

5.0 LAND USE PLAN

5.1 Current Land Use

Tiverton occupies 35.5 square miles on the eastern shore of the Sakonnet River. The pattern of land use and development within this area includes four distinct sectors - north Tiverton, Stone Bridge, east Tiverton and south Tiverton.

North Tiverton, the area extending north and west of Route 24, is an area of older residential and commercial development. It includes neighborhood retail and service businesses along Main Road and residential development, primarily single family units, on the side streets. Along Main Road, small-scale strip commercial uses prevail. The west side of Fish Road, the other north-south corridor in this area of town, is primarily residential while the east side consists of industrial land. This industrial area has seen steady development in the past several years. The vicinity of the Route 24 - Fish Road intersection is an evolving nexus of major non-residential uses. Along the Fall River border is the Bourne Mill, an historic and architecturally distinctive 19th century mill building, which has been redeveloped for residential housing, including affordable units.

Other significant land uses in north Tiverton include Pocasset Elementary School, the eight-acre Pocasset Park, and the age restricted condominium community, Villages at Mount Hope Bay. One area of specific concern in north Tiverton is the area of Bay Street, where soil contamination was discovered in 2002. Approximately 100 homes were identified as having toxic material within their property boundaries. While remediation is substantially complete for those properties on an as built basis, there remain significant risks for future development and excavation in the subject area.

South of Route 24 on Main Road is Stone Bridge, one of the historic areas of Tiverton. This area has a maritime aura, with active waterfront uses backed by older residences and several institutional uses. The residential upland is dominated by 19th century homes that give the area its historic character. Waterfront uses include the public Grinnell's Beach, several commercial establishments, the Tiverton Yacht Club, a boat launch, and several marine-related businesses along the Sakonnet River. Recently the town completed the purchase of the old Seaside Gas station adjacent to Grinnell's Beach, and has begun a visioning process with the community to determine the best plan for integrating it into the existing beach and park. Also adjacent to the beach is the Stone Bridge abutment, the remains of the old Stone Bridge that connected Tiverton to Portsmouth. The town has undertaken a project to repair and improve the pedestrian access as well as upgrade the park and car entrance. Homes along Riverside Drive also capture the maritime flavor; several are built on pilings along the shoreline. Other land uses include Fort Barton Elementary School, the Town Hall, Essex Library and Fort Barton with its Revolutionary War redoubt.

East Tiverton, the area east of Route 24 and north of Bulgarmarsh Road, is predominantly residential. A commercial area at the intersection of Bulgarmarsh Road, Stafford Road and Crandall Road is known locally as Bliss Four Corners, although additional commercial uses extend north along Stafford Road. The Tiverton High School, Middle School and Ranger Elementary School are within this area of town, as is the new Bulgarmarsh recreation area, and Sandy Woods, an affordable residential arts and agriculture community. The new Tiverton Public Library opened

in 2015, is also located in the Bliss Four Corners, as is Stafford Pond, a principal source of the town's water supply. Stafford Pond is generally surrounded by residential use with some protected areas along its southwestern shores. West of Stafford Pond, in the area of Route 24 and Fish Road, are municipal uses including the public works garage and police facility, as well as the Town's 228-acre business park, whose sole occupant is currently a natural gas-generated electric power plant. Recently, the town has seen significant interest in the business park and it is expected that several new ventures could be initiated in the near future. Off Stafford Road in the northeast corner of town is an age-restricted manufactured home community called Countryview Estates.



Tiverton Public Library

South Tiverton, the area south of Bulgarmarsh Road, remains mostly rural and agricultural in character, though suburban style residential subdivisions are increasingly fragmenting the area. Large estates lie along the shoreline, with small residential developments on Crandall Road, King Road, Brayton Road, Lake Road and East Road, and some large parcels in agricultural use. The historic Tiverton Four Corners has developed into a charming commercial area, and a small commercial cluster exists at the intersection of East and Lake Roads.

Much land has been set aside for open space and to protect environmentally sensitive areas, notably Reucker's Wildlife Preserve, Seapowet Marsh, Fogland Marsh, Pardon Gray Preserve, Eight Rod Management Area and Weetamoo Woods. Additionally, Nonquit Pond and its watershed cover a significant area. This is part of the City of Newport's public water system, and a zoning overlay to prevent intensive development and protect the watershed is now in place as it is for Stafford Pond.

Specific land uses in south Tiverton include Union Public Library just north of Tiverton Four Corners and a significant recreation area, the Town Farm, is located on Main Road. The town landfill is located to the east of this recreation area. The area around Four Corners is a National Register Historic District and much of the commercial portion of it is zoned Village Commercial, a district created to protect its historic character. The Seapowet and Fogland areas, including Fogland Beach, are significant environmental, scenic and recreational resources.



Seapowet Cove

Tivertonians have indicated that future development be in harmony with Tiverton’s “small town, rural character” and this phrase appears repeatedly in this document. Both the data gleaned from the Community Comprehensive Plan Public Open Houses as well as historical public hearing testimony from specific large proposals, indicate a majority of participants share similar viewpoints regarding future development. Defining this concept is a key component in understanding the community’s perspective.

Tiverton is not homogenous from a development standpoint. There are areas that are rural, others that are more suburban-like, business districts, and industrial areas. The southern portion of Tiverton is distinctively rural with significant open space and farmland. Importantly though, other areas of town still manage to retain certain rural features, with scattered farmsteads, stonewalls, and older, historic buildings.

Much of the specific character can be traced to Tiverton’s history over the past three centuries. The Main Road and Stone Bridge business areas still include properties and buildings that embody the history and development patterns of three hundred plus years. The dense and compact development patterns of north Tiverton as well as the tidy neighborhoods abutting Main Road harken to a time when neighboring Fall River was an industrial force in the area. Small, family owned farmsteads continue to operate next to industrial uses. The layouts of many of our main roadways are virtually the same as those traveled by residents of 17th century Tiverton. A lot of areas in Tiverton have open view vistas to the Sakonnet River, to open fields or wooded upland. These examples contribute to the nature of Tiverton. The historical context is visible; it’s retained and embodied in our land use and development.



Bank at Bliss Four Corners

Tiverton residents struggle with the necessity of establishing diverse land uses that include more commercial and industrial uses, which today constitute less than seven-percent of the land area, and would increase the tax base, with the desire to maintain the rural community character that is unique to Tiverton. Land areas must be carefully chosen where there is direct access to highways and transportation for commercial and industrial use so that so called suburban sprawl does not envelop the Town. Such commercial and industrial development should be evaluated in accordance with the character of the Town, the needs of the community and impact locally as well as Town wide.

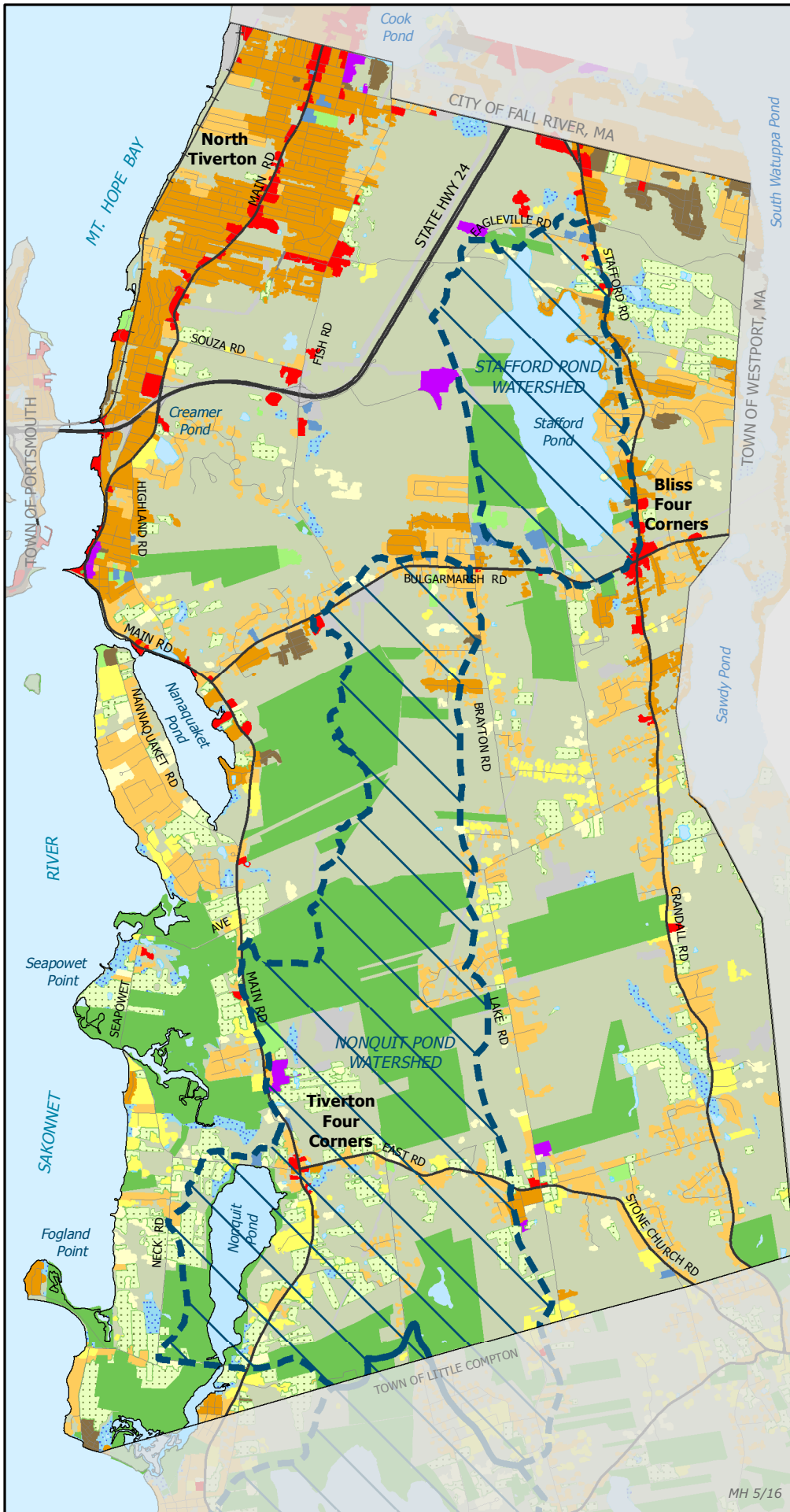
Many Tivertonians feel that the absence of such “sprawling” development is what makes Tiverton unique among its neighbors and helps to define the “small town, rural character” of Tiverton. Particularly with regard to commercial development, a majority of Tiverton residents are open to commercial growth in a scale and nature that is compatible with and helps to maintain Tiverton’s unique identity. Tiverton has a visual quality and character that is unique as opposed to ubiquitous. Residents indicate that they are welcoming of development that can be woven into the character of the community as opposed development that would simply erase it.

