town administrator, and director of community development in attracting and retaining industry and commerce.
- (2) To administer CDBG business loans in coordination with the CDBG program manager, including investigating and processing all applications for loans, the recommendation of the terms and conditions of such loan with respect to each potential recipient, and the preparation of legal instruments and documents necessary to protect the funds loaned by the town.

(Code 1972, § 2-42; Ord. No. 2005-36, 9-21-05)

Sec. 2-153. - Powers and duties.

- (a) *Agency body.* As the redevelopment agency may be requested from time to time by the town council, such agency shall submit to the town council an evaluation of the state of the town's economy and a comprehensive economic development strategy to survey the overall condition of the town from the standpoint of determining whether the town has the climate and furnishes the services and facilities that are conducive to industrial and economic expansion, and to recommend goals and objectives for economic development, identify the town's assets, and identify real estate that would be realistic sites for industrial development. The strategy for economic development should include proposals for the best way to develop new industrial parks, and the best way to develop old, existing industrial areas into renovated industrial parks. The strategy should give consideration to the proper role for the town's waterfront, tourism, commercial development, downtown revitalization, apartment development and industrial development. The strategy should include recommendations as to the type of industries best suited to the town. As may be requested from time to time by the town council, such agency shall provide the town council with recommended site development plans and/or specific action plans to accomplish projects related to the town's economic development. As may be requested from time to time by the town council such agency shall provide the town council with advisory opinions on applications for zone changes pertaining to the town's economic development. To facilitate and expedite a developer's application, the agency will meet with the planning board to review and evaluate proposed zone changes. As may be requested from time to time by the town council such agency shall provide the town council advisory opinions on requests for any incentives, subsidies, tax abatements, or other assistance to promote industrial or commercial relocation or expansion.

(b) *Administration of loans.* Loans may be administered as follows:

- (1) As may be requested from time to time by the town council the redevelopment agency in coordination with the CDBG program manager shall provide the town council with recommendations as to recipients for loans with specific reports concerning the applicants for such loans and including any terms and conditions which the redevelopment agency feels should be placed on any loans for the benefit of the town.
- (2) The redevelopment agency shall also submit to the town council certain guidelines concerning any and all loan applications and the loan application process. Such guidelines shall be submitted to the town council for its approval and shall include the following requirements:
 - a. All loans must be repaid at an interest rate to be determined by the town council in compliance with federal and state law.
 - b. The town must have a secured position with respect to each loan and shall have a mortgage on any and all real estate and a security interest on any property, equipment or any other collateral of any recipient.
 - c. The recipient must pay all fees associated with the loan including title search, legal documents and collection fees.
 - d. A bank account for repayments of such loan shall be established by the town treasurer, and such account shall earn interest.
 - e. All such funds collected by the redevelopment agency shall be reported on a quarterly basis to the town council.
 - f. The redevelopment agency shall review progress to evaluate conformance with originally stated purposes and projected hiring levels with respect to any and all loans granted to businesses.
 - g. If the recipient fails to comply with the conditions of loan, then such default shall be reported to the town council immediately, and such measures or remedies reserved by the town shall be recommended by the redevelopment agency to town council at such time.
 - h. All such loans shall be reviewed by the redevelopment agency every 90 days, and a report shall be submitted with any and all recommendations to the town council.
 - i. The redevelopment agency has the right and duty to appraise any and all equipment or property offered as security for a loan and cost of such appraisal shall be borne by the applicant and/or recipient.
 - j. Loans are not to be used for venture capital but must be used to expand existing plant or increase number of jobs in existing business.

(Code 1972, § 2-43; Ord. No. 2005-36, 9-21-05)

Sec. 2-154. - Redevelopment area established.

A redevelopment area is established pursuant to G.L. 1956, § 45-32-4 and § 45-32-11, and comprises an area within the downtown area bounded by the following:

- Centerline of Franklin Street, to the north,
- Centerline of Hope Street, to the east,
- Centerline of Constitution Street, to the south, and
- Bristol Harbor to the west.

(Ord. No. 2005-41, 10-26-05)

Sec. 2-155. - Redevelopment plan (Downtown) adopted.

A redevelopment plan for Downtown Bristol is adopted pursuant to G.L. 1956, § 45-32-4 and § 45-32-11, which was prepared by the Bristol Redevelopment Agency through a study entitled *Town of Bristol, Redevelopment Plan for Downtown Bristol*, as amended, and is designated as Official Redevelopment Plan Number 2005-1 and is further amended as of October 25, 2006.

(Ord. No. 2005-42, 10-26-05; Ord. No. 2006-37, 11-15-06)

Secs. 2-156—2-160. - Reserved.

Chapter 19 - REDEVELOPMENT AGENCY^[1]

Footnotes:

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Cross reference— Administration, ch. 2; buildings and building regulations, ch. 6; environment, ch. 12; planning board, ch. 17; zoning, ch. 30.**State Law reference**— Redevelopment agencies, G.L. 1956, § 45-31-1 et seq.

ARTICLE I. - IN GENERAL

Sec. 19-1. - Purpose.

The purpose of the town redevelopment agency is to encourage, direct, and regulate new development and redevelopment within districts, and to acquire and redevelop those areas itself, which the agency determines cannot be redeveloped otherwise, in order to carry out the purposes of G.L. 1956, chs. 45-31—45-33 inclusive.

(Ord. of 1-22-2003(1), § 19.2)

Sec. 19-2. - Statement of public interest.

It is determined and declared by the town council that in certain areas of town there exist blighted and substandard areas, which constitute community liabilities requiring redevelopment in the interest of the health, safety, morals, and general welfare of the community. It is further found that the findings as to dangers from substandard areas, and the finding of obstacles to private redevelopment, as included in the G.L. 1956, §§ 45-31-2—45-31-4 contribute to the importance and purpose of this chapter. Therefore, the necessity for the provisions enacted in this chapter is hereby declared as a matter of legislative determination to be in the public interest.

(Ord. of 1-22-2003(1), § 19.3)

Sec. 19-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency means a redevelopment agency created by G.L. 1956, § 45-31-1 et seq.

Arrested blighted area means any area which, by reason of the existence of physical conditions including, but not by way of limitation, the existence of unsuitable soil conditions, the existence of dumping or other unsanitary or unsafe conditions, the existence of ledge or rock, the necessity of unduly expensive excavation, fill or grading, or the necessity of undertaking unduly expensive measures for the drainage of the area or for the prevention of flooding thereof or for making the same appropriate for sound development, or by reason of obsolete, inappropriate, or otherwise faulty platting or subdivision, deterioration of site improvements, inadequacy of utilities, diversity of ownership of plots, or tax delinquencies, or by reason of any combination of any of the foregoing conditions, is unduly costly to develop soundly through the ordinary operations of private enterprise and impairs the sound growth of the community.

