

**ORDINANCE OF THE
TOWN OF MIDDLETOWN, RHODE ISLAND**

**AN ORDINANCE AMENDING THE TOWN CODE OF THE
TOWN OF MIDDLETOWN**

**TITLE XV: LAND USAGE
Chapter 152, Zoning Code**

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

FIRST: That Town Code Title XV, Chapter 152, Entitled “Zoning Code” is amended by adding new Article 30 – Atlantic Beach Overlay District; adding a new column and other revisions to Section 602 regarding uses allowed in the Atlantic Beach Overlay District; adding new lines to section 603 regarding dimensional requirements for the Atlantic Beach Overlay District; and adding definitions regarding signs to Article 12, Section 1202, as follows (language to be added is underlined):

ARTICLE 30 – Atlantic Beach Overlay District

CHAPTER 152 – ZONING CODE..... 1

ARTICLE 30 – ATLANTIC BEACH OVERLAY DISTRICT..... 1

SECTION 3000 – GENERAL..... 1

 A. Purpose..... 1

 B. Authority..... 2

 C. Applicability..... 2

SECTION 3001 – USES..... 2

SECTION 3002 – DESIGN REQUIREMENTS..... 3

 A. Building Design..... 3

 B. Site Design..... 3

 C. Parking Lot Requirements..... 4

 D. Screening and Fencing..... 4

 E. Landscaping..... 5

 F. Lighting..... 5

 G. Signs..... 5

SECTION 3003 – REVIEW PROCEDURE..... 7

Section 3000 – General

A. Purpose

The Town of Middletown establishes the following vision for the Atlantic Beach District: to become a more pedestrian-oriented, attractive and vibrant mixed-use village to serve the influx of seasonal visitors, the surrounding residential neighborhoods, and the Town in accordance with the 2007 Atlantic Beach District Master Plan and Comprehensive Plan.

The Atlantic Beach District is located in the southern end of Middletown abutting the City of Newport, with its boundaries depicted on the official Zoning Map. The Town is seeking to enhance

the area both as a tourist destination and to better serve local residents. The 2007 Atlantic Beach District Master Plan serves as the primary document guiding the transformation of the area into a vibrant, walkable mixed-use area, capitalizing on its relatively dense development pattern and proximity to local beaches, historic Newport and other attractions. The following goals from that plan will be implemented, in part, through the adoption of the Atlantic Beach Overlay District:

- Develop and implement safety and aesthetic improvements to promote pedestrian activity that will support local small businesses, including streetscape improvements and pedestrian circulation throughout the district;
- Identify opportunities to capitalize on the proximity of the district to beaches, hotels and other attractions for the benefit of local residents and the town business tax base
- Identify options to promote private development that will be consistent with the vision for the district, including opportunities to promote an appropriate mix of uses and building and site design.

The district will promote development that preserves and enhances scenic views, includes a mix of uses that serve the needs of the local community, and incorporates high quality building and landscape design consistent with a traditional New England seaside village. The district will promote serving the needs of a small mixed-use commercial area; to provide goods and services in a more compact environment; to encourage redevelopment; and, to create a vibrant, walkable, pedestrian and bicycle friendly environment. These regulations shall be construed in a manner to further implement the goals, policies and applicable elements of the Middletown Comprehensive Community Plan and the Atlantic Beach District Master Plan.

B. Authority

This article is adopted in accordance with Title 45, Chapter 24 of the Rhode Island General Laws.

C. Applicability

All subdivisions, land development projects, mixed-use development, and any other development within the Atlantic Beach Overlay District as delineated on the official Middletown zoning map shall be subject to the provisions of this article and all other applicable requirements of this chapter. Where provisions of this article conflict with requirements elsewhere in this chapter or with provisions of the Commercial Development Design Standards contained in Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, the requirements of this article shall prevail.

Section 3001 – Uses

Within the Atlantic Beach Overlay District, permitted uses, prohibited uses, and uses allowed by Special Use Permit issued by the Zoning Board of Review within the Atlantic Beach Overlay District are defined in Section 602 of this chapter subject to the following additional requirements:

- A. Buildings containing a motel or hotel use or other residential use, except single-family and two-family residential, must include commercial use(s) (e.g. retail, office, restaurant, etc.) on the first floor. Such commercial use must have a separate exterior entrance and operate separately and apart from the motel, hotel, or residential use. The floor area devoted to such first-floor commercial use shall equal at least 75% of the total first-floor area. In those locations where elevating of the ground floor greater than six (6) feet above post-development grade is necessary to comply with state or federally regulated floodplain building requirements, this requirement is waived.

- B. The number of transient lodging rooms (e.g. hotel, motel, timeshare, etc.) within the district shall be limited to the number existing plus the number in the development approval or permitting processes at the time of the adoption of this section, which is 260.

Section 3002 – Design Requirements

The purpose of design requirements is to establish and maintain a uniform set of standards that promote the use of high-quality design in the Atlantic Beach Overlay District, consistent with the traditional architectural styles of Aquidneck Island and traditional New England seaside villages.