Table 5-1 and Figure 5-1 show generalized land use based on land cover data obtained from the Rhode Island Geographic Information System (RIGIS) for the year 2011. The breakdown of land use by acreage is as follows:

Table 5-1: Current Land Use in Acres, 2011

Land Use	Acreage	Percentage
Low Density Residential (> 2 acre lots)	285	1.15%
Medium Low Density Residential (1 to 2 acre lots)	496	2.00%
Medium Density Residential (1 to 1/4 acre lots)	1,747	7.03%
Medium High Density Residential (1/4 to 1/8 acre lots)	1,519	6.12%
High Density Residential (< 1/8 acre lots)	166	0.67%
Commercial (including Commercial Mixed Use)	268	1.08%
Institutional (including cemeteries)	95	0.38%
Transportation and Utilities	266	1.07%
Airports	2	0.01%
Developed Recreation (including beaches)	138	0.56%
Agricultural	1,887	7.60%
Vacant / Transitional	129	0.52%
Water	1,059	4.26%
Wetland	518	2.09%
Mines, Quarries, Gravel Pits	159	0.64%
Waste Disposal (Landfills and Junkyards)	137	0.55%
Deciduous Forest (>80% hardwood)	13,953	56.18%
Mixed Forest	1,491	6.00%
Softwood Forest (>80% softwood)	273	1.10%
Brush land	250	1.01%
Total	24,838	100%

Source: *RIGIS Land Use and Land Cover, 2011*



EXISTING LAND USE (2011)

- Low Density Residential (>2 acre lots)
- Medium Low Density Residential (1 to 2 acre lots)
- Medium Density Residential (1 to 1/4 acre lots)
- Medium High Density Residential (1/4 to 1/8 acre lots)
- High Density Residential (<1/8 acre lots)
- Commercial
- Industrial
- Institutional
- Transportation and Utilities
- Airports
- Conservation/Open Space*
- Developed Recreation
- Agricultural
- Undeveloped/Unprotected
- Water
- Wetland

- SURFACE WATER RESERVOIR WATERSHED
- MAJOR ROAD
- MINOR ROAD
- RAILWAY

Source: RIGIS Land Use Land Cover 2011 and 2014 State and Local Conservation Lands courtesy of RIDEM (see *)



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TIVERTON COMPREHENSIVE COMMUNITY PLAN
Figure 5-1
EXISTING LAND USE



5.2 Land Use Regulation

The establishment of land use districts through zoning is the most widely applied method of regulating land use. The Town's original zoning ordinance was adopted in 1964, with a revision in 1970. A complete rewrite was done in 1994 to comply with the Rhode Island Zoning Enabling Act. To ensure consistency with the goals and objectives of the Tiverton Comprehensive Plan that was certified by the state in 1997, major revisions to the zoning ordinance were approved in 2001. These included provisions for Rural Residential Developments, the addition of a watershed protection overlay district for Nonquit and Stafford Ponds, the creation of a Village Commercial District for Tiverton Four Corners, a new Open Space/Conservation district, and a new Waterfront District. In 2014, a significant rezoning of the General Commercial District was enacted, which resulted in the creation of three new commercial zoning districts.

Land use is now controlled with four residential districts, seven commercial districts, one industrial district and an open space district as well as the aforementioned Watershed Overlay District. Table 5-2 below reflects the acreage within each existing zoning district, while Table 5-3 summarizes the existing zoning districts, their intent and basic area standards. Figure 5-2, the Tiverton Zoning Map, illustrates the distribution of these use districts throughout the town.

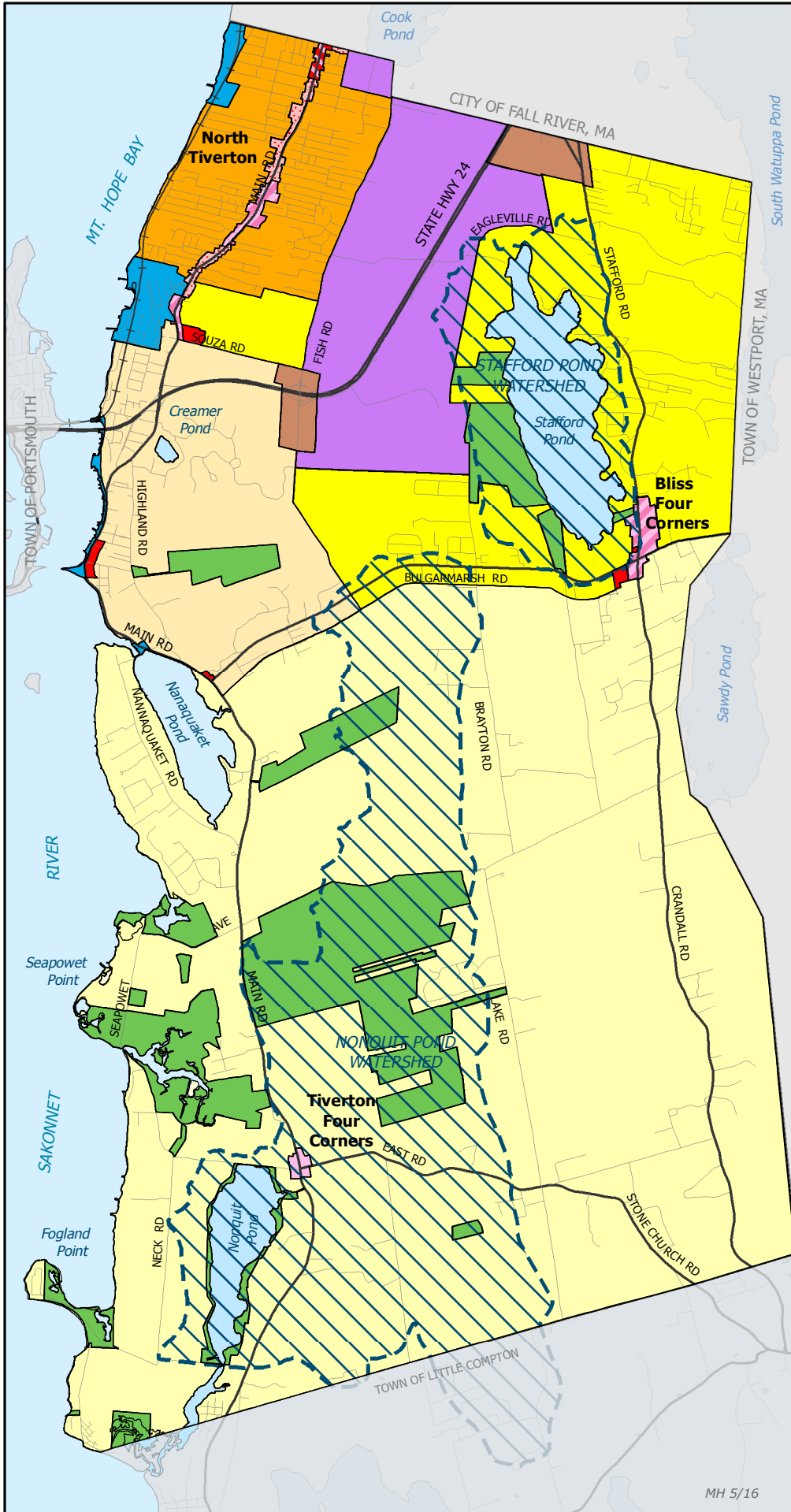
TABLE 5-2: Land Use by Zoning District, 2014

ZONING DISTRICT	ACREAGE	PERCENT BY LAND AREA
VC	13	0.07%
GC	26	0.13%
HC	174	0.89%
I	1409	7.19%
W	160	0.82%
TMS	10	0.05%
NB	44	0.22%
PFD	78	0.40%
R-30	998	5.10%
R-40	1489	7.60%
R-60	2576	13.15%
R-80	10,055	51.33%
OS	1,635	8.35%
Ponds	921	4.70%
TOTAL	19,588	100.00%