Blighted and substandard area includes a slum blighted area, a deteriorated blighted area, or an arrested blighted area, or any combination of these areas.

Bonds of agency means any bonds, notes, interim certificates, debentures, or other obligations issued by an agency pursuant to G.L. 1956, §§ 45-33-5—45-33-15, inclusive.

Community means the town, or a village or neighborhood contained therein.

Deteriorated blighted area means any area in which there exist buildings or improvements, either used or intended to be used for living, commercial, industrial, or other purposes, or any combination of these uses, which by reason of:

- (1) Dilapidation, deterioration, age, or obsolescence;
- (2) Inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities;
- (3) High density of population and overcrowding;
- (4) Defective design or unsanitary or unsafe character or conditions of physical construction;
- (5) Defective or inadequate street and lot layout; and
- (6) Mixed character, shifting, or deterioration of uses to which they are put, or any combination of these factors and characteristics;

is conducive to the further deterioration and decline of the area to the point where it may become a slum blighted area as defined in this section, and are detrimental to the public health, safety, morals, and welfare of the inhabitants of the community and of the state generally. A deteriorated blighted area need not be restricted to, or consist entirely of, lands, buildings, or improvements which of themselves are detrimental or inimical to the public health, safety, morals, or welfare, but may consist of an area in which these conditions exist and injuriously affect the entire area.

Federal government means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

Obligee of the agency and *obligee* include any bondholder, trustee for any bondholder, or lessor demising to the agency property used in connection with a redevelopment project or any assignee of that lessor, and the federal government.

Planning board means an agency established under any state law or created by or pursuant to the charter of the community.

Project area means all or any portion of a redevelopment area. A project area may include lands, buildings, or improvements which of themselves are not detrimental or inimical to the public health, safety, morals, or welfare, but whose inclusion is necessary, with or without change in their conditions or ownership, for the effective redevelopment of the area of which they are a part.

Public hearing means a hearing before the town council or before any committee of the town council to which the matter to be heard shall have been referred.

Real property means lands, including lands underwater and waterfront property, buildings, structures, fixtures, and improvements thereon, and every estate, interest, privilege, easement, franchise and right, legal or equitable, therein, including rights-of-way, terms for years and liens, charges or encumbrances by

way of judgment, attachment, mortgage, or otherwise, and the indebtedness secured by such liens.

Redevelopment means the elimination and prevention of the spread of blighted and substandard areas. Redevelopment may include the planning, replanning, acquisition, rehabilitation, improvement, clearance, sale, lease, or other disposition, or any combination of these, of land, buildings, or other improvements for residential, recreational, commercial, industrial, institutional, public, or other purposes, including the provision of streets, utilities, recreational areas, and other open spaces consistent with the needs of sound community growth in accordance with the community's comprehensive plan and carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements.

Redevelopment area and *redevelopment district* mean any area of a community which the town council finds is a blighted and substandard area whose redevelopment is necessary to effectuate the public purposes declared in G.L. 1956, § 45-31-1 et seq.

Redevelopment plan means a plan, as it exists from time to time, for a redevelopment project, which shall:

- (1) Conform to the comprehensive plan for the community as a whole; and
- (2) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the project area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives, respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

Redevelopment project means any work or undertaking of an agency pursuant to G.L. 1956, chs. 45-31—45-33 inclusive.

Slum blighted area means any area in which there is a predominance of buildings or improvements, either used or intended to be used for living, commercial, industrial, or other purposes, or any combination of these uses, which, by reason of:

- (1) Dilapidation, deterioration, age, or obsolescence;
- (2) Inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities;
- (3) High density of population and overcrowding;
- (4) Defective design or unsanitary or unsafe character or condition of physical construction;
- (5) Defective or inadequate street and lot layout; and
- (6) Mixed character or shifting of uses to which they are put, or any combination of these factors and characteristics;

is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, injuriously affect the entire area and constitute a menace to the public health, safety, morals, and welfare of the inhabitants of the community and of the state generally. A slum blighted area need not be restricted to, or consist entirely of, lands, buildings, or improvements which of themselves are detrimental or inimical to the public health, safety, morals, or welfare, but may consist of an area in which these conditions predominate and injuriously affect the entire area.

State government means this state, or any agency or instrumentality, corporate or otherwise, thereof.

(Ord. of 1-22-2003(1), § 19.5.2)

Sec. 19-7. - Suspension and removal of agency members.

For inefficiency, neglect of duty or misconduct in office, a member of an agency may be suspended by the town council. A member of an agency may be removed by the town council only after he has been given a copy of the charges against him, which copy shall be served on him at least ten days prior to a public hearing, and after he has had an opportunity to be heard in person or by counsel, at the hearing to be held within 30 days after the date of the suspension.

(Ord. of 1-22-2003(1), § 19.5.3)

Sec. 19-8. - Resident attorneys.

The agency shall appoint a resident attorney, as required by G.L. 1956, § 45-31-18.

(Ord. of 1-22-2003(1), § 19.5.4)

Sec. 19-9. - Deactivation or substitution of agency.

At any time after two years of the effective date of the ordinance from which this chapter is derived, declaring that there is need for a redevelopment agency to function in the community, the town council, if the agency has not redeveloped or acquired land for, or commenced the redevelopment of a project or entered into any contracts for redevelopment, may, by repeal of such ordinance, declare that there is no further need for the agency in the community. Thereupon, the offices of the members of the agency shall be vacated and the capacity of the agency to transact business or exercise any power shall be suspended and remain suspended until the town council adopts an ordinance declaring the need for the agency to function.

(Ord. of 1-22-2003(1), § 19.5.5)

Sec. 19-10. - Establishment of rules.

- (a) When the agency is functioning as a review board, it will need to establish written rules of procedure and minimum submission requirements.
- (b) When the agency writes the rules, it shall include, but not be limited to, rules governing:
 - (1) Conduct of business.
 - (2) Public meetings.
 - (3) Period within which to act.
 - (4) Right of appeal.
 - (5) Periodical reports.

(Ord. of 1-22-2003(1), § 19.5.6)

Sec. 19-11. - Engaging services or experts.

The agency may designate a secretary and engage the services of a recorder and such other technical services or assistance it deems necessary to carry out its responsibilities subject to the provisions of the town Charter and ordinances.

(Ord. of 1-22-2003(1), § 19.5.7)

Secs. 19-12—19-40. - Reserved.

ARTICLE II. - POWERS AND DUTIES

Sec. 19-41. - Corporate power of the agency.

