

THE CITY OF WARWICK  
STATE OF RHODE ISLAND

APPENDIX A

ZONING

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

Approved.....Mayor

**Section <update> 1-30. GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION MORATORIUM ORDINANCE (PV or add CSP and SHC)**

*Be it ordained by the City of Warwick:*

Section <update>. Appendix A - Code of Ordinances City of Warwick, RI is hereby amended as follows:

**Part I, Charter and Related Acts / Administrative Legislation**

**Chapter <update> 1**

**Article <update> IV. Emergency Ordinances (cite Warwick section)**

**Section <update> 1-30. GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION MORATORIUM ORDINANCE**

**IT IS ORDAINED BY THE CITY COUNCIL OF WARWICK, RHODE ISLAND, AS FOLLOWS:**

That the City of Warwick (“City”) adopts a “Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance” as follows:

**FOR THE PURPOSES** of this Ground Mounted Solar Photovoltaic Installation Moratorium

Ordinance, a “ground–mounted solar photovoltaic installation” shall mean the use of a parcel of land for production and sale and/or distribution of electricity by collecting earthbound solar energy in ground-mounted structures. Said structures shall be specifically designed to use ground-mounted supports upon which the solar collectors are mounted.

**WHEREAS**, areas of the City are under threat of development pressure from ground–mounted solar photovoltaic installations; and

**WHEREAS**, there is a strong likelihood that all areas of the City may be subjected to this development pressure due to tracts of undeveloped land and the demand for such ground–mounted solar photovoltaic installations; and

**WHEREAS**, it is anticipated that the City may receive a number of applications for ground–mounted solar photovoltaic installations in the near future that if approved, may be incompatible with residential, open space, conservation, park, recreation, scenic or aesthetic value, and other land uses, and more desirable geophysical characteristics; and

**WHEREAS**, the existing ordinances and zoning regulations do not adequately regulate development of ground–mounted solar photovoltaic installations in a manner that will ensure compatibility with other land uses; and

**WHEREAS**, the potential unregulated location of ground–mounted solar photovoltaic installations in the City raises legitimate and substantial questions about the impact of such development on the City, including questions of the compatibility of ground–mounted solar photovoltaic installations with existing uses and developments in agricultural, residential and other zoning districts; the adequacy of streets to handle additional construction traffic associated with ground–mounted solar photovoltaic installations; the potential adverse health, safety and welfare effects of ground–mounted solar photovoltaic installations on the community if not properly regulated, including, without limitation, negative aesthetic impacts and potential impacts on residential and other property values; and

**WHEREAS**, the development of such ground–mounted solar photovoltaic installations could pose serious threats to the public health, safety and welfare of the residents of Warwick through the overdevelopment of parts of City with such ground–mounted solar photovoltaic installations without adequate provisions for issues of safety, land-use compatibility, and preventing significant tree cutting, forest and contiguous wooded area clear cutting, soil erosion control, because of the important water management, cooling and climate benefits and oxygen generation that trees provide to society; and

**WHEREAS**, there is a current and immediate threat to the public health, safety and welfare if permits or entitlements for construction of ground–mounted solar photovoltaic installations are issued and such permits or entitlements may result in ground–mounted solar photovoltaic installations that would conflict with amendments to the City ordinances and zoning regulations that may be adopted as a result of studies that are to be undertaken; and

**WHEREAS**, the City will need at least two hundred and seventy (270) days to study its own

ordinances and zoning regulations to determine the implications of future proposed ground-mounted solar photovoltaic installations and to then develop reasonable ordinances and zoning regulations, comprehensive plan amendments thereto governing the location and operations of such ground-mounted solar photovoltaic installations to address the concerns cited above and by stakeholders in the City; and

**WHEREAS**, the City's current ordinances and other applicable laws, if any, are not adequate to prevent serious public harm possibly to be caused by the development of additional ground-mounted solar photovoltaic installations in Warwick, thereby necessitating a moratorium; and

**WHEREAS**, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of ground-mounted solar photovoltaic installations being located in the City; and

**WHEREAS**, the City Council hereby declares that these facts create an emergency pursuant to the Article <update> V, Sec. <update> 10(5) of the Legislative Charter of the City of Warwick and requires the adoption of this Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance as immediately necessary for the preservation of the public health, safety, welfare, and safeguarding of the geophysical features and characteristics currently enjoyed by the public.