Source: Tiverton Planning Department

Table 5-3: Zoning Districts

DISTRICT	Description (minimum lot areas and allowable uses)
Residential	
R-30	30,000 sq. ft. lots; single and two-family residential, multi-family, nursing and retirement homes with special use permit
R-40	40,000 sq. ft. lots; single family residential, nursing and retirement homes with special use permit
R-60	60,000 sq. ft. lots; single and two-family residential, multi-family, nursing and retirement homes with special use permit
R-80	80,000 sq. ft. lots; single family residential, nursing and retirement homes with special use permit
Commercial and Industrial	
VC	12,000 sq. ft. lots; small scale retail and commercial uses, design standards for preserving historic character (e.g. Tiverton Four Corners).
GC	12,000 sq. ft. lots; general commercial, community retail and service uses
TMS	10,000 sq. ft. lots, small scale retail and commercial on the first floor with office space or residential above
NB	15,000 sq. ft. lots, community oriented retail, commercial and services; multi-family, apartment houses and mixed use residential.
PFD	12,000 sq. ft. lots, commercial, retail and services uses. Multi-family, apartment houses and mixed use residential
HC	20,000 sq. ft. lots; businesses requiring larger areas and highway access
W	10,000 sq. ft. lots; non-residential and mixed-use along Sakonnet River principally for marine dependent commercial uses
I	40,000 sq. ft. lots; industrial uses, including technology and office parks
OS	Coastal land and open space



- ZONING DISTRICTS**
- GENERAL COMMERCIAL (GC)
 - TRADITIONAL MAIN STREET (TMS)
 - PEDESTRIAN FRIENDLY DISTRICT (PFD)
 - NEIGHBORHOOD BUSINESS (NB)
 - VILLAGE COMMERCIAL (VC)
 - HIGHWAY COMMERCIAL (HC)
 - INDUSTRIAL (I)
 - WATERFRONT (W)
 - RESIDENTIAL R-30 (R-30)
 - RESIDENTIAL R-40 (R-40)
 - RESIDENTIAL R-60 (R-60)
 - RESIDENTIAL R-80 (R-80)
 - OPEN SPACE (OS)
 - WATERSHED PROTECTION OVERLAY DISTRICT
 - PONDS, OPEN WATER
 - MAJOR ROAD
 - MINOR ROAD
 - RAILWAY
- Source: Tiverton GIS.



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TIVERTON COMPREHENSIVE COMMUNITY PLAN
Figure 5-2
EXISTING ZONING
 INCLUDES AMENDMENTS THROUGH JUNE 30, 2014

In addition, the Watershed Protection Overlay District regulates development around Stafford and Nonquit Ponds in order to protect the quality of public drinking water. The overlay areas limit density of residential development, provide for a buffer from the shorelines, and restrict the use of chemicals, fuels, pesticides and other sources of contamination. The overlay district regulations also require an environmental review statement for proposed developments, which allows the Planning Board to require additional constraints or restrictions on the development.

In 1987, an ordinance was adopted to provide for cluster developments. It allowed modification of certain zoning requirements in order to preserve open space or create recreation areas within a subdivision. As part of the 2001 zoning ordinance revisions, the cluster ordinance was replaced by regulations that provide for subdivision designs called Rural Residential Developments. This type of development incorporates conservation by design techniques to permit smaller house lots and open space preservation. It also allows privately maintained roads for special subdivisions where oversized lots are created (rural compounds). Road frontage requirements can also be relaxed under certain circumstances with common driveways used in order to decrease the number of curb cuts. Rural Residential Developments are meant to preserve rural character, protect the environment, and lower the long-term public tax burden by decreasing the cost of infrastructure maintenance.

Provisions for elderly housing have also been added to the zoning ordinance. The Manufactured Home Elderly Community (MHEC) regulations provide for self-contained communities of moderately priced housing for residents age 55 and older. Other new uses provide for retirement and continuing care facilities, and the Age Restricted Mixed Use Community (ARMUC) regulations were established to allow the creation of the Villages on Mount Hope Bay.

Finally, a Large Scale Office Park Development (LSOPD) ordinance was written to allow the development of a technology/office park within the Industrial District for a site that has a minimum area of 125 acres and is serviced by public water and sewer.

The Tiverton Subdivision Regulations provide the procedures and standards for the division of land, as well as the specifications for street and infrastructure improvements. The subdivision regulations were completely rewritten in 1995 to conform to the Rhode Island Land Development and Subdivision Review Enabling Act. Major amendments in 2003 and 2014 adopted by the Planning Board provided complementary language for commercial and residential development, added site and building design standards for review of commercial and industrial developments, as well as enhanced aesthetic and environmental standards relating to residential subdivisions.

5.3 Development Trends

According to the 2010 U.S. Census, in the decade between 2000 and 2010 the population of Tiverton grew by 3.4%, in comparison to the state of Rhode Island as a whole, which grew by 0.4%. This represents a slowing from the previous decade where Tiverton grew by 6.6%. Most of the development has been in the form of small-scale subdivisions, or single unit developments. The notable exceptions are the Villages at Mount Hope Bay, Countryview Estates, Bourne Mill, and Sandywoods, all larger scale residential projects. Commercial development has included small

establishments along Main Road in north Tiverton, at Bliss Four Corners, Stafford Road, and Fish Road.

However, Tiverton is increasingly being influenced by a regional real estate and commercial development market centered in the greater Boston area. Its location in southeastern New England, convenient highway access, and land available for development have resulted in additional development pressures. This will only be increased with the potential construction of commuter rail service from Boston to Fall River.

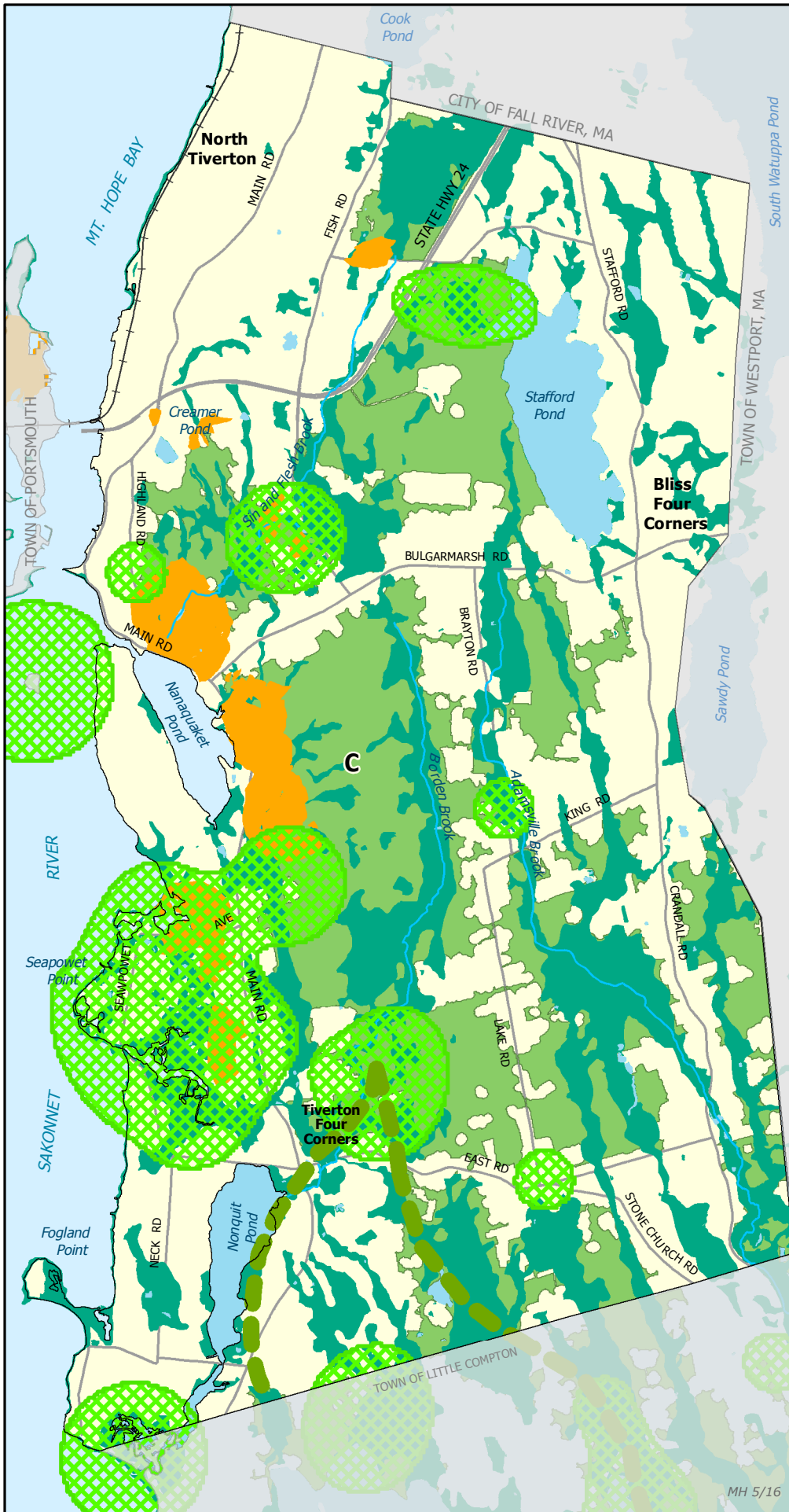
Current data from Rhode Island Statewide Planning forecasts limited population growth of approximately 1,150 new persons through the year 2040, yet there are local factors that may add to development pressure. They include: (1) the possible expansion of public sewer service to much of northwestern Tiverton, from the Stone Bridge area north to the state line, (2) interest in the development of the area abutting Route 24 in north Tiverton and (3) the development of the business park, which has significant employment potential, and could also result in a demand for both residential and commercial development.