- (a) The redevelopment agency shall have the powers as stated in G.L. 1956, chs. 45-31—45-33, inclusive. These powers are to:
- (1) Sue and be sued; to borrow money; to compromise and settle claims; to have a seal; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
 - (2) Make, and, from time to time, amend and repeal bylaws, rules, and regulations, consistent with G.L. 1956, chs. 45-31—45-33, inclusive, to carry into effect the powers and purposes of these chapters.
 - (3) Select and appoint such officers, agents, counsel, and employees, permanent and temporary, as it may require, and determine their qualifications, duties, and compensation, subject to the provisions of the town Charter.
 - (4) Within the redevelopment area or for purposes of redevelopment: to purchase, lease, obtain an option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, or any estate or interest therein, together with any improvements thereon to acquire by the exercise of the power of eminent domain any real property or any estate or interest therein; to clear, demolish, or remove any and all buildings, structures, or other improvements from any real property so acquired; to rehabilitate or to otherwise improve any or all substandard buildings, structures, or other improvements; to insure or provide for the insurance of any real or personal property or operations of the agency against risk or hazard; and to rent, maintain, rehabilitate, improve, manage, operate, repair, and clear the property.
 - (5) Develop as a building site or sites any real property owned or acquired by it.
 - (6) Cause streets and highways to be laid out and graded, and pavements or other road surfacing, sidewalks, and curbs, public utilities of every kind, parks, playgrounds, and other recreational areas, off-street parking areas and other public improvements to be constructed and installed.
 - (7) Prepare or have prepared all plans necessary for the redevelopment of blighted and substandard areas; with the consent and approval of the planning board, to carry on and perform, for and on behalf of the planning board, all or any part of the planning activities and functions within the community; to undertake and perform, for the community, industrial, commercial, and family relocation services; to obtain appraisals and title searches; to make investigations, studies, and surveys of physical, economic, and social conditions and trends pertaining to a community; to develop, test, and report methods and techniques and carry out research and other activities for the prevention and the elimination of blighted and substandard conditions and to apply for, accept, and utilize grants of funds from the federal government and other sources for those purposes; and to enter upon any building or property in any redevelopment area in order to make investigations, studies, and surveys, and, if entry is denied or resisted, an agency may petition the superior court in and for the county in which the land lies for an order for this purpose.
 - (8) Undertake technical assistance to property owners and other private persons to encourage, implement, and facilitate voluntary improvement of real property.
 - (9) Undertake and carry out code enforcement projects pursuant to the provisions of appropriate federal legislation.
 - (10)

Invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in property or securities in which savings bonds may legally invest funds subject to their control; and to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled.

- (11) Lend money and to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber (by mortgage, deed of trust, or otherwise), or otherwise dispose of any real or personal property or any estate or interest therein acquired under the provisions of G.L. 1956, chs. 45-31—45-33, inclusive, to the United States, the state government, any state public body, or any private corporation, firm, or individual at its fair value for uses in accordance with the redevelopment plan, irrespective of the cost of acquiring and preparing the property for redevelopment. In determining the fair value of the property for uses in accordance with the redevelopment plan, the agency shall take into account, and give consideration to, the uses and purposes required by the plan, the restrictions upon, and the obligations assumed by the purchaser or lessee of the property, and the objective or the redevelopment plan for the prevention of the recurrence of blighted and substandard conditions. Any lease or sale of the property may be made without public bidding provided, however, that no sale or lease shall be made until at least ten days after the town council has received from the agency a report concerning the proposed sale or lease.
- (12) Obligate the purchaser or lessee of any real or personal property or any estate or interest therein to:
- a. Use the property only for the purpose and in the manner stated in the redevelopment plan;
 - b. Begin and complete the construction or rehabilitation of any structure or improvement within a period of time which the agency fixes as reasonable;
 - c. Comply with such other conditions as in the opinion of the agency are necessary to prevent the recurrence of blighted and substandard conditions and otherwise to carry out the purposes of G.L. 1956, chs. 45-31—45-33, inclusive. The agency, by contractual provisions, may make any of the purchasers' or lessees' obligations, covenants, or conditions running with the land, and may provide that, upon breach thereof, the fee shall revert to the agency;
 - d. Exercise all or any part of combination of the powers granted by G.L. 1956, chs. 45-31—45-33, inclusive, which are incorporated in this section by reference; and
 - e. Have the power to make relocation payments to transients or eligible individuals, families, and business concerns for moving expenses and losses of property resulting from their displacement by any redevelopment project undertaken pursuant to the provisions of G.L. 1956, chs. 45-31—45-33, inclusive, subject to the conditions as stated in G.L. 1956, § 45-31-26.
- (b) Nothing contained in this chapter authorizes the agency to construct any new buildings for residential, commercial, industrial, or other uses contemplated by the redevelopment plan.
- (c) Nothing contained in this chapter authorizes the agency to retain for a period in excess of five years from the date of acquisition, or within another additional period of time that the legislative body fixes as reasonable, the fee or any estate or interest in it to any building, structure, or other improvement, not demolished or otherwise removed, which has been acquired by the agency in accordance with the redevelopment plan.

(Ord. of 1-22-2003(1), § 19.6)

Sec. 19-42. - Designation of redevelopment area.

The town council shall be authorized to designate by ordinance one or more areas within the community as a redevelopment area or areas in accordance with the provisions of G.L. 1956, § 45-32-4 which is incorporated in this section by reference.

(Ord. of 1-22-2003(1), § 19.7)

Sec. 19-43. - Property acquisition through eminent domain.

The agency shall have the power to acquire property by eminent domain pursuant to G.L. 1956, §§ 45-32-24—45-32-41 which are incorporated in this section by reference. The necessity for the acquisition of property shall be conclusively presumed upon the adoption by the agency of a resolution which shall:

- (1) Contain a description of the real property or any estate or interest therein sufficient in detail to permit an identification thereof.
- (2) Declare that the acquisition of the real property or any estate or interest therein is in the public interest and necessary for the public use.
- (3) State that the real property or any estate or interest therein is included in an approved redevelopment project.

(Ord. of 1-22-2003(1), § 19.8.1)

Sec. 19-44. - Filing in land evidence.

- (a) Within six months of the adoption of the resolution, the agency shall file in the land evidence records for where the real property is located:
 - (1) A copy of the resolution.
 - (2) A plat showing the real property taken or affected.
 - (3) A declaration that the property is taken pursuant to the provisions of G.L. 1956, chs. 45-31—45-33, inclusive, and indicating the nature and extent of the property taken.
- (b) After filing a copy of the resolution, plat, and declaration, the agency shall file in the superior court a statement of the sum of money estimated by the agency to be just compensation for the property taken, and shall deposit the sum in the superior court for use of the entitled persons.
- (c) After the filing of the resolution, plat, and declaration, the secretary of the agency shall have a copy of the resolution and declaration published in the newspaper.
- (d) All real property acquired by an agency for redevelopment purposes shall be subject to taxation in the same manner and at the same rate as other real property in the community, except as may be exempted by a vote of the town council at a duly posted meeting.

