

**Ordinance Number 2014-  
An Ordinance in Amendment of  
The Tiverton Zoning Ordinance**

The Town of Tiverton hereby ordains as follows:

Section 1. Article IV of the Tiverton Zoning Ordinance entitled "District Use Regulations" is hereby amended to add the following section as follows:

Section 20. Mixed Use Development District (MUDD)

A. Purpose

1. The establishment of a Mixed Use Development District in the Town of Tiverton comports with the Town's Economic Development Element of its Comprehensive Community Plan.
2. Such a District is intended to provide a mixture of compatible land uses and development densities, including retail, luxury residential, office with ancillary light industrial, hotel, community center, and restaurant uses.
3. The District should be designed to welcome visitors, and encourage traditional architecture consistent with the Town's village patterns.
4. Such a District is consistent with the Tiverton Comprehensive Community Plan.

B. Applicability

Provisions of this section shall apply only to property located in the MUDD, including properties in the area generally bounded by Rte. 24, Main Road, Souza Road and Fish Road and, more specifically, Assessor's Plat 110, Lot 102, Assessor's Plat 301, Lot 220, and Assessor's Plat 301, Lot 221. The minimum development area must exceed fifty (50) acres.

Such developments shall be considered land development projects, as defined herein, and shall be reviewed as major land developments in accordance with the land development and subdivision regulations of the Town of Tiverton and approved by the Planning Board.

C. Definitions

Where words or terms used in this Section are defined in Article II of this Zoning Ordinance, they shall have the meaning stated therein, unless a contrary meaning is specifically prescribed below. Words or terms used in this Section not otherwise defined in Article II are also prescribed below. Words or phrases defined below appearing in other sections of this Ordinance shall be interpreted in accordance with the definitions contained in Article II.

Building marker means any sign indicating the name of the building, the date and incidental information about its construction, which sign is cut into masonry a surface or made of bronze or other permanent material.

Commercial office includes business office not otherwise included in professional office.

Conference Facility means an indoor or outdoor use attracting large numbers of both local and regional visitors for conference and/or entertainment purposes, including, but not limited to, business meetings, social events, concerts, family events and amusements, and trade shows and could include meeting and exhibition rooms, resort amenities, dining and food services, personal services for the occupants of the facility, and entertainment.

Community Center means an indoor or outdoor use where members of the residential development community would go to gather for group, social, or educational activities, public information, or other purposes.

Development area means the total area to be included in the master plan application, whether it consists of one lot or a series of contiguous lots and includes all of the land area, with or without physical constraints to building, such as grading, wetlands, etc.

Gross leasable area (GLA) is the amount of floor space available to be rented in a commercial property. Specifically, gross leasable area is defined as the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors. It is measured from the center line of joint partitions and from outside wall faces. That is, gross leasable area is the area for which tenants pay rent.

Hotel use includes hotel business(es) including conference facility, restaurant, ancillary entertainment, and exterior seasonal tent, ancillary recreational facilities including pool facilities, guest rooms and suites.

Identification Sign is a sign giving only the nature, logo, trademark or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business, or establishment.

Light Industrial is the manufacture from previously prepared materials of non-hazardous finished products or parts and including processing, fabrication, assembly, treatment, packaging, sale or distribution, incidental storage of such products or parts, the testing of such products or parts and research and development, and excluding basic industrial processing. Such uses produce no noise, heat or glare perceptible at any lot line and emit no vibration, smoke, dust, dirt, toxic or offensive odors or gases.

Lot Coverage means the percentage of the developable area that is covered by impervious surfaces, i.e., buildings, accessory structures and parking areas that are not considered pervious.

Mixed Use Development is a mixed-used commercial development that combines the traditional retail functions with residential uses and leisure amenities oriented toward the public.

Net leasable area (NLA) means the total area that is utilized exclusively by a tenant or occupant and excludes all common areas including shared restrooms, hallways, elevators, foyers, mechanical areas.

Professional office includes banks, credit unions, financial planner, information technology, physician, chiropractor, physical therapist, dentist, eye doctor, veterinarian, attorneys, engineers, surveyors, real estate broker, accountant, insurance agent, paraprofessional, or other professional licensed by law or certified by a recognized professional society or agency and providing professional services.

Public and semi-public uses includes conference centers accessory to hotel use, urgent care or emergency room facilities, community police substation, and government services.

Research and development facility includes research and development, testing, assembly, repair, and manufacturing in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Office, warehousing, wholesaling, and distribution of finished products produced at the site are allowed as part of this use. This use does not involve the mass-manufacture, mass-fabrication, or mass-processing of products, which means the manufacture, fabrication, or processing of large amounts of standardized products, including and especially on assembly lines

and/or making many copies of products, very quickly, using assembly line techniques to send partially complete products to workers who each work on an individual step, rather than having a worker work on a whole product from start to finish. Such a use shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard as specified herein.