5.4 Build Out Analysis and Future Land Use

A comprehensive build-out analysis completed in early 2006 estimated future residential development potential in Tiverton. The estimated potential number of dwelling units that could be built as-of-right in different areas of the town was calculated based on existing zoning and using digital data from the Rhode Island Geographic Information System (RIGIS).

The acreage of developable land within each zoning district was calculated by eliminating land already developed, land protected from development and land with physical constraints (wetlands and steep slopes). Factoring development activities and conservation easements applied since the 2006 analysis generated updated statistics for this document. Data was also cross-referenced against historical building permits issued. Limitations of the available digital data and the need to make certain assumptions necessitate that the overall and site-specific results should not be used for anything other than general planning purposes. Land with constraints to development with the zoning district boundaries overlaid is depicted in Figure 5-3.

The current build-out analysis projected that an additional 3,186 single-family dwelling units could be developed as-of-right in Tiverton based on the land available for development and the zoning in place as of 2014. Under this scenario, the total single-family units at build-out would equal 10,653. The acreage within each zoning district is summarized in Table 5-4 below. An important note is that these numbers represent single-family units only. Zoning changes enacted in 2014 greatly expanded options for mixed used, two-family and multi-family units. Approximately 3,706 acres of land are now in zoning districts that allow multiple dwelling units by right or special use permit. There is very limited historical data to project the number of dwelling units that may be constructed as other than single family, but it is expected that Tiverton will see marked growth in categories other than single family, which would increase the total number of dwelling units significantly.



- MINOR CORRIDOR
- NATURAL HERITAGE AREAS
- MAJOR STREAMS
- PONDS, OPEN WATER
- ECOLOGICAL LAND UNITS -- BEST & BETTER
- WETLANDS AND/OR HYDRIC SOILS
- UNFRAGMENTED FOREST BLOCKS
- MAIN ROADS
- RAILWAY

Source: COA's from RI Wildlife Action Plan 2015 (Ch 4) and DEM (2015).

Note: Public access to open space is subject to compliance with various rules and regulations.



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TIVERTON COMPREHENSIVE COMMUNITY PLAN



**Figure 5-3
CONSERVATION
OPPORTUNITY AREAS**

TABLE 5-4: Potential Single Family Residential Units, by Zoning District, 2015

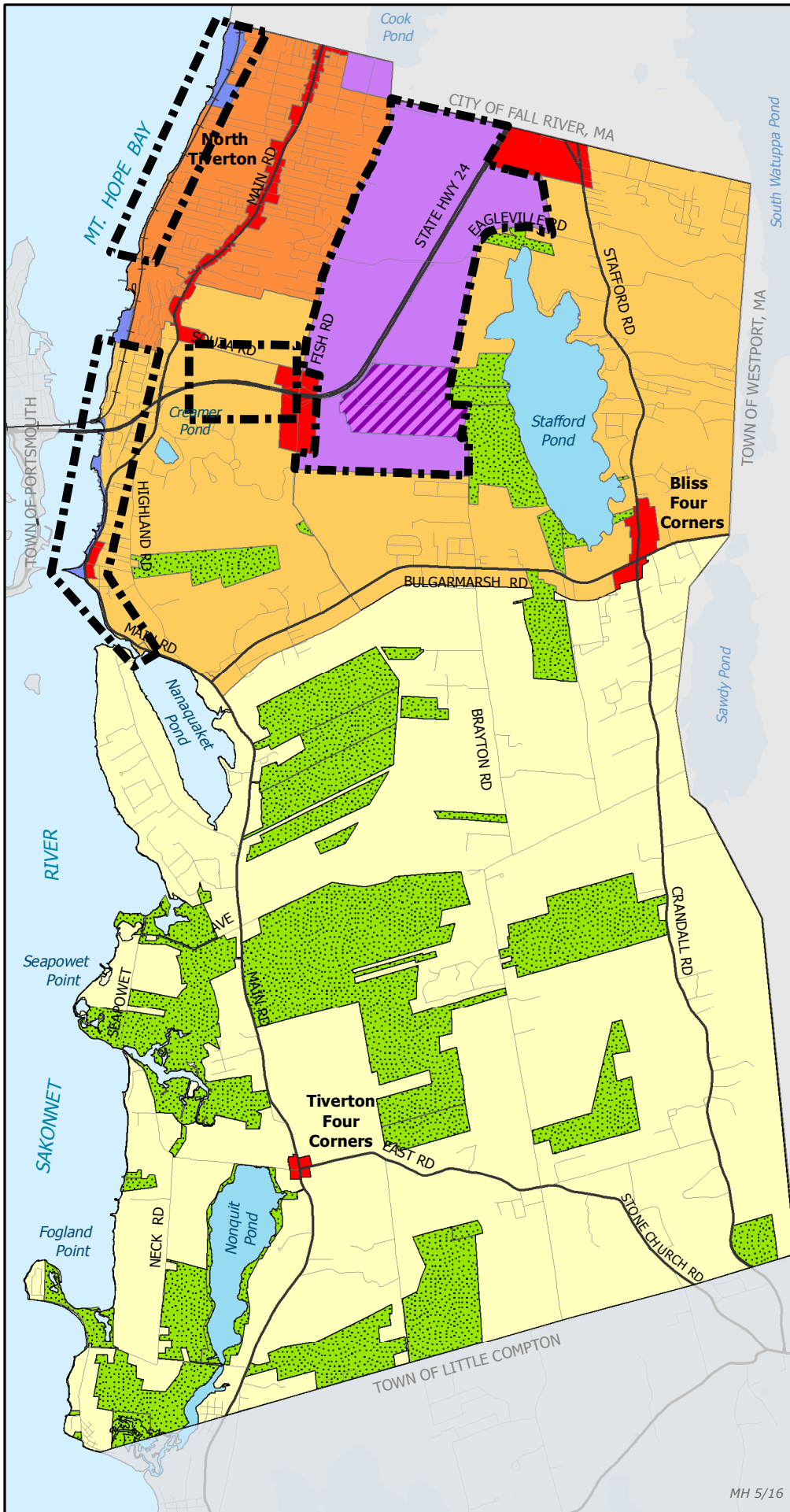
Zoning District	Total Acres	Vacant Lot Acres	Buildable Acres*	New SF Units-All Acreage
Village Commercial	13	.	0	0
General Commercial	26	0	0	0
Highway Commercial	174	0	0	0
Industrial	1,409	0	0	0
Waterfront	160	0	0	0
Traditional Main Street*	10	0	0	0
Neighborhood Business*	44	0	0	0
Pedestrian Friendly District*	78	0	0	0
Residential-30*	998	69	180	261
Residential-40	1,489	77	425	462
Residential-60*	2,576	292	950	601
Residential-80	10,055	975	3,650	1,862
Open Space	1,635	0	0	0
Waterbodies	921	0	0	0
Total	19,588	1,413	5,205	3,186

*Zoning Districts that allow mixed, and/or multi-family units.

Source: Tiverton Planning Department/RIGIS

Figure 5-4 contains the proposed Land Use Plan for Tiverton. It is based on a review of existing land use and zoning, and reflects the many goals and policies expressed in this Comprehensive Community Plan relative to desired future development, protection of open space and environmental features, and future planning efforts (see Planning Concept Chapter 3). Several specific study areas are identified for consideration. More information and specific reasons for identification as study areas are outlined in the land use policies section below. Study areas identified on the Future Land Use map may or may not be subject to zoning changes based on recommendations following the study process.

Figure 5-5 Land Use Discrepancies Map shows the identified discrepancies between the current and future land use maps at this time.



STUDY AREAS *

FUTURE LAND USE TYPE

- Protected Open Space
- High Density Residential
- Med Density Residential
- Rural Residential / Agricultural
- Commercial Uses
- Waterfront-Related Uses
- Industrial Uses
- Industrial / Technology Park
- Reservoir and Ponds

Source: Tiverton GIS and Tiverton Planning Department, 2016

* Note: See Chapter XX for Study Areas details.