(Ord. of 1-22-2003(1), § 19.8.2)

Sec. 19-45. - District boundaries.

Redevelopment district boundaries are to be determined by the redevelopment agency.

(Ord. of 1-22-2003(1), § 19.9)

Sec. 19-46. - Bylaws, rules, and regulations.

The redevelopment agency has the power to make, amend, and repeal bylaws, rules, and regulations for the purposes of carrying out redevelopment goals within the defined districts.

(Ord. of 1-22-2003(1), § 19.10)

Sec. 19-47. - Power to regulate development.

The redevelopment agency is authorized to regulate development within the district subject to a redevelopment plan. The redevelopment agency 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, industrial and residential buildings and appurtenances within the district which requires building permits or other approvals from the town. Within the district, the redevelopment agency 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 section.

(Ord. of 1-22-2003(1), § 19.11.1)

Sec. 19-48. - Adoption of rules and standards.

- (a) *Adoption of rules.* The redevelopment agency shall adopt and publish all rules necessary to carry out its function.
- (b) *Adoption of standards.* The redevelopment agency is authorized to adopt regulations specifying parking, loading, signage, landscaping and other standards consistent with this chapter.

(Ord. of 1-22-2003(1), §§ 19.11.2, 19.11.3)

Sec. 19-49. - Waivers; public hearing.

- (a) Where specifically authorized the redevelopment agency may grant waivers to the design and dimensional regulations promulgated pursuant to this chapter so long as such waivers carry out the purpose of a 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.
- (b) The redevelopment agency shall hold a public hearing on any request for a waiver.

(Ord. of 1-22-2003(1), §§ 19.11.4, 19.11.6)

Sec. 19-50. - Zoning board of review.

The redevelopment agency may advise the zoning board of review on all requests for variances and special use permits authorized in the district. The redevelopment agency may also provide comments to the planning board and the town council on all proposed amendments to the comprehensive plan and all subdivision and/or or land development reviews regarding redevelopment districts.

(Ord. of 1-22-2003(1), § 19.11.5)

Sec. 19-51. - Record.

The redevelopment agency 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 such recording. Failure to record the decision within 60 days shall cause such decision automatically to become null and void.

(Ord. of 1-22-2003(1), § 19.11.7)

Sec. 19-52. - 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

Map	Lot	Lot Size (SF)
160	077	14,614.38
160	078	6,098.40
160	079	24,633.18
160	080	108,900.00
160	076	38,332.80
160	075	32,974.92
160	074	32,887.80
160	073	8,712.00
160	072	6,098.40
160	071	8,712.00
160	070	9,583.20
160	069	108,900.00
160	068	12,196.80
160	067	11,325.60
160	066	31,363.20
160	065	141,134.40
160	064	16,988.40
160	063	48,155.58
160	062	189,307.40
160	204	94,329.18
<hr/>		
	<u>20</u> lots	945,247.64

Sec. 19-88. - Power of eminent domain, condemnation.

The Stillwater Redevelopment Plan does not identify specific properties to be condemned although the Burrillville Redevelopment Agency does have the power of eminent domain to be used as a last resort when negotiation for acquisition of property deemed important to the successful execution of the Stillwater Mill Redevelopment Plan is unsuccessful. The Burrillville Redevelopment Agency shall not exercise its power of condemnation within the Stillwater Redevelopment District unless it has identified and set aside the amount of appraised value of the property to be condemned.

(Ord. of 6-30-2004(2), § 7)

Sec. 19-89. - Power of redevelopment agency to retain controls, restrictions, covenants.

The Stillwater Redevelopment Plan provides that the Burrillville Redevelopment Agency may retain controls and establish restrictions and covenants which may run with real property sold, leased or otherwise disposed of for private or public use.

(Ord. of 6-30-2004(2), § 8)

Sec. 19-90. - Plan designated as approved plan for Stillwater Redevelopment Area.

The Stillwater Redevelopment District Redevelopment Plan which is incorporated herein by reference is hereby designated as the approved plan for the Stillwater Redevelopment Area.

(Ord. of 6-30-2004(2), § 9)

Secs. 19-91—19-110. - Reserved.

ARTICLE IV. - DOWNTOWN PASCOAG REDEVELOPMENT AREA

Sec. 19-111. - Area boundaries.

The redevelopment area comprises assessor's lots as set forth in Exhibit A attached hereto and made a part hereof as if fully set forth herein, in the Village of Pascoag, Town of Burrillville, Rhode Island. The redevelopment area is located within the following boundaries:

- (1) Beginning at the intersection of Reservoir Road and South Main Street and running north, including properties on the eastern side of the road, to the intersection of South Main Street and High Street;
- (2) Traversing north and east to include all the properties facing Pascoag Main Street, and Nahant Place;
- (3) Crossing over to include properties along the westerly side of Spring Street, to the intersection of Pascoag Main Street and North Main Street;
- (4) Including commercial properties along the western side of North Main Street, and then running south along the Pascoag River (Clear River) to include properties facing Bridge Way and Park Place;
- (5) Including parcels facing Sayles Avenue, from Bridge Way to Pascoag Main Street, and High Street to the intersection of Church Street;
- (6) Following the eastern shore of the Clear River Reservoir; and traversing east to include the property at the corner of Reservoir Road and South Main Street.

EXHIBIT A

192/038
192/036
192/037
192/039
174/081
174/082
174/080
174/079
192/017
175/034
174/116
175/031
192/030
175/046
175/048
175/035
175/045
175/047
175/049
175/050
175/060
175/037
175/038
175/044
175/030
175/043
175/039
175/042
175/041
175/040

Chapter 17

REDEVELOPMENT AGENCY

- Sec. 17-1. Declaration of purpose.
- Sec. 17-2. Statement of public interest.
- Sec. 17-3. Definitions.
- Sec. 17-4. Created.
- Sec. 17-5. Membership and appointment.
- Sec. 17-6. Interest of officers and employees in project area properties.
- Sec. 17-7. Suspension and removal of agency members.
- Sec. 17-8. Resident attorneys.
- Sec. 17-9. Deactivation or substitution of agency.
- Sec. 17-10. Establishment of rules.
- Sec. 17-11. Corporate power of the agency.
- Sec. 17-12. Town council approval.
- Sec. 17-13. Designation of redevelopment area.
- Sec. 17-14. Property acquisition through eminent domain.
- Sec. 17-15. Filing in land evidence.
- Sec. 17-16. Bylaws rules and regulations.
- Sec. 17-17. Power to regulate development in redevelopment districts.
- Sec. 17-18. Adoption of rules and standards.
- Sec. 17-19. Advice to other bodies.
- Sec. 17-20. Record.
- Sec. 17-21. Agency approval process.
- Sec. 17-22. Conduct of business.
- Sec. 17-23. Periodic reports.