Restaurant includes establishments for the serving of food and beverage and which may also include ancillary entertainment, exterior seasonal tent and exterior seating.

Retail business may include restaurant, grocery, convenience, pharmacy, hardware, general merchandise, furniture, household goods, eyewear, clothing, sportswear, sporting equipment, crafting supplies, personal care products, antiques, books, decorative arts, housewares, furnishings, specialty foods, prepared foods, liquor, entertainment uses ancillary to retail use including cinemas, arcades, children's party facilities, and any other businesses selling products at retail, including exterior sales.

Service business includes barber shop, hair salon, nail technician, beautician, spa, health club, massage therapy, shoe repair, tailor, seamstress, laundry, dry cleaning drop-off (with no dry cleaning performed on site), photography studio, interior decorating, art gallery, art studio, music teacher and any other business providing services to the public.

D. Zoning District

The Mixed Use Development District is a zoning district as identified and described in Section B (Applicability) above.

E. Permitted Uses\*

1. Multi-family residential dwelling unit;
2. Retail business;\*\*
3. Professional office;
4. Service business;
5. Commercial office;
6. Research and development;
7. Light Industrial;
8. Hotel;
9. Conference facility;
10. Community Center;
11. Restaurant, with or without exterior seating areas, including seasonal tents;
12. Municipal office; and
13. Public and Semi-Public Uses.

\*Additional licenses for permitted uses may be required in accordance with the Tiverton Code of Ordinances.

\*\*No more than one retail building with a maximum of 100,000 SF GLA is permitted; all other retail buildings shall be no more than 40,000 SF GLA.

F. Exemption from mandatory inclusionary zoning provisions. Development projects located in a MUDD are expressly exempt from the provisions contained in Article XXI, Section 10, of this Zoning Ordinance.

G. Prohibited Uses and Activities

Uses not listed or not generally provided for in the permitted uses above shall not be permitted in a MUDD. Additionally, the following specific uses shall not be permitted within the MUDD.

1. All prohibited uses as described in article IV, section 15 shall be prohibited;
2. Retail establishment consisting of one user with footprint greater than 100,000 SF GLA ("big box retail");
3. Adult book and/or video store and adult entertainment;
4. Warehouses;
5. Exterior storage except behind a visual screening barrier;
6. Storage or parking of goods, and/or equipment on interior roadways;
7. Portable structures (i.e., trailers, storage units or similar objects) permitted within the development except during periods of construction or remodeling;
8. Pursuant to the Tiverton Code of Ordinances at Chapter 38, Division 3, relating to the Regulation of Sound, there shall be no excessive noise in the development.
9. Nuisance means whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as to essentially interfere unreasonably with the comfortable enjoyment of life, any condition, or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in value of other property in the neighborhood in

which such premises are located, or a building that is a menace to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

10. Uses that will result in unsafe or hazardous conditions.

H. Density of Uses

The maximum allowable area for individual uses is as follows.

Restaurants	45,000 SF NLA
Retail and service business	450,000 SF NLA*
Office and research and development	200,000 SF NLA
Hotel	100,000 SF NLA
Community Center	4,000 SF NLA
Multifamily residential	130,000 SF NLA

\*As provided by Section E, Permitted Uses, herein.

Public, semi-public, and research and development uses may be provided in retail/service bldg or office calculations as the property owner determines.

I. Site Design Regulations

1. Dimensional regulations. The following dimensional regulations shall apply to building setbacks in a MUDD. Roadway setbacks are measured from the right of way (ROW).

Dimension	Requirement*
Setback from Rte. 24 ROW	25 ft.
Setback from Main Road ROW	50 ft.
Setback from Souza Road ROW	25 ft.
Setback from abutting properties on Main Road	50 ft.
Building Coverage	35%
Lot Coverage inclusive of paved surfaces	75%
Height, Excluding Hotel Building	50 ft.
Height, Hotel building	55 ft.

\*Screening structures are not considered buildings for purposes of determining property setbacks.

2. Signage. The intent of the signage regulations within this section are to control the location, number, size, placement, and other features of signs within a

MUDD to ensure that all signs are appropriate for their use, benefit the public's safety and convenience, are compatible with their surroundings, reinforce any associated building's design, and add to the unique identity of the development. The sign regulations in this section are intended to supplant those in Article XII of this Zoning Ordinance.