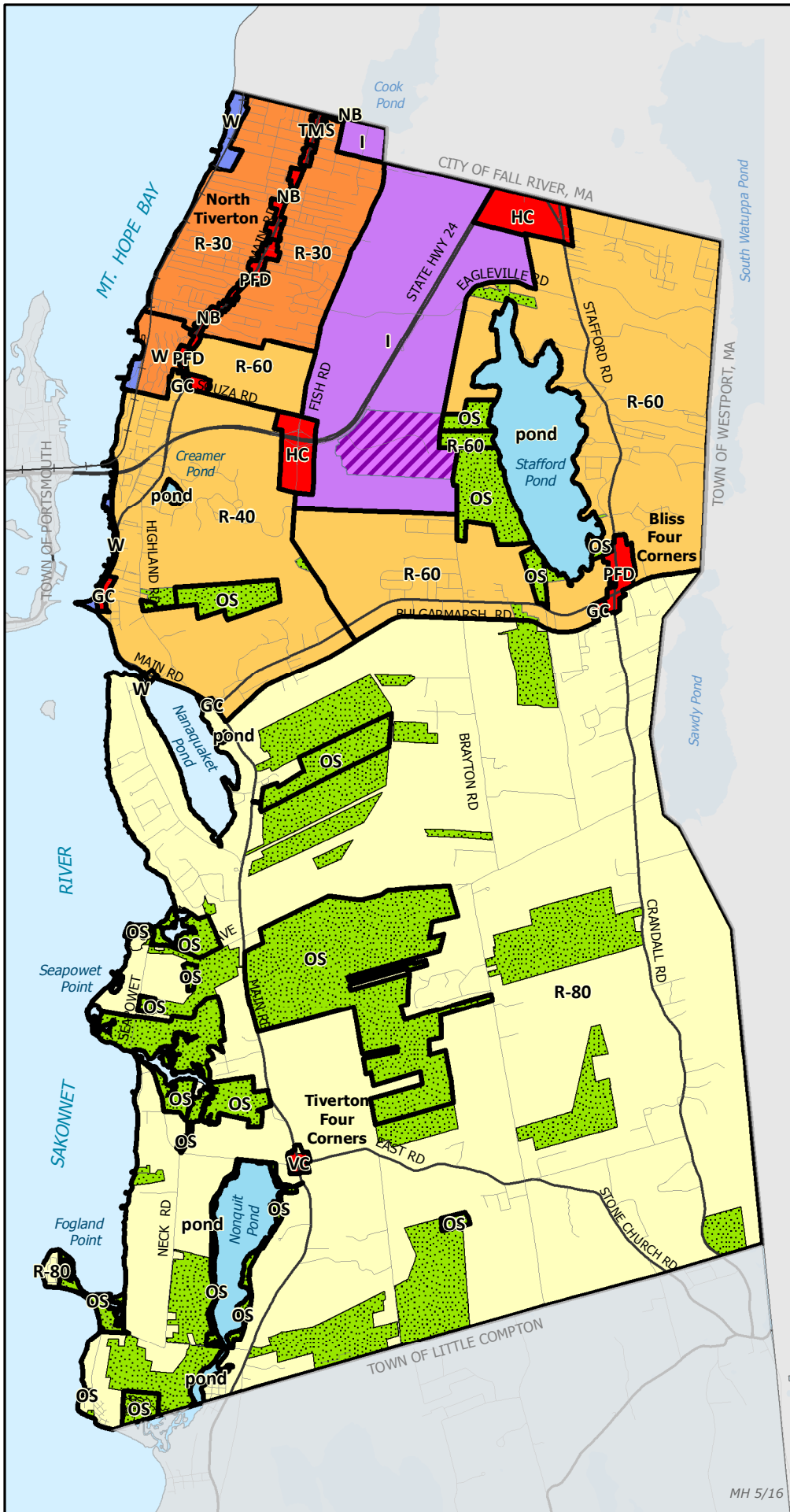
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TIVERTON COMPREHENSIVE COMMUNITY PLAN
Figure 5-4
FUTURE LAND USE MAP



MH 5/16



R-60 ZONING (inc last amendment date of 6/30/2014)

FUTURE LAND USE

- Protected Open Space
- High Density Residential
- Medium Density Residential
- Rural Residential / Agricultural
- Commercial Uses
- Waterfront-Related Uses
- Industrial Uses
- Industrial / Technology Park
- Reservoir and Ponds

Source: Tiverton GIS and Tiverton Planning Department (2016).



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TIVERTON COMPREHENSIVE COMMUNITY PLAN

**Figure 5-5
FUTURE LAND USE
and ZONING
INCONSISTENCIES**

MH 5/16

5.5 Land Use Goal and Objectives

Goal

Promote land use patterns that are consistent with natural resource constraints, are environmentally and economically sound, minimize incompatibility among uses, and preserve Tiverton’s rural, historic and small town character.

Objectives

- Utilize the land use plan to guide future growth and development, and serve as the basis for future regulatory actions.
- Evaluate the effectiveness of current zoning district designations, particularly the appropriateness of the areas currently zoned for industrial and highway commercial uses.
- Promote marine-related land uses within the non-residential zoning districts along the Tiverton waterfront.
- Support the diversification of the town tax base and increase in net tax revenue through non-residential development, including the development of the town business park, in a manner that is compatible with and protects the predominantly rural, historic, maritime and small town character of Tiverton.
- Inventory and evaluate town-owned property to determine the use that promotes the long-term interests of the town.
- Ensure that town staffing is adequate to meet the complex planning and regulatory challenges required as development pressures increase.
- Ensure that utilities are extended and provided only in a manner that is compatible with desired rate and density of future development and done with consideration of aesthetic impacts.
- Utilizing the visual and analytical tools and capabilities which will be available through the Town’s Geographic Information System (GIS), undertake a town-wide parcel inventory and use study to determine where zoning is not reflective of existing conditions, especially in areas that are near build-out. Modify zoning to ensure it is consistent with as-built conditions, particularly in areas where existing or planned water and sewer infrastructure can support higher densities of development.
- Consider a Transfer of Development Rights (TDR) program to direct more intense development into areas where the infrastructure can accommodate it (receiving areas) and away from areas where over-development would have negative effects on the rural quality, scenic beauty, and natural environment (sending areas). The zoning in receiving areas (primarily areas of the north part of Town where access to public sewer and water are feasible including infill development) should be at a level that will allow for increases in density through such a TDR program.
- Evaluate future development in areas exposed to natural hazards including the effects of sea level rise. Review and modify zoning as necessary to minimize risks to lives, property, and infrastructure from natural hazards.

5.6 Land Use Policies

General Policies

Action 1: Ensure that the land use goal and specific visions for desirable future development, as stated in this Comprehensive Community Plan, are achievable with the zoning and subdivision regulations, and that these regulations remain relevant through periodic monitoring and review.

The core of this Comprehensive Community Plan is to shape future land use so that it preserves the rural and small town character of the community. Land use, more than anything else, determines the kind of town Tiverton will be in the future. The starting point for land use planning is the zoning ordinance and the zoning map (Figure 5-2), which establishes permitted uses and dimensional standards for each of the zones. The zoning map resulted from a multi-year process that began with the completion and state approval of the original comprehensive plan, and culminated with the adoption of major ordinance revisions in 2001 and several significant updates through 2014. Those revisions were based on the general land use plan and the respective land use policies in the comprehensive plan. The fundamentals of the existing ordinance are, therefore, adequate as a regulatory document for future land use in Tiverton. This plan proposes further refinements to the zoning ordinance, includes uncompleted policies from the previous Comprehensive Community Plan, and addresses emerging land use issues that need to be considered for future regulatory changes.

In addition to zoning, the development of land is managed by the application of the Tiverton Land Development and Subdivision Regulations, through the subdivision and site plan review process. Design review is also authorized by the Development Plan Review regulations contained in the zoning ordinance. These land use regulations control not only use and density, but site and building design; therefore it is important that the town periodically review the effectiveness and suitability of both its zoning ordinance and subdivision regulations. There are also environmental limitations that supplement town regulations. Areas of town not suitable for development because of natural constraints and environmental sensitivity are governed by federal and state regulations, which provide for input, or even preemptory action on the part of the town. These regulatory controls, given careful monitoring, and town zoning restrictions preventing development on “unsuitable land,” will protect these areas without additional regulations.

Industrial Land Uses

Action 2a: Evaluate the development potential of the vacant industrial property in Tiverton, and consider rezoning to allow uses that are compatible with the environment, the surrounding area and the small town character of Tiverton. A study area has been identified on the future land use map to facilitate the completion of this action item. Specific consideration should be given to action items 2b and 2c identified in more detail below.

Action 2b: Evaluate and consider rezoning the Industrial Zone into low impact/higher impact zones to minimize conflict between residential and industrial uses.

Approximately 1,400 acres (7%) of the land area of the town is zoned for industrial use. This area, located in north Tiverton, is largely undeveloped but has seen recent growth in both general business and industrial use. There are several older neighborhoods within the district along its border on the east side of Fish Road. A large portion of Fish Road on the western side is densely developed residential district R-30. Recently there have been several conflicts between residential and commercial/industrial users in this area particularly with regard to noise and traffic. A balance is required to allow business growth and residential property rights to peacefully co-exist. The Industrial Zone is earmarked as a specific study area on the Future Land Use Map to both review the types of industrial uses allowed and also consider whether creating more than one single industrial zone could minimize conflict and stabilize residential property values in this area. One concept would be to create zones based on higher/lower impact with the areas surrounding and/or abutting significant residential tracts limited to lower impact industrial activities.

Action 2c: Evaluate industrial land within the Stafford Pond watershed and consider rezoning to ensure uses are compatible with and minimize risks to the drinking water supply.

Much of the industrial land is wetland and a portion of this land lies within the Stafford Pond watershed, Tiverton's sole public drinking water supply. Future uses of property in the watershed as well as significant wetland areas should be carefully considered to avoid environmental degradation and to maximize public benefit. A review and possible re-zoning of industrial uses in the watershed and significant wetland areas should be undertaken.

Action 2d Review and modify as necessary regulations with regard to quarrying activities to ensure compliance with state and local governing statutes and to minimize environmental impacts.

Tiverton is home to several active and inactive quarries. Quarrying activities are regulated by a combination of federal, state and local regulations. A review of current local ordinances should be undertaken to ensure the ordinances provide a high level of environmental protection for ground and surface water supplies and to minimize potential damage to surrounding properties.

Marine & Waterfront Related Uses

Action 3: Follow-up on waterfront related studies and design concepts with a comprehensive waterfront plan that evaluates long-term options for development, improves aesthetics and increases public access.

The Tiverton harbor and waterfront is an important, but limited resource that has economic, residential, cultural and recreational value for the community. The zoning revisions of 2001 included the establishment of a Waterfront District to govern large portions of the Sakonnet River and Mount Hope Bay waterfront areas. This district generally restricts the commercial areas of the waterfront to marine related uses such as boat launches, marinas, fisheries and other maritime activities but includes residential property as well. A study area has been identified in the future

land use map running from the state border in the north to the Nanaquaket Bridge in the south. Considerations should include the possibility of multiple waterfront zones to ensure a compatible mix of commercial and residential uses as well as planning for sea level rise to ensure continued public access and opportunity for marine related uses.