Sec. 17-1. Declaration of purpose.

The purpose of the North Smithfield Redevelopment Agency is to encourage, direct, and regulate new development and redevelopment within districts, and to acquire and redevelop those areas itself, which the agency determines cannot be redeveloped otherwise, in order to carry out the purposes of Title 45, Chapters 31-33, inclusive, of the Rhode Island General Laws.
(Ord. of 5-27-10)

Sec. 17-2. Statement of public interest.

It is determined and declared by the North Smithfield Town Council that in certain areas of town there may exist now or in the future blighted and substandard areas, which constitute community liabilities requiring redevelopment in the interest of the health, safety, morals, and general welfare of the community. It is further found that the findings as to dangers from substandard areas, and the finding of obstacles to private redevelopment, as included in the Rhode Island General Laws Title 45, Chapter 31, Sections 2, 3 and 4, contribute to the importance and purpose of this chapter. Therefore, the necessity for the provisions herein enacted is hereby declared as a matter of legislative determination to be in the public interest.
(Ord. of 5-27-10)

Sec. 17-3. Definitions.

The following definitions and general provisions pertain to this chapter and its associated documents:

Agency means a redevelopment agency created by Rhode Island General Laws, Title 45, Chapter 31.

Arrested blighted area means any area which, by reason of the existence of physical conditions including, but not by way of limitation, the existence of unsuitable soil conditions, the existence of dumping or other unsanitary or unsafe conditions, the existence of ledge or rock, the necessity of unduly expensive excavation, fill or grading, or the necessity of undertaking unduly expensive measures for the drainage of the area or for the prevention of flooding thereof or for making the same appropriate for sound development, or by reason of obsolete, inappropriate, or otherwise faulty platting or subdivision, deterioration of site improvements, inadequacy of utility, diversity of ownership of plots, or tax delinquencies, or by reason of any combination of any of the foregoing conditions, is unduly costly to develop soundly through the ordinary operations of private enterprise and impairs the sound growth of the community.

Blighted and substandard area includes a "slum blighted area", a "deteriorated blighted area", or an "arrested blighted area", or any combination of these areas.

Bonds of agency means any bonds, notes, interim certificates, debentures, or other obligations issued by any agency pursuant to Rhode Island General Laws Sections 45-33-5--45-33-15, inclusive.

Community means the Town of North Smithfield.

Deteriorated blighted area means any area in which there exist buildings or improvements, either used or intended to be used for living, commercial, industrial, or other purposes, or any combination of these uses, which by reason of:

- (1) Dilapidation, deterioration, age, or obsolescence,
- (2) Inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities,
- (3) High density of population and overcrowding,
- (4) Defective design or unsanitary or unsafe character or conditions of physical construction,
- (5) Defective or inadequate street and lot layout, and
- (6) Mixed character, shifting, or deterioration of uses to which they are put, or any combination of these factors and characteristics, are conducive to the further deterioration and decline of the area to the point where it may become a slum blighted area as defined in [the definition slum blighted area] of this section, and are detrimental to the public health, safety, morals, and welfare of the inhabitants of the community and of the state generally. A deteriorated blighted area need not be restricted to, or consist entirely of, lands, buildings, or improvements which of themselves are detrimental or inimical to the public health, safety, morals, or welfare, but may consist of an area in which these conditions exist and injuriously affect the entire area.

Federal government means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

Obligee of the agency or *oblige* shall include any bondholder, trustee or trustees for any bondholder, or lessor demising to the agency property used in connection with a redevelopment project or any assignee or assignees of that lessor, and the federal government.

Planning board means an agency established under any state law or created by or pursuant to the charter of the community.

Project area means all or any portion of a redevelopment area. A project area may include lands, buildings, or improvements which of themselves are not detrimental or inimical to the public health, safety, morals, or welfare, but whose inclusion is necessary, with or without change in their conditions or ownership, for the effective redevelopment of the area of which they are a part.

Public hearing means a hearing before the town council or before any committee of the town council to which the matter to be heard shall have been referred.

Real property means lands, including lands underwater and waterfront property, buildings, structures, fixtures, and improvements thereon, and every estate, interest, privilege, easement, franchise and right, legal or equitable, therein, including rights-of-way, terms for years and liens, charges or encumbrances by way of judgment, attachment, mortgage, or otherwise, and the indebtedness secured by such liens.

Redevelopment means the elimination and prevention of the spread of blighted and substandard areas. Redevelopment may include the planning, replanning, acquisition, rehabilitation, improvement, clearance, sale, lease, or other disposition, or any combination of these, of land, buildings, or other improvements for recreational commercial, industrial, institutional, public, or other purposes, including the provision of streets, utilities, recreational areas, and other open spaces consistent with the needs of sound community growth in accordance with the community's comprehensive plan and carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements.

Redevelopment area and *redevelopment district* means any area of a community which the town council thereof finds is a blighted and substandard area whose redevelopment is necessary to effectuate the public purposes declared in Chapter 45-31 of the Rhode Island General Laws.

Redevelopment plan means a plan, as it exists from time to time, for a redevelopment project, which:

- (1) Shall conform to the comprehensive plan for the community as a whole; and
- (2) Shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the project area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives, respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

Redevelopment project means any work or undertaking of an agency pursuant to chapters 31-33, inclusive, of Title 45 of the Rhode Island General Laws.

Slum blighted area means any area in which there is a predominance of buildings or improvements, either used or intended to be used for living, commercial, industrial, or other purposes, or any combination of these uses, which by reason of:

- (1) Dilapidation, deterioration, age, or obsolescence,
- (2) Inadequate provision for ventilation, light sanitation, open spaces, and recreation facilities,
- (3) High density of population and overcrowding,
- (4) Defective design or unsanitary or unsafe character or condition of physical construction,
- (5) Defective or inadequate street and lot layout, and
- (6) Mixed character or shifting of uses to which they are put, or any combination of these factors and characteristics, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, injuriously affect the entire area and constitute a menace to the public health, safety, morals, and welfare of the inhabitants of the community and of the state generally. A slum blighted area need not be restricted to, or consist entirely of, lands, buildings, or improvements which of themselves are detrimental or inimical to the public health, safety, morals, or welfare, but may consist of an area in which these conditions predominate and injuriously affect the entire area.

State government means the State of Rhode Island, or any agency or instrumentality, corporate or otherwise, thereof.

State public body means the state, or any city or town or any other subdivision or public body of the state or of any city or town.

Town council means the Town Council of the Town of North Smithfield.
(Ord. of 5-27-10)

Sec. 17-4. Created.

The town redevelopment agency, in this chapter called the agency, which was created by prior resolutions of the town council, shall have a membership, organization, and powers as provided in this chapter.
(Ord. of 5-27-10)

Sec. 17-5. Membership and appointment.