The following table identifies freestanding and monument signs in respective locations and dimensional requirements:

Sign Location	Max. Area	Max. Height	Min. Clearance From Grade	Max. Setback From Roadways/Interstates
<b>Route 24</b>				
Freestanding Development Sign	400 SF ea side	50 FT	10 FT	0 FT
Freestanding Hotel Sign	140 SF ea side	30 FT	10 FT	0 FT
<b>Souza Road - Access Area 1</b>				
Monument Sign	150 SF	7 FT	NA	0 FT
Monument Sign	150 SF	7 FT	NA	0 FT
<b>Souza Road - Access Area 2</b>				
Monument Sign	150 SF	7 FT	NA	0 FT
Monument Sign	150 SF	7 FT	NA	0 FT
<b>Main Street</b>				
Monument Sign	150 SF	7 FT	NA	0 FT
Monument Sign	150 SF	7 FT	NA	0 FT
Hotel and Restaurant Freestanding Sign	64 SF ea side	12 FT	4 FT	0 FT

*Wayfinding signs:* On-site traffic, directional and wayfinding signs may be installed with the permission of the Planning Board, so long as they are tasteful, consistent with the overall development, and promote the safety of drivers and pedestrians.

*Building signs:* Signs may be attached to buildings, so long as they shall not be installed above the building's cornice line and total sign area shall be a maximum two square feet (2 SF) of sign area for every one foot (1 FT) of linear building frontage. All exposed building facades may including signage.

*Prohibited signs:* The following types of signs shall be prohibited within a MUDD:

- (i) Animated moving, rotating or sound emitting signs;
- (ii) Electronic message signs;
- (iii) Reader boards or changeable copy signs;

- (iv) Flashing signs other than those used for traffic safety;
- (v) Internally illuminated signs other than those in which the background is opaque and light passes only through the sign copy and logo;
- (vi) Inflatable signs and objects;
- (vii) Portable signs, with the exception of authorized temporary signs;
- (viii) Moving signs, including but not limited to pennants, flags with commercial messages, streamers, propellers, discs and searchlights;
- (ix) Any sign type that is not specifically addressed in this ordinance will require a special use permit from the Tiverton Zoning Board of Review.

*Illumination methods:*

(i) Externally illuminated signs may include ground or up-lighting, integral lighting, halo lighting, down lighting. All lighting should be designed to minimize glare, light spill, and provide no more illumination than is required for sign legibility at night.

(ii) Internally illuminated signs where light passes through the entire sign board are not an acceptable illumination method and are prohibited. However, illumination methods where the signboard or background is opaque and light passes only through the sign copy and logo are acceptable, and such signs are permitted;

(iii) Neon, LED or other light sources may be permitted where it can be demonstrated that their use furthers the goals within the adopted standards and guidelines for the MUDD.

3. Parking Requirements

a) Minimum parking ratios for uses:\*

Retail	1 space per 250 SF NLA
Office	1 space per 300 SF NLA
Restaurant	1 space per 3 seats
Residential	2 spaces per dwelling unit
Hotel	1 space per room or suite
Conference facility	1 space per 200 SF
Community Center	1 space per 300 SF



\*These parking ratios are minimum requirements may be exceeded on presentation of demand projections.

- b) Parking space and aisle width dimensions.
  - 1. Surface parking spaces must be a minimum of 9 ft. X 18 ft.; aisle widths must be a minimum of 24 ft. for two-way traffic and 12 ft. for one-way traffic.
  - 2. Garage parking spaces and aisle widths must be constructed in accordance with Urban Land Institute (ULI) recommendations.
- c) Shared parking is encouraged.

Where it can be demonstrated that parking is adequate on a shared basis, the Planning Board may permit individual parking standards to be reduced.

Internal on-street parking is permitted and the number of internal on-street spaces may be added to the number of lot spaces for the purpose of calculating minimum parking requirements.

d) Where practicable, pervious parking materials are encouraged, particularly for seasonal parking.

#### 4. Loading and Service Area Requirements

- a. Loading, service, utility and mechanical equipment service areas including trash dumpsters shall be placed to the rear or side of buildings in the least visually unobtrusive locations.
- b. Screening and landscaping shall be used to prevent direct views of the loading areas and their driveways from adjacent properties or from public and internal roadways.
- c. Screening and buffering shall be achieved through walls, fences and landscaping.
- d. Off-street loading facilities shall be paved with concrete with adequate drainage and curbing.
- e. 18-wheel trailers shall not be permitted to remain on the development property overnight, except in designated loading spaces.

- f. Where it can be demonstrated that loading is adequate on a shared basis, the Planning Board may permit individual loading standards to be reduced.