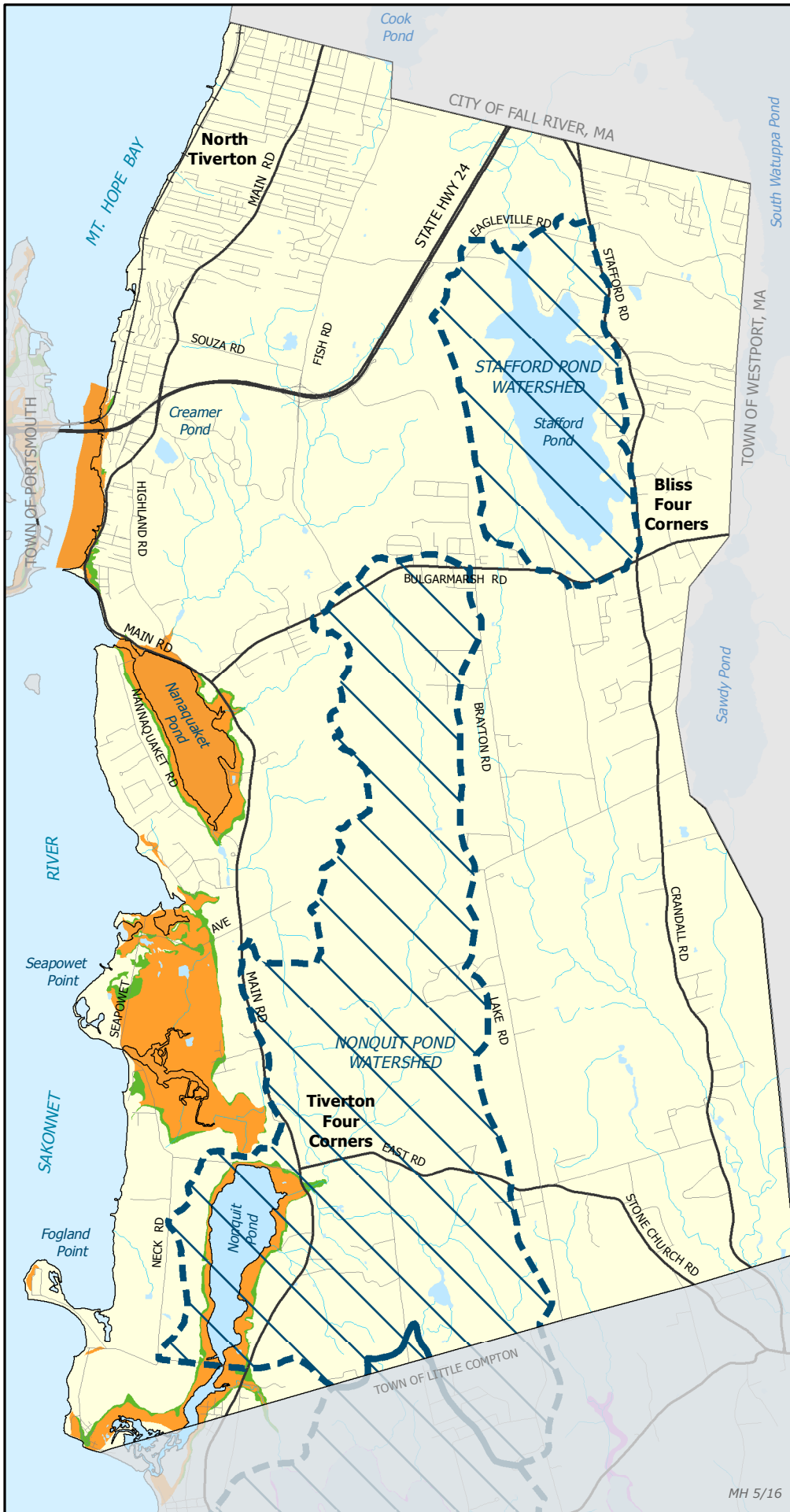
Action 4: Complete the repair of the Stone Bridge abutment and improvements to Grinnell’s Beach.

The Stone Bridge abutment is slated for significant repair by the Rhode Island Department of Transportation in 2017. The town has recently acquired the former Seaside gas station adjacent to Grinnell’s Beach. A project is underway to determine how best to incorporate this newly acquired property into the beach area. The goals include improved aesthetics, public access, marine access from the Sakonnet River, and wastewater management. Completion of this project will help to ensure that Tiverton’s historical connections to the waterfront remain strong and accessible to the public

Action 5: Review and consider modifying zoning regulations in all shoreline zones to minimize effects of natural hazards, especially flooding and hurricane damage as well as future sea level rise.

Like many coastal communities in Rhode Island, our shoreline areas are vulnerable to catastrophic flooding and future sea level rise. This risk crosses both residential and commercial property. It’s also not restricted to the immediate shoreline, as the saltwater ponds, marshes, and estuarine areas are equally as vulnerable. Zoning regulations in potentially affected zones should be reviewed to ensure continued public access and opportunity for marine-related activities.

All of the Marine & Waterfront Action Items should be undertaken with consideration to projected sea level rise and hurricane inundation to ensure long term viability. Flood Hazard Areas (Figure 5-6) Sea Level Rise (Figure 5-7) and Hurricane Surge Inundation (Figure 5-8) identify areas of concern.



FLOOD HAZARD ZONES

- 'A' FLOOD ZONE
- 'AE' FLOOD ZONE
- 0.2 Pct ANNUAL CHANCE FLOOD
- STREAMS
- PONDS, OPEN WATER
- SURFACE WATER RESERVOIR WATERSHED
- MAJOR ROAD
- MINOR ROAD
- RAILWAY

Source: Newport County DFIRMs (Sept, 2013) courtesy of RIGIS.

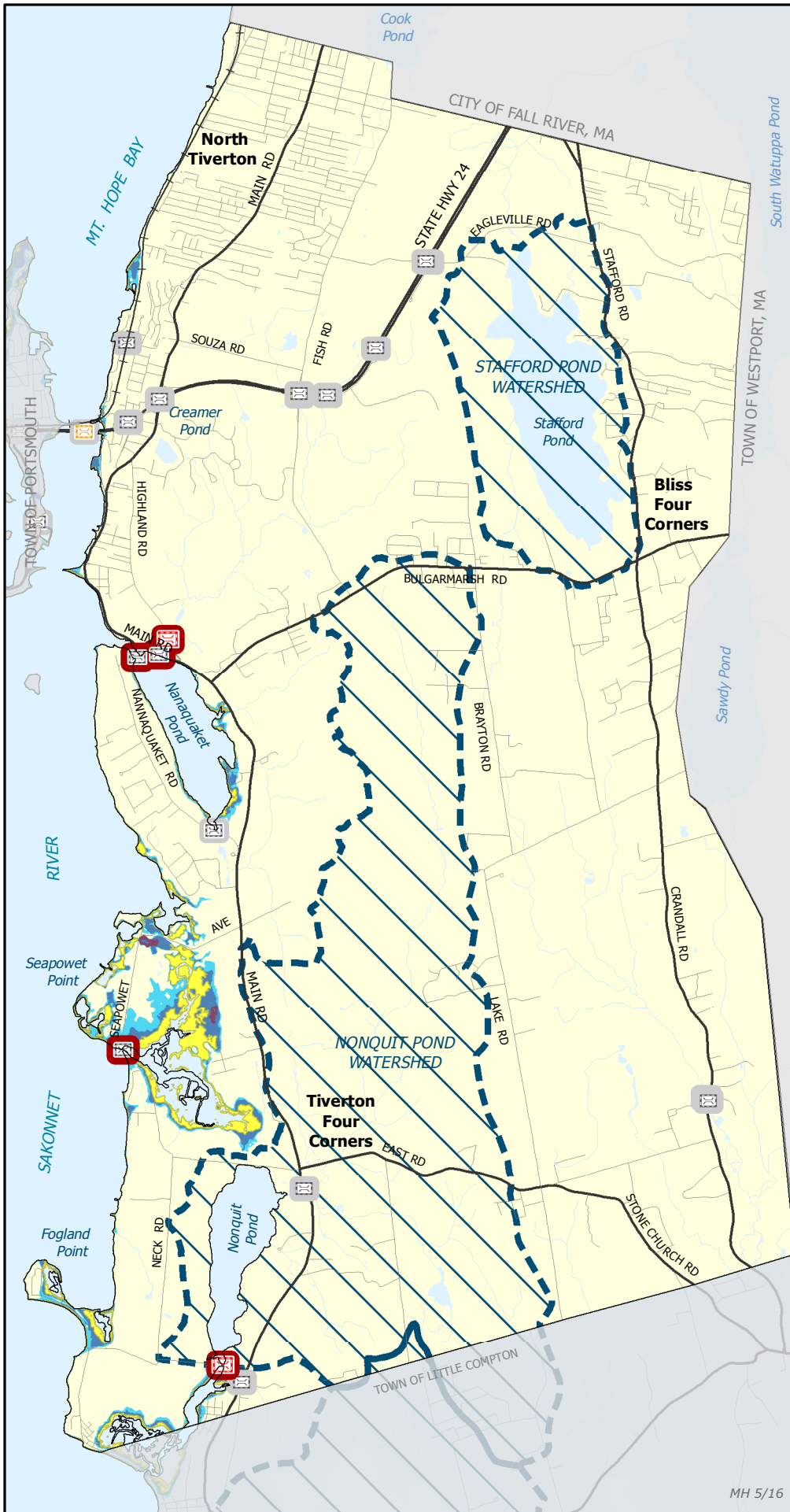


Disclaimer: This map is not the product of a Professional Land Survey. It was created by Mapping and Planning Services for general reference, informational, planning and guidance use, and is not a legally authoritative source as to the location of natural or manmade features. Proper interpretation of this map may require the assistance of appropriate professional services. The Town of Tiverton or MPS makes no warranty, express or implied, related to the spatial accuracy, reliability, completeness, or currentness of this map.