(a) The appointment of members and rules governing the tenure and officers of the redevelopment agency shall be those as stated in G.L. 1956, Sections 45-31-12--45-31-15.

(b) The president of the town council shall appoint two resident electors of the town as members of the agency, the vice president and each regular member of town council shall each appoint one resident elector of the town as members of the agency, and the town administrator shall appoint one resident elector of the town as a member of the agency. No member of the agency may be an elected officer or an employee of the town. The powers of the agency shall be vested in the members thereof.

(c) The regular members who are first appointed shall be designated by lottery to serve for terms of one (two members) two (two members) three, four, and five years respectively.

Thereafter all members 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. A member shall hold office until his successor has been appointed.

(d) The agency shall elect a chairperson and vice-chairperson from among its members. The agency shall elect or appoint a secretary who need not be a member of the agency.

(e) Meetings of the agency shall be held at the call of the chairperson and at such other times as the agency may determine.
(Ord. of 5-27-10)

Sec. 17-6. Interest of officers and employees in project area properties.

No officer or employee of the community or of the agency who in the course of his duties is required to participate in the formulation of plans or policies for the redevelopment of a project area, or to approve those plans or policies, shall acquire any interest in any property included within a project area within the community. If the officer or employee owns or has any financial interest, direct or indirect, in any property included within a project area, he shall immediately disclose, in writing, the interest to the town council and the disclosure shall be entered in the minutes of the agency and of the legislative body. Failure to disclose the interest constitutes misconduct in office. No payment shall be made to any member or officer of the agency for any property or interest in property acquired by the agency from the member or officer, unless the amount of the payment is fixed by court order in eminent domain proceedings or unless the payment is unanimously approved by the town council.
(Ord. of 5-27-10)

Sec. 17-7. Suspension and removal of agency members.

For inefficiency, neglect of duty or misconduct in office, a member of an agency may be suspended by the town council. A member of an agency may be removed by the town council only after he has been given a copy of the charges against him, which copy shall be served on him at least ten days prior to a public hearing, and after he has had an opportunity to be heard in person or by counsel, at the hearing to be held within 30 days after the date of the suspension.
(Ord. of 5-27-10)

Sec. 17-8. Resident attorneys.

The agency shall appoint a resident attorney, who may also be the town solicitor, as required by G.L.

1956, Section 45-31-18.
(Ord. of 5-27-10)

Sec. 17-9. Deactivation or substitution of agency.

At any time after two years of the effective date of the ordinance from which this chapter is derived, declaring that there is need for a redevelopment agency to function in the community, the town council, if the agency has not redeveloped or acquired land for, or commenced the redevelopment of a project or entered into any contracts for redevelopment, may, by repeal of such ordinance, declare that there is no further need for the agency in the community. Thereupon, the offices of the members of the agency shall be vacated and the capacity of the agency to transact business or exercise any power shall be suspended and remain suspended until the town council adopts an ordinance declaring the need for the agency to function.
(Ord. of 5-27-10)

Sec. 17-10. Establishment of rules.

(a) When the agency is functioning as a review board, it will need to establish written rules of procedure and minimum submission requirements.

(b) When the agency writes the rules, it shall include, but not be limited to, rules governing:

(1) Conduct of business

(2) Public meetings

(3) Period within which to act

(4) Right of appeal

(5) Periodic reports

(Ord. of 5-27-10)

Sec. 17-11. Corporate power of the agency.

(a) The redevelopment agency shall have the powers as stated in G.L. 1956, chapters 45-31 through and including 45-33, inclusive, but as restricted below and as further restricted as set forth in section 17-12 hereinbelow. These powers are to:

(1) Sue and be sued, to borrow money and to compromise and settle claims with town council approval as required by section 17-12; to have a seal; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(2) Make, and, from time to time, amend and repeal bylaws, rules, and regulations, consistent with G.L. 1956, chs. 45-31--45-33, inclusive, to carry into effect the powers and purposes of these chapters.

- (3) Select and appoint such officers, agents, counsel, and employees, permanent and temporary, as it may require, and determine their qualifications, duties, and compensation, subject to the provisions of the Town Charter.
- (4) Within the redevelopment area or for purposes of redevelopment: to purchase, lease, obtain an option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, or any estate or interest therein, together with any improvements thereon to acquire by the exercise of the power of eminent domain any real property or any estate or interest therein except as set forth and limited in section 17-14 below; to clear, demolish, or remove any and all buildings, structures, or other improvements from any real property so acquired; to rehabilitate or to otherwise improve any or all substandard buildings, structures, or other improvements; to insure or provide for the insurance of any real or personal property or operations of the agency against risk or hazard; and to rent, maintain, rehabilitate, improve, manage, operate, repair, and clear the property.
- (5) Develop as a building site or sites any real property owned or acquired by it.
- (6) Cause streets and highways to be laid out and graded, and pavements or other road surfacing, sidewalks, and curbs, all of the foregoing to be designed and built pursuant to the then existing standards set forth in the town's ordinances and/or regulations unless otherwise specifically waived with the consent of the planning board, public utilities of every kind, parks, playgrounds, and other recreational areas, off-street parking areas and other public improvements to be constructed and installed.
- (7) Prepare or have prepared all plans necessary for the redevelopment of blighted and substandard areas; with the consent and approval of the planning board, to carry on and perform, for and on behalf of the planning board, and with the planning board's review and recommendation to the town council, all or any part of the planning activities and functions within the redevelopment district; to undertake and perform, for the community, industrial, commercial, and family relocation services; to obtain appraisals and title searches; to make investigations, studies, and surveys of physical, economic, and social conditions and trends pertaining to a community; to develop, test, and report methods and techniques and carry out research and other activities for the prevention and the elimination of blighted and substandard conditions and to apply for, accept, and utilize grants of funds from the federal government and other sources for those purposes; and with reasonable notice to enter any building or upon property in any redevelopment area in order to make investigations, studies, and surveys, and, if entry is denied or resisted, an agency may petition the superior court in and for the county in which the land lies for an order for this purpose.
- (8) Undertake technical assistance to property owners and other private persons to encourage, implement, and facilitate voluntary improvement of real property.
- (9) Undertake and carry out code enforcement projects pursuant to the provisions of appropriate federal and state legislation, including but not limited to RIGL § 45-31.1-1 et seq.
- (10) Invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in property or securities in which savings bonds may legally invest funds subject to their control; and to purchase its bonds at a price not more than the principal amount thereof and

accrued interest, all bonds so purchased to be cancelled.