Development shall comply with the following requirements in addition to applicable standards contained elsewhere in this chapter and in Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land (Regulations). Where there is a conflict, the requirements of this section shall prevail. Additionally, visual compatibility standards intended to guide the design, construction, and maintenance of sites are outlined in Appendix B, Atlantic Beach District Design Manual, to which development in the district shall conform.

A. Building Design

- a) Roof form shall comply with the section 521.2.D of the Regulations, except that flat-roofed buildings are prohibited. Roof slope, materials, color and design must be compatible with traditional architectural styles.
- b) First-floor facades visible from the public way shall have window area of 50%-75%. Upper floor facades shall have window area of 20%-60% and shall incorporate arcades, display windows, awnings, or other features to add visual interest at the pedestrian scale.
- c) Any roof-top mechanical equipment shall be screened from view using architectural elements consistent with the overall design of the building.
- d) There is no limitation on window type (e.g. fixed, double hung, casement, sliding), however, true or simulated divided-light windows are required.
- e) Buildings must have an entrance door for the public on the front-facing façade and accessible from the public sidewalk. Additional access doors on the side and rear facades are permitted.
- f) All wireless communication facilities in the district must be disguised facilities.
- g) Design of accessory and principal buildings on the same parcel must be compatible in terms of size, scale, and architecture.
- h) Large box-like buildings or buildings with the repetition of box-like structures is prohibited.
- i) Traditional architectural styles of Aquidneck Island and New England seaside villages is required including Colonial, Georgian, Federal, Greek Revival, Shingle Style, and Victorian.

B. Site Design

- (a) Outdoor patio seating is encouraged for food-consumption related uses provided that the seating is completely within property boundaries.

- (b) Pedestrian areas must be constructed in a way to contrast with vehicular areas to provide safe and inviting access to buildings. If a sidewalk along a street is interrupted or crossed by a proposed vehicular access driveway, the sidewalk material must be maintained or another visually compatible method used to clearly delineate the sidewalk where it crosses the driveway.
- (c) In order to promote and preserve scenic views, buildings shall be located on the site in a manner designed to preserve significant coastal and pond views from the public right-of-way.
- (d) Sites designed to focus pedestrian activity inwardly to the center of the site, and sites lacking pedestrian connections to the public right-of-way are prohibited.
- (e) Sites designed with building setbacks well in excess of the required setbacks and that interrupt the pedestrian flow of the streetscape, except where necessary to preserve views, are prohibited.

C. Parking Lot Requirements

- (a) All parking shall be located to the side or rear of the building. On-site parking in front of the building is prohibited.
- (b) Parking areas shall include provisions for the parking of bicycles in bicycle racks in locations that are safely segregated from automobile traffic and parking. Bicycle rack space for one bike for each five automobile parking spaces or fraction thereof is required.
- (c) Deciduous parking lot trees shall be provided consistent with the requirements of section 521.3.F. of the Regulations, except that one tree per ten off-street parking spaces is required.
- (d) Existing trees on the site shall be preserved to the extent practicable, but only if they would not impede development and are deemed to be of particular value, subject to review and recommendation by the Middletown Tree Commission.
- (e) The planting of street trees may be required by the Planning Board on a case-by-case basis, determined during the Development Plan Review process.
- (f) Parking areas shall include provisions for the pickup and drop off of passengers outside of the public right-of-way.
- (g) Installation of electric vehicle charging stations is encouraged.
- (h) Parking lots shall be designed such that pedestrian flow is not interrupted and the number of curb cuts is minimized to the greatest extent. Sidewalk materials shall be maintained across driveway and parking lots.

D. Screening and Fencing

- (a) Vegetation rather than fencing is preferred to accomplish the screening requirements of this section.
- (b) Landscaping along property lines of abutting commercial uses is limited to four feet in height.
- (c) Opaque screening along any property line of commercial uses abutting a residential use or district is required. Screening must be of at least six feet in height at the time of installation, using either dense evergreen vegetation or fencing, or a combination.
- (d) Opaque screening along property lines of abutting commercial uses is prohibited.

- (e) Screening that blocks views or divides the continuity of the streetscape is prohibited.
- (f) Except where installed to provide required screening between commercial and residential uses, all fencing shall meet the following:
 - 1. Be no more than 4 feet tall
 - 2. Be of an open design and dark color, such as wrought iron, or split-rail design. Except that light colored fencing, such as white picket fencing is permitted in the front yard of the site only.
 - 3. Solid, opaque fencing and chain-link and other wire fencing is prohibited.

E. Landscaping

- (a) Landscape plantings shall not include Rhode Island invasive or non-native species as defined by the University of Rhode Island's Cooperative Extension Native Plant Guide and should consider species that may be recommended by the Middletown Tree Commission on a case-by-case basis.
- (b) Landscaped buffer along side and rear property lines on commercial properties abutting commercial uses shall be at least five feet wide .
- (c) Landscaped buffers where commercial use abuts a residential use or zone shall be at least ten feet wide.
- (d) A landscaped buffer of at least five feet is required between buildings and parking areas or driveways. Landscaping shall be use to screen ground-level equipment, ground-mounted lighting fixtures as appropriate, and soften the automobile-focused areas of the site.
- (e) Landscaping shall be used as the preferred method for environmental controls such as for stormwater management facilities.
- (f) Landscaping may not include tall opaque plantings or trees that block views of the coast or the pond. Wide low plantings are encouraged.