TIVERTON COMPREHENSIVE COMMUNITY PLAN



**Figure 5-6
FLOOD HAZARD AREAS**



BRIDGES -- Freeboard Height

- Concern
- Unknown
- No Concern

BRIDGES -- Bridge Access

- Not Accessible
- Unknown
- Accessible

OTHER BRIDGES (07-18-2013)

- OTHER BRIDGES

CONNECTION UNCERTAIN

- MHHW, 1ft, 3ft, or 5ft

SLR INUNDATION* -- Level

- 1 Foot
- 3 Feet
- 5 Feet

PONDS & MHHW**

STREAMS

DAMS

MAJOR ROAD

MINOR ROAD

RAILWAY

Source: RIGIS (2014), Sea Level Rise, RI Div of Planning.

Notes: * The Sea Level Rise (SLR) Inundation modified bathtub model does not take into consideration future erosion or the effects of shoreline structures.

** Mean High High Water



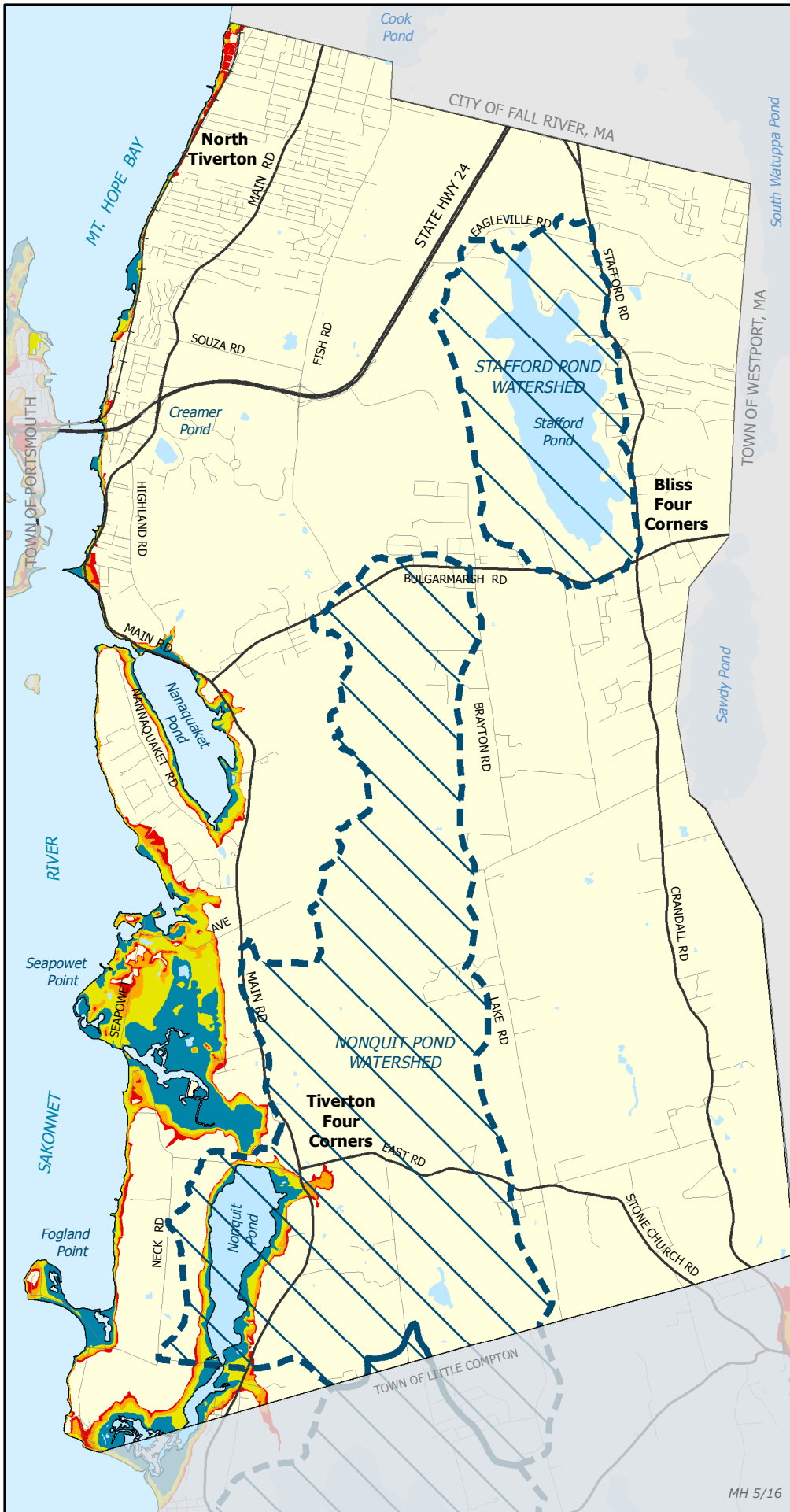
0 1 Mile

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TIVERTON COMPREHENSIVE COMMUNITY PLAN



**Figure 5-7
SEA LEVEL RISE
INUNDATION**



HURRICANE CATEGORY

- Category 1 (74-95 mph)
- Category 2 (96-110 mph)
- Category 3 (111-130 mph)
- Category 4 (131-155 mph)

SURFACE WATER RESERVOIR WATERSHED

PONDS, OPEN WATER

MAJOR ROAD

MINOR ROAD

RAILWAY

Source: RIGIS (2010), RI Worst Case Hurricane Surge Inundation Areas.



0 1 Mile

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TIVERTON COMPREHENSIVE COMMUNITY PLAN



**Figure 5-8
HURRICANE SURGE
INUNDATION AREAS**

MH 5/16

Diversification of Town Tax Base

Action 6: Support industrial and commercial uses that result in net tax revenue and desirable employment opportunities, and are compatible with the available infrastructure, the desired character and design objectives of the commercial districts, and are consistent with the small town nature of Tiverton.

There continues to be a need for development that generates net tax revenue in a scale that is consistent with the town's size and character. Considerable efforts by the town to achieve an appropriate balance between commercial development and quality of life has been made; creating new land use regulations for the town's business park as well as the existing Main Road and Bliss Four Corners business areas. There are a number of options to diversify the tax base in a manner compatible with the town's character, such as developing the business park, supporting and expanding the traditional industries of agriculture and fishing, expansion of marine related activities, and considering options for expansion of the commercial/industrial zones.

Action 7: Appoint a study committee to evaluate future land use options in the Souza Road area.

Souza Road, which connects Main Road with Fish Road, has been at the center of three rezoning/development proposals over the last ten years. In each case, town officials voted to reject that which was proposed, backed by significant opposition from the community at large.

Interest in this area stems from its location abutting Route 24, and close proximity to the two main highway access points from Route 24, one at Fish Road and the other on Main Road. While its location is what has attracted interest from outside developers, its location is also a driving factor in opposition from the community, as it sits approximately in the center of Tiverton and those same roads are used daily by residents commuting to and from home, to access shopping and services in the primary business district on Main Road and to transport children from the mostly densely populated areas of Tiverton to school. Exactly because of its location, many residents have expressed concerns that future development in this area has significant potential to impact the day-to-day quality of life in Tiverton and alter the central character of town, as specifically detailed earlier in this chapter.

A common theme was the desire that development and zoning decisions for this area should come from the community itself, absent the pressure of a pending application for zoning changes by an individual developer. As such, the council should appoint an advisory committee, under the auspices of the planning board to determine the best use for this area. The committee should have a broad and diverse representation of residents and support from the planning department. Members should include some who do not currently serve on a town board or commission, neighbors to the area as well as those who live further away, and residents who own businesses in Tiverton. The committee should be provided with information gathered from the Community Comprehensive Plan Open Houses as well as the public hearing testimony from the most recent proposal. The committee should be tasked with two specific goals. The first would be to recommend what, if any, zoning district changes should be made to the area. The second would be

to define a vision and set of parameters that, if used to develop specific zoning language, would have widespread community support.

Action 8: Evaluate the Village Commercial District to ensure that the unique identity of Tiverton Four Corners is preserved while protecting the ground and surface water supply in the Nonquit Pond Watershed.

The Tiverton Four Corners area contributes significantly to the identity of the town. Both the Village Commercial District and the Watershed Protection Overlay District regulations currently regulate the area. These commercial regulations should be evaluated to ensure that they provide sufficiently clear standards for building design and reasonable procedures for design review while balancing ground and surface water concerns in the Nonquit Pond Watershed. An inventory of business locations should be undertaken to determine if the area as zoned is appropriate

Town-Owned Parcels

Action 9: Inventory and evaluate town-owned property to determine its best use and value.

Town-owned land represents an important resource that can help Tiverton achieve its housing, open space and economic development objectives. While the town maintains an inventory of all town owned parcels, there is no comprehensive evaluation of these parcels for the purposes of long range planning. Such an inventory needs to be regularly evaluated and updated.