(11) Lend money and to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber (by mortgage, deed of trust, or otherwise) or otherwise dispose of any real or personal property or any estate or interest therein acquired under the provisions of G.L. 1956, chs. 45-31--45-33, inclusive, to the United States, the state government, any state public body, or any private corporation, firm, or individual at its fair value for uses in accordance with the redevelopment plan, irrespective of the cost of acquiring and preparing the property for redevelopment. In determining the fair value of the property for uses in accordance with the redevelopment plan, the agency shall take into account, and give consideration to, the uses and purposes required by the plan, the restrictions upon, and the obligations assumed by the purchaser or lessee of the property, and the objective or the redevelopment plan for the prevention of the recurrence of blighted and substandard conditions. No sale or lease shall be made until at least ten days after the town council has received from the agency a report concerning the proposed sale or lease.

(12) Obligate the purchaser or lessee of any real or personal property or any estate or interest therein to:

- a. Use the property only for the purpose and in the manner stated in the redevelopment plan;
- b. Begin and complete the construction or rehabilitation of any structure or improvement within a period of time which the agency fixes as reasonable;
- c. Comply with such other conditions as in the opinion of the agency are necessary to prevent the recurrence of blighted and substandard conditions and otherwise to carry out the purposes of G.L. 1956, chs. 45-31--45-33, inclusive. The agency, by contractual provisions, may make any of the purchasers' or lessees' obligations, covenants, or conditions running with the land, and may provide that, upon breach thereof, the fee shall revert to the agency;
- d. Exercise all or any part of combination of the powers granted by G.L. 1956, chs. 45-31--45-33, inclusive, which are incorporated in this section by reference; and
- e. Have the power to make relocation payments to transients or eligible individuals, families, and business concerns for moving expenses and losses of property resulting from their displacement by any redevelopment project undertaken pursuant to the provisions of G.L. 1956, chs. 45-31--45-33, inclusive, subject to the conditions as stated in G.L. 1956, § 45-31-26.

(b) Nothing contained in this chapter authorizes the agency to construct any new buildings for residential, commercial, industrial, or other uses contemplated by the redevelopment plan.

(c) Nothing contained in this chapter authorizes the agency to retain for a period in excess of five years from the date of acquisition, or within another additional period of time that the legislative body fixes as reasonable, the fee or any estate or any interest in it to any building, structure, or other improvement, not demolished or otherwise removed, which has been acquired by the agency in accordance with the redevelopment plan.

(Ord. of 5-27-10)

Sec. 17-12. Town council approval.

Town council approval is required for any redevelopment agency action involving (a) borrowing, lending or investing money, (b) offering and/or making relocation payments, (c) the sale, lease, exchange, subdivision, transfer, assignment, pledge, encumbrance (by mortgage, deed of trust, or otherwise) or any other disposition of any real or personal property, (d) taking of property by eminent domain, (e) bringing suit, (f) appointing personnel, including but not limited to agency staff and legal counsel and (g) any and all other agency actions regarding the expenditure of funds in an amount greater than \$1,000.00.

(Ord. of 5-27-10)

Sec. 17-13. Designation of redevelopment area.

(a) The town council shall have the sole authority to designate by ordinance one or more areas within the community as a redevelopment area or areas, and to determine the boundaries thereof, in accordance with the provisions of G.L. 1956, §45-32-4 which is incorporated in this section by reference

(b) Designation of the Branch Village Redevelopment Area

(1) Area Boundaries.

The redevelopment area comprises 87 assessor's lots totaling 11,496,148 square feet or 263.92 acres in the Branch Village area, Town of North Smithfield, Rhode Island. The redevelopment area is bounded to the west by Route 146, and generally includes the land south of Great Road and north of Pound Hill Road from Route 146 east to Mendon Road; excluding the residentially zoned land north of Pound Hill Road in the Premisy Hill area, the land north of Great Road from the former Tupperware Mill to the end of the Business Neighborhood area approximately 1,100 feet from the intersection of St Paul, the land on the west side of St Paul Street from Great Road to the north approximately 2000 feet and on the east side of St Paul Street extending from the intersection of Great Road north approximately 1,340 feet. The area shall be known as the Branch Village Redevelopment Area.

Table I lists the properties included in the redevelopment area.

TABLE I. REDEVELOPMENT AREA LOTS

TABLE INSET:

	Plat	Lot	Lot Size (SF)
1	5	377	33355
2	5	452	13261
3	5	481	12106
4	5	163	12036

5	5	165	30492
6	5	169	29403
7	5	180	43081
8	5	182	45203
9	5	184	12732
10	5	232	20691
11	5	280	3687
12	5	287	14300
13	5	297	43041
14	5	220	5760
15	5	221	53140
16	5	223	42300
17	5	224	7400
18	5	225	18570
19	5	226	24394
20	5	228	23600
21	5	239	81893
22	5	242	74488
23	5	244	16808
24	5	246	63598
25	5	251	4957
26	5	256	5150
27	5	260	5770
28	5	262	5391
29	5	270	17424
30	5	29	14104
31	5	49	77537
32	5	50	30870
33	5	51	35300
34	5	52	60113
35	5	54	326264
36	5	55	39500
37	5	56	7975
38	5	57	14952
39	5	58	34848

40	5	59	6750
41	5	61	20000
42	5	62	31363
43	5	64	662112
44	5	65	2995621
45	5	6-A	231304
46	5	69	19166
47	5	79	344734
48	5	80	188397
49	5	85	745312
50	5	111	12038
51	5	112	18175
52	5	121	18295
53	5	122	4347
54	5	207	13227
55	5	210	48988
56	5	211	50924
57	5	213	5770
58	5	214	19700
59	5	215	7000
60	5	216	12450
61	5	217	11225
62	5	219	28400
63	5	457	37462
64	5	471	208652
65	5	479	1873080
66	5	247	4792
67	5	250	3920
68	5	253	4792
69	5	255	147233
70	5	263	7405
71	5	29	1410473
72	5	58	34848
73	5	125	6098
74	6	246	9740

75	6	296	9525
76	6	60	5000
77	6	126	95396
78	6	129	21169
79	6	337	554954
80	6	20	62726
81	6	21	16894
82	6	22	19063
83	6	25	16950
84	6	237	12159
85	6	239	10349
86	6	243	14400
87	6	240	8276
TOTAL			11,496,148

(2) Findings By Town Council.

The town council hereby expressly finds that the Branch Village Redevelopment Area suffers from blighted and substandard conditions and requires replanning, redevelopment, rehabilitations, improvement and/or a combination of these remedies.

(3) Purpose of Town Council; Plan Incorporated By Reference.

The purpose and intent of the town council is that the Branch Village Redevelopment Area be redeveloped in accordance with and pursuant to the Branch Village Redevelopment Plan (Phase I, adopted by the town council on November 19, 2007, and Phase II, adopted by the town council on July 28, 2008), which is hereby incorporated by reference.

(4) Determination that Plan Is Feasible and Conforms To Comprehensive Plan.