**NOW, THEREFORE, IT IS ORDAINED** that a Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance is hereby adopted imposing a moratorium on all ground-mounted solar photovoltaic installations that have a nameplate capacity of 26 kilowatts direct current (kWDC) or greater, which moratorium shall be effective immediately upon passage, and applicable to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications and petitions not vested (RIGL 45-24-44; City of Warwick Zoning Ordinance Sec. <> 350(10)(B) as of October 18, 2021, and on any new construction or use, requiring approval under the terms of the City's land-use ordinances and regulations for such City until the effective date of the necessary amendments to the land-use ordinances and Warwick's comprehensive plan is updated and state approved for consistency with most recent guidance from the RI Division of Statewide Planning regarding solar siting and land use policy regulations or until October 18, 2021 and may be revisited prior to expiration and extended to such date as may be established by ordinance;

**BE IT FURTHER ORDAINED** that the Planning Board, Zoning Board of Review, Boards of Appeal, Building Official, Code Enforcement Officer, all City agencies, City Departmentms, and all City employees and agents shall neither accept, process, approve, deny, or in any way act upon any applications, plans, permits, licenses and/or fees for any construction or uses governed by this Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance for such ground-mounted solar photovoltaic installations that have a nameplate capacity of 26 kilowatts direct current (kWDC) or greater for said period of time;

**BE IT FURTHER ORDAINED** that those provisions of the City's land-use ordinances and land development and subdivision regulations which are inconsistent or conflicting with the

provisions of this Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance, are hereby repealed to the extent that they are applicable for the duration of the Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance hereby ordained, but not otherwise; and

**BE IT FURTHER ORDAINED** that to the extent any section or provision of this Ordinance is declared invalid by a court of competent jurisdiction; such declaration shall not invalidate any other section or provision of this Ordinance;

**BE IT FURTHER ORDAINED** that any amendments to or enactment of a Ground Mounted Solar Photovoltaic Installation Ordinance will require a public hearing by the Warwick City Council, and must be voted upon at a City Council Meeting or Special City Council Meeting, and shall comply with RI General Law Chapter 45-24 Zoning Ordinances, § 45-24-53. Adoption – Notice and hearing requirements.

**EMERGENCY CLAUSE:** In view of the declaration of emergency cited in the preamble, this Ground Mounted Solar Photovoltaic Installation Ordinance shall take effect immediately upon passage by the City Council and shall apply, to the maximum extent permitted by the law but subject to the severance clause above, to all proceedings, applications and petitions not vested (RIGL §45-24-44); City of Warwick Zoning Ordinance Sec. <> 350 (10)(B) as of October 18, 2021, and shall stand repealed as of effective date of the necessary amendments to the land-use ordinances or regulations or until July 15, 2022 or such date as may be established by ordinance. Pursuant to Article <> IV, Sec. <> 10(5) of the Legislative Charter of the City of Warwick, enactments by the City Council dealing with an emergency may be adopted on the day of introduction without a previous filing with the City clerk, shall contain a declaration of the emergency which declaration shall be conclusive as to the existence of such an emergency, and shall take effect upon their passage.

**VESTING CLAUSE:** Notwithstanding any provision contained herein to the contrary, any formally submitted proposal for a Ground Mounted Solar Photovoltaic Installation for which an applicant has submitted the required material for a pre-application meeting and appeared before the Planning Board for a pre-application meeting, where the proposal was 100% consistent with and compliant with zoning and land use ordinances and regulations on the date and time of said application and proposal, shall be considered vested and may proceed under applicable regulations presently in effect, unless such proposal and application did not comply with zoning or land use ordinances and regulations at the time submitted through the effective date of this Moratorium.

Adopted by the Warwick City Council on October 18, 2021.

Section <update> II: This Ordinance shall take effect upon passage. 4

Effective Date – October 18, 2021

**SPONSORED BY:**  
**COMMITTEE: ORDINANCE OR INTERGOVERNMENTAL**