Utility and Infrastructure

Action 10: Allow the expansion of sewer and water utilities into areas of town that are not presently serviced only in a manner that is fully supportable and consistent with the desired land uses and densities as identified in this Comprehensive Community Plan.

A major factor in future land use is the availability of public sewer and water. While the need for sewers in north Tiverton is well documented (see Services and Facilities Chapter 7.0), a more extensive public sewer system would open up areas to development that are presently limited by poor soils that prevent the use of individual septic disposal systems. This is especially true in south Tiverton where the lower density of development gives the area its famed rural character. In addition, installing public water service into areas that do not have public sewers can alter ground water levels and negatively impact the operation of private septic systems. Extension of either public water or public sewer should not be considered until the effect of one on the other is fully evaluated. Land use decisions must be consistent with future plans for town services discussed in the Services and Facilities Chapter 7.0. It also is evident that the town administration must be able to exercise control over future construction of utility infrastructure if it is to effectively manage future land use.

Action 11: Review and consider amending the Watershed Protection Overlay District zoning regulations to provide enhanced protection to ground and surface waters.

Tiverton is responsible for two public drinking water reservoirs, Stafford Pond, which supplies town water via Stone Bridge Fire District and the North Tiverton Fire District, as well as Nonquit Pond, which is part of the City of Newport water supply. A subcommittee of members from the Planning Board and Conservation Commission is currently reviewing the town's Watershed Protection Overlay District zoning regulations to ensure best practices are being utilized to protect ground and surface water.

Action 12a: Ensure that development and zoning regulations are consistent with remediation plans and objectives as outlined in RI DEM approved TMDL plans.

Action 12b: Update Tiverton GIS maps to include TMDL locations.

Consistent with federal clean water regulations, the RIDEM utilizes a Total Maximum Daily Load Plan (TMDL) to manage waters that do not meet one or more water quality criteria. At this time, TMDLs exist for Stafford Pond, Sucker Brook, the Robert Gray area and one is under development for Nonquit Pond. Enhanced protection for surface water supplies is crucial to maintain viability of public water sources. TMDL locations should be included on Tiverton's GIS Maps.

Action 13a: Review and consider amending zoning ordinances with regard to development within Public Wellhead Protection Areas

Action 13b: Update Tiverton GIS Maps to include all RIDEM designated Wellhead Protection Areas.

There are currently ten (10) community and non-community water systems in Tiverton with at least one additional under development, each supplied with groundwater via public well. These water systems supply restaurants, small businesses, pre-schools, and several mobile home parks. The critical surface area surrounding the well, the wellhead protection area, (WHPA) deserves special consideration to maintain adequate supply of safe drinking water. Additionally, WHPAs should be incorporated into Tiverton's GIS mapping.

Action 14: Consider incorporation of Low Impact Development requirements as endorsed in the Rhode Island DEM's Low Impact Development Site Planning and Design Guidance Manual.

While the planning board currently encourages developers to implement low-impact design options in proposed projects, consideration should be given to formal incorporation of some requirements as a means to achieve protection of ground and surface waters as well as meeting stormwater management regulations.

Action 15: Review current allowable density regulations in all residential zones and/or zones that allow a residential component and modify as necessary to ensure development is supportable by available water, wastewater and fire suppression capacity.

As detailed in the Services and Facilities chapter, Tiverton has a mixed environment for water and wastewater service. Portions of north Tiverton are served by a mixture of public water and sewer, public water and private wastewater management, and/or private water and wastewater systems. The southern portion and largest land area is served in its entirety by mostly private wells and on-site wastewater treatment systems. Available quantity and capacity for all of these systems requires careful balancing to ensure that long-term water availability and environmentally sound wastewater management is achievable. This applies to development in areas served by public infrastructure as well as those requiring groundwater and adequate land capacity to safely manage Onsite Wastewater Treatment systems.

The recent trend to interest in multi-family, townhouse, and mixed-used style development could put addition pressure on all of these systems. Allowable density in this development type should be reviewed as well as the more traditional single-family home model.

Design Standards

Action 16: Develop regulations with regard to the siting of utility and accessory structures, so that the design and operation of such utilities are consistent with the aesthetic value and character of the surrounding neighborhood.

The siting of such structures as satellite dish antennas, communication towers, wind towers, water towers, pumping stations and fixtures, water storage tanks and utility wires should be undertaken with care and concern for their aesthetic impact on the community as a whole. Landscaped screening should be utilized and siting should avoid heights of land where their appearance would be most intrusive on the visual quality of the town. Underground utility wires servicing new major subdivisions and commercial and industrial developments should be encouraged.

Action 17: Consider incorporation of design guidelines into the zoning ordinance as a means to ensure development is consistent with the character and sense of place goals in the ordinance.

Zoning changes adopted in 2014 created three new commercial districts in north Tiverton and one additional district in the Bliss Four Corners area. These new districts and attendant regulations are derived from a hybrid form-based code, where the objective is to create distinctive and attractive commercial districts by focusing in part on character and design. Bliss Four Corners is an emerging commercial center and has seen recent growth as evidenced by the Sandywoods development, Tiverton Public Library, and the new recreation area. Main Road in north Tiverton, from Souza Road to the State Line is a mix of residential homes and strip style commercial. A significant number of commercial buildings in north Tiverton are currently unoccupied. Many of the commercial buildings were purpose-built and architecturally devoid. Others were built to a short-lived architectural “trend” and are now dated. Using a design and character focus, the new

districts will allow for buildings whose exteriors are compatible with the classic architectural styles of coastal New England through the years, and will lend themselves to adaptive reuse in the future. While design guidelines have been adopted, the town should consider continued refinement of the guidelines, and determine how best to ensure design objectives are met without becoming overly burdensome to the developer.

Action 18: Monitor development trends in mixed commercial zones and consider modifying allowable density calculations to ensure there is adequate infrastructure and services to support projected growth and meet desired commercial to residential ratios.

A significant change in the zoning of these districts is the inclusion of various types of housing, creating walkable, livable, and workable neighborhoods. All allow mixed-use residential, where residential units may exist on upper floors, multi-family units and small apartment buildings. The potential for residential units is in part tied to infrastructure, particularly public sewer and water, as the land is not well suited to large septic systems due to soil type and ledge constraints. A periodic review of the potential residential buildout should be undertaken to ensure there is adequate infrastructure and services to support the planned growth. Equally important, these zones represent prime commercial land; it is important to maintain a balance that recognizes our desire for business growth.

Administration, Enforcement and Coordination of Land Use Regulations

Action 19: Establish a planning department with a full-time planner and staff that support the work of the Planning Board and works in conjunction with all town departments.

Land use regulations are principally administered by the Administrative Officer to the Planning Board, and the Building Official and Director of Public Works. While the town has retained professional engineering and planning services on a consulting basis, the increasingly complex demands of reviewing major developments, many of which have the potential to profoundly shape the future character of the town, require that the town increase the level of its professional support. The town must be prepared to both plan proactively for the future and deal with the administrative, technical and planning requirements of regulating ongoing development.

Action 20: Review zoning enforcement policies and staffing to ensure a high level of compliance with established zoning ordinances.

Equally import to the planning process is the enforcement of zoning regulations. Like many communities, Tiverton has had its share of struggles in managing adherence to the zoning code. In some cases, Tiverton has entered into expensive litigation to remediate the violation. Additionally, zoning disputes over illegal uses pit neighbor against neighbor and can become very acrimonious as time wears on, to the benefit of no one. Consistent application and enforcement of zoning regulations is the most effective way to minimize these conflicts.

Action 21: Consider a process to document pre-existing non-conforming uses especially in cases where significant zoning changes alter the legal status of a property.

As with any town developed prior to adoption of zoning in the 1960's, the issue of pre-existing uses adds an additional level of complexity, particularly as many are not well documented and it becomes difficult to determine legal status without a paper trail. Although one of the goals of new zoning regulations is to minimize the number of non-conforming uses, in some cases it is unavoidable. Special care should be taken to maintain property rights. Significant zoning changes should include a well-publicized effort to assist property owners in documenting legal conforming status.

Action 22: Review, and modify as necessary, the impact fee ordinance to ensure Tiverton's ability to provide quality services and facilities to town residents.

The siting of new public facilities and the expansion or renovation of existing ones is a major initiative of the town as it strives to improve basic services for present and future residents. The need for new and upgraded facilities is described in detail elsewhere in this Comprehensive Plan. As Tiverton grows, there is increased pressure on the town's ability to pay for such improvements, and the town must consider and enact new ways to provide funding. In 2007, the town adopted an impact fee ordinance, which is currently restricted to major subdivisions. With a new focus on development from housing types besides single family residential, there is potential for shortfalls between the ordinance fees and required services and infrastructure. A review of the impact fee based on new housing models should be undertaken.

Action 23: Review and modify as necessary policies regarding developments with homeowner associations with responsibilities for road, utility and stormwater maintenance.

Current subdivision regulations allow for developments designed where homeowners associations are responsible for maintenance and upkeep of roads, utility structures and stormwater management structures. As time passes, the responsibility and financial requirement for ongoing maintenance and upkeep are often in dispute. The town should review and consider modifying policies to ensure that long-term maintenance is ensured.

Action 24: Evaluate and consider adopting policies that assist the town in managing orderly growth.

Like many communities, the cyclical nature of real estate provides challenges in managing growth. These challenges include adequate, timely resources for project review. Equally important is the difficulty in managing the impact on service requirements for the community. Effective management of growth is critical to ensure Tiverton can provide a consistent level of police, fire, educational and other key services to its residents.