F. Lighting

- (a) All exterior lighting shall be designed to minimize impact on neighboring properties and night light pollution, with use of fixtures approved by the International Dark-sky Association preferred, and subject to Planning Board approval.

G. Signs

- (a) Underlying Regulations Apply - The sign regulations in Article 12 of Chapter 152 shall apply in the Atlantic Beach District (ABD) except where superseded by the regulations set forth below.
- (b) Nonconforming Signs – Existing nonconforming signs within the ABD shall be subject to the provisions of Section 1207 of this chapter, except that when there is a change of use of the subject premises, nonconforming signs shall be brought into conformance with the requirements of this section.
- (c) Sign Design - In addition to the regulations listed in Article 12 of Chapter 152, the following regulations regarding sign design apply in the ABD:

1. Signs shall be made of permanent and natural materials such as wood or lettering painted on glass, wrought iron, ceramic, stone or synthetic materials meant to mimic natural materials. Exceptions include window signs painted or affixed directly to the window, and awning signs.
2. Sign design shall be compatible with the architectural style and components of the building façade and its environs
3. The design and scale of signage shall reflect the pedestrian oriented nature of the district
4. Where illumination is allowed, illumination shall be with white light only. Lighting used should not exceed 450 lumens (~30 Watts of incandescent light) and should not be fluorescent in style. The source of illumination shall be shielded and directed downward at the sign.
5. Creativity in sign design and sign color appropriate with the district is encouraged.

(d) Prohibited Signs

In addition to those listed in Article 12 of Chapter 152, the following signs are prohibited in the ABD:

1. Inflatable objects more than two cubic feet, spinners, and the like, including when used to commemorate a holiday or as components of a grand opening sign
2. Internally illuminated signs, such as backlit/halo-lit signs, box/cabinet signs, channel letter signs
3. Changeable copy/readerboard signs
4. Pole signs
5. Window signs advertising brand-name products
6. Large signage designed for automobile visibility

(e) Exempt signs

In addition to the regulations listed in section 1209, Article 12 of Chapter 152, the following regulations regarding signs exempt from permitting apply in the ABD:

<u>Regulations for additional Signs exempt from permitting in the ABD</u>			
<u>A-Frame Sign</u>	<u>6 sq. ft per side and 3 feet high</u>	<u>1 per building</u>	<u>An A-frame sign shall not violate standards of accessibility, must be stored indoors outside of business hours, must be properly anchored or shall not be used during high-wind conditions. Must be placed completely within the parcel boundary.</u>
<u>Home occupation sign</u>	<u>2 sq ft</u>		<u>If free-standing, must be placed completely within the parcel boundary.</u>
<u>Menu boxes</u>	<u>2sq. ft</u> <u>no more than 2 inches from the building facade</u>		<u>May not be freestanding.</u>

<u>Building directory</u>	<u>Tenant</u>	<u>2sq ft</u>		
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Section 3003 – Review Procedure

A. All development in the district is subject to Development Plan Review (DPR) in accordance with the thresholds and procedures set forth in Sections 305-309 of this chapter and Article 10 of the Regulations.

B. In addition to the DPR application submission requirements of the Regulations, the following additional materials shall be submitted:

- i. Architectural renderings of the proposed development, depicting building and site improvements in context with existing buildings on abutting properties.

§ 603 DISTRICT DIMENSIONAL REGULATIONS.

The following schedule sets forth the minimum and/or maximum dimensional regulations for uses permitted in the various zoning districts.

ZONING DISTRICT DIMENSIONAL REGULATIONS										
Zoning District and Use	Minimum Lot Size		Maximum Percentage of Lot to be Occupied	Maximum Height of Building		Minimum Yard Dimension			Accessory Buildings Minimum Distance in Feet to	
	Area (S.F.)	Width/Frontage (Ft.)		Principal and Accessory Buildings	Accessory (Ft.)	Front (Ft.)	Side (Ft.)	Rear (Ft.)	Side Lot Lines	Rear Lot Lines
Atlantic Beach District (ABD)										
Small-scale shopping center	<u>20,000</u>	<u>120</u>	<u>25%</u>	<u>35</u>	<u>20</u>	<u>10</u>	<u>20</u>	<u>20</u>	<u>10</u>	<u>5</u>
Other permitted uses ¹	<u>20,000</u>	<u>120</u>	<u>25%</u>	<u>35</u>	<u>20</u>	<u>10</u>	<u>20</u>	<u>20</u>	<u>10</u>	<u>5</u>

ARTICLE 12 SIGNS

§ 1202 DEFINITIONS.

For purposes of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Menu box sign. A type of sign in a weather-tight box with a transparent front which is used to display restaurant menus.

Building tenant directory sign. A wall-mounted sign next to an entrance door that identifies the tenants the door provides access to.

SECOND: This ordinance shall take effect upon adoption and its provisions shall supersede any inconsistent or contrary provision in any other ordinance.