5. Snow Storage Areas

The development plan shall provide snow storage areas to the reasonable satisfaction of the Planning Board.

6. Emergency Access

- a. Adequate provisions for fire lanes and emergency access is required.
- b. Building separation shall comply with state building and fire codes, as the same may be varied by the state boards of review.

7. Pedestrian and Bicycle Circulation

- a. Adequate, safe and attractive pedestrian and/or bicycle circulation shall be provided.
- b. A sidewalk network shall exist throughout the development that interconnects different uses and open spaces.
- c. Safe pedestrian travel shall be provided in all areas of the development.

8. External Roadway Buffers

- a. Necessary visibility screening shall be accomplished with grading, landscaping, stone or masonry walls, or any combination thereof, which is in keeping with the town's character and the immediate vicinity of the development.
- b. Main entrances to the development shall be appropriately buffered with design components similar to the adjacent properties and streetscapes.
- c. The buffer zone adjacent to limited access highways may be cleared of vegetation, but shall be suitably landscaped so as to minimize view of loading, service and parking areas.

- d. The Planning Board may allow the construction of fences, walls or other architectural barriers as additional buffering, the purpose of which is to mitigate any adverse impacts upon adjacent properties.
- e. Costs of off-site buffer improvements shall be borne by the applicant.

9. Off-Site Traffic Improvements

- a. The Planning Board shall require vehicular traffic created by development in the District to be integrated into the surrounding area.
- b. Proposed vehicular traffic circulation shall be created to provide for safe and efficient traffic flow to and from Main Road, Souza Road and Fish Road and mitigate the congestion of traffic on public roadways.
- c. Depending on the results of a traffic circulation study, the Board may require improvements to Main Road, Souza Road, or Fish Road including installation of traffic signals at appropriate off-site locations.
- d. If State Highways are involved, such improvements shall also be approved by the Rhode Island Department of Transportation and Federal agencies, if applicable.
- e. The costs of installing or constructing off-site improvements shall be borne by the developer.

10. Landscaping Requirements

- a. All developed land not covered by buildings, parking areas, driveways or other site improvements shall be landscaped.
- b. A landscape plan stamped by a registered landscape architect, licensed in the State of Rhode Island is required for all phases of development. Such plans shall include the location of all landscaped areas with the proposed trees, shrubs or other plant or ground covering material with information on the size, type and spacing.

- c. Landscape plans shall utilize existing site features including existing stone walls, mature trees, site topography, and vegetated buffers to the greatest extent practical.
- d. Parking lot landscaping shall be as provided in Article X Section 1(f) and Article IV Section 19(M). To the extent practicable, existing trees shall be retained and where not practicable, supplemented to satisfy the provisions of this section.

11. Utility Lines

- a. All proposed new uses in the MUDD shall be serviced with public sewer and water service.
- b. Electric and communications lines shall be installed below grade.

12. Building/Architectural Design Requirements

- a. Development should take the form of village-like groupings with articulations that depict small scale buildings, rather than a large individual structure or box-like buildings set back on a large expanse of paved parking.
- b. The architectural design of buildings, structures and site layout shall be visually compatible with the traditional historic character of the Town and the surrounding area.
- c. New buildings shall be designed with traditional roof forms that are compatible with the character of the Town, including but not limited to gambrel, gable and hipped roofs commonly found in Tiverton and other small New England towns.
- d. A diversity of roof heights, gable orientations and volumes in new buildings shall be considered.
- e. Exaggerated or excessive architectural elements should be avoided.
- f. Architectural elements and features shall be used to substantially screen mechanical equipment from pedestrian and vehicular view.
- g. Traditional building materials such as shingles, wood clapboards, brick and stone should be used for the exterior skin of additions and new construction. These materials shall be considered for all buildings or portions of buildings facing public or private streets.

- h. With regard to buildings visible from Route 24, the exterior architectural design and exterior materials used shall be compatible with the traditional historic character of the area.
- i. The Planning Board requires schematic architectural drawings of the exteriors of all proposed new buildings to be submitted as part of review of land development projects.

13. Lighting

- a. Streets, parking areas, pedestrian areas and other actively used development on the Property shall be adequate lit while minimizing adverse impacts, on adjacent properties and public rights-of-way.
- b. All freestanding and fixed to building lighting shall be shielded to avoid excess spillover lighting to the extent practicable.
- c. In parking lots, post heights may extend to a maximum of 25 feet.
- d. The use of energy efficient lighting fixtures is encouraged to save energy.

14. Notwithstanding any provisions of this zoning ordinance to the contrary, low to moderate income housing shall not be a required component in the MUDD.

15. Timing of Development. The Planning Board may allow for the construction to be divided into reasonable phases.