The North Smithfield Town Council hereby determines that the Branch Village Redevelopment Plan is feasible and conforms to the Comprehensive Plan, as found by the town's Planning Board on November 15, 2007 (Phase I), and on June 26, 2008 (Phase II), for the Town of North Smithfield and if carried out will promote the public health, safety, morals and welfare of the community, and would effectuate the purposes of R.I.G.L. chapters 45-31 through 45-33.

(v) Plan Designated As Approved Plan For Branch Village Redevelopment Area.

The Branch Village Redevelopment Plan which is incorporated herein by reference is hereby designated as the approved plan for the Branch Village Redevelopment Area.

Sec. 17-14. Property acquisition through eminent domain.

Subject to the limitations set forth herein, the agency shall have the power to acquire property by eminent domain with town council approval and pursuant to G.L. 1956, Sections 45-32-24--45-32-41 which are incorporated in this section by reference. An estate or interest less than fee simple, including but not limited to an easement that, in the sole determination of the agency, does not unduly burden the operation of an operating business, may be acquired by eminent domain. The necessity for the acquisition of property shall be conclusively presumed upon the adoption by the agency of a resolution which shall first be approved and adopted by the town council and shall:

- (1) Contain a description of the real property or any estate or interest therein sufficient in detail to permit an identification thereof.
- (2) Declare that the acquisition of the real property or any estate or interest therein is in the public interest and necessary for the public use.
- (3) State that the real property or any estate or interest therein is included in an approved redevelopment project.

Notwithstanding anything in state law or herein to the contrary, the agency shall NOT have the power to acquire by eminent domain a fee simple estate or interest in the following: (a) any residential property containing a habitable dwelling unit, or (b) any commercial, industrial, or mixed-use property containing an operating business, or (c) any arrested blight area considered blighted solely by the existence in greater than incidental quantities of (i) unsuitable soil conditions (except where the existence of such soil conditions is due to manmade contamination), or (ii) ledge or rock, or (iii) the necessity of undertaking unduly expensive measures for the drainage of the area or for the prevention of flooding thereof.
(Ord. of 5-27-10)

Sec. 17-15. Filing in land evidence.

In the case of an estate or fee taken by eminent domain:

- (a) The agency shall file in the land evidence records for where the real property is located:
 - (1) A copy of the resolution.
 - (2) A plat showing the real property taken or affected.
 - (3) A declaration that the property is taken pursuant to the provisions of G.L. 1956, chs. 45-31--45-33, inclusive, and indicating the nature and extent of the property taken.
- (b) After filing a copy of the resolution, plat, and declaration, the agency shall file in the superior court a statement of the sum of money estimated by the agency to be just compensation for the property taken, and shall deposit the sum in the superior court for use of the entitled persons.
- (c) After the filing of the resolution, plat, and declaration, the secretary of the agency shall have a copy

of the resolution and declaration published in the newspaper.

- (d) All real property acquired by an agency for redevelopment purposes shall be subject to taxation in the same manner and at the same rate as other real property in the community, except as may be exempted by a vote of the town council at a duly posted meeting.

(Ord. of 5-27-10)

Sec. 17-16. Bylaws rules and regulations.

The redevelopment agency has the power to make, amend, and repeal bylaws, rules, and regulations for the purposes of carrying out redevelopment goals within the defined districts; provided, however, that no such bylaws, rules and regulations shall contravene any term or provision of this chapter.

(Ord. of 5-27-10)

Sec. 17-17. Power to regulate development in redevelopment districts.

The redevelopment agency is authorized to regulate development in redevelopment districts designated by the town council within the Town of North Smithfield subject to future adopted redevelopment plans. The redevelopment agency 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, industrial and residential buildings and appurtenances within the district which requires building permits or other approvals from the town. Such review shall occur concurrently with planning board review within the district.

(Ord. of 5-27-10)

Sec. 17-18. Adoption of rules and standards.

The redevelopment agency shall adopt and publish all rules necessary to carry out its function.

(Ord. of 5-27-10)

Sec. 17-19. Advice to other bodies.

The redevelopment agency may advise the zoning board of review on all requests for variances and special use permits authorized in the district. The redevelopment agency may also provide comments to the planning board and the town council on all proposed amendments to the comprehensive plan and all subdivision and/or land development reviews regarding redevelopment districts.

(Ord. of 5-27-10)

Sec. 17-20. Record.

The redevelopment agency shall keep a record of all proceedings, findings, decisions and actions and such record shall be open to the public.

(Ord. of 5-27-10)

Sec. 17-21. Agency approval process.

(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 demolition removal and/or rehabilitation of the exterior of new and existing buildings, or appurtenances requiring a building permit or other town approvals (paving, curb cuts, parking areas, drainage, etc.) within a redevelopment district, a written application for such work and appropriate development plans shall be submitted to the town planner who shall forward such application to the redevelopment agency.

(b) *Form.* An application form shall be developed by the redevelopment agency and shall include all information which is reasonably necessary to evaluate the proposed work. If any planning board or zoning board approval is also required, the application form and checklists of the planning board or zoning board (or only planning board if acting as both pursuant to any provision of the Rhode Island General laws) shall be utilized by the redevelopment agency.

(c) *Review.* The redevelopment agency shall review all applications for new construction, major additions, moving of structures and demolitions of buildings. Such review shall be held during a regular meeting of the redevelopment agency and open to the public, for which advance written notice has been given to the applicant, property owner, and abutting property owners. A determination shall be made within 30 business days (and may be extended up to 90 days by the agency for good cause set forth in writing) of the commencement of the hearing.

(d) *Approval, approval with conditions, denial.* The redevelopment agency shall be authorized to approve, approve with conditions or deny an application. Approval shall be based upon conformance with the regulations and standards adopted by the redevelopment agency. The redevelopment agency shall place on the record its reasons and conditions for approval or denial of the application.

(e) *Request for comment.* In order to assist in its review of plans, the redevelopment agency may request other agencies and boards to review and comment on proposals. Any other agency or board may review and comment on proposals regardless of whether the redevelopment agency requests same.
(Ord. of 5-27-10)

Sec. 17-22. Conduct of business.

(a) *Public meetings.* All meetings of the agency shall be open to the public.

(b) *Public record.* The agency shall keep a record, which shall be open to public view, of its resolutions, proceedings, findings, decisions, and actions.

(c) *Notice.* The agency shall provide notice of its meetings and comply in all respects with the requirements of the open meetings law.

(d) *Opportunity to be heard.* Any town resident or other interested person, or his duly constituted representative, shall have an opportunity to appear and be heard on any matter before the agency reaches a decision.

(Ord. of 5-27-10)

Sec. 17-23. Periodic reports.

It shall be the duty of the agency to file with the town council a quarterly detailed report of all its transactions, including a statement of all revenues and expenditures.
(Ord. of 5-27-10)