

Sec. 605. - Route 1 Special Management District.

- 605.1. *Conformity to Comprehensive Plan.* All development within the Route 1 Special Management District ("the District") shall conform to the policies and design guidelines as set forth in the Comprehensive Community Plan. In order to demonstrate such conformity, the applicant shall be required to submit a description of all proposed development with the Planning Board. This description shall be a statement, in text, maps, illustrations or other media of communication that is designed to provide a basis for rational decision making regarding the long-term physical development of the Special Management District. The plan shall include all items identified in the Supplementary Checklist for Special Management Districts as provided in Article XV of the Subdivision and Land Development Regulations.
- 605.2. *Purpose.* The purpose of the Route 1 Special Management District is to provide an area for economic development in the community according to prescribed review and approval procedures, and according to design standards particular to the District. The District is intended to provide for a diversity of compatible land uses and development densities, which may include a mixture of residential, office, retail, light industrial, recreational, open space, and other miscellaneous uses.

The District is also designed to preserve, create or enhance the scenic roadside view from US Route 1 and adjacent properties, and to encourage traditional architecture and historical village settlement patterns which are well integrated into the existing community, while avoiding the creation of large scale shopping centers, business or industrial parks having little or no relation to each other or to the surrounding community.

It is also the purpose of the Route 1 Special Management District to encourage development of residential uses which have little impact on public school enrollments and which are within the capacities of the Town to provide educational services; and to permit residential densities and dwelling unit types that are compatible within a mixed-use environment but which may not be compatible with other residential areas of the Town.

- 605.3. *Applicability.* Provisions of this section shall apply only to property located in the zoning district entitled Route 1 Special Management District, or SMD, as shown on the Official Zoning Map.
- 605.4. *Procedure for approval.* For new uses on undeveloped land, development within the Route 1 Special Management District shall be reviewed and approved by the Planning Board as a major land development project, and as further provided herein. In order to expedite the review and approval of major land development projects within the District, the Planning Board may combine the stages of review as provided in Section V.C.4 of the Subdivision and Land Development Regulations.

Existing conforming uses seeking approval for enlargement or significant expansion, or change to another permitted use code category shall be reviewed as new uses. Existing nonconforming uses within the District may be continued as provided in Article 2.

605.5. *Permitted uses.* All uses listed in Section 301, Schedule of Use Regulations Table, except those uses specifically prohibited in subsection 605.6, below, are permitted in the Route 1 Special Management District, provided however that a special use permit shall be required for a restaurant serving alcohol (Use Code 56.1), accessory entertainment to restaurant or bar (Use Code 56.3) and liquor stores (Use Code 55.3). The Planning Board shall determine, at the time of review for approval of, or amendment to, a previously-approved land development project within the Route 1 Special Management District, that the proposed use is consistent with the Comprehensive Community Plan; provided however, that the Planning Board may not approve any use listed as a Prohibited Use in subsection 605.6., below. Changes in use of land or buildings or combination thereof to an approved land development project shall be reviewed by the Administrative Officer as provided in Article VI, Section D of the Subdivision and Land Development Regulations.

The Planning Board shall, in reviewing applications for development within the District, apply such controls and restrictions as may be necessary to achieve the provisions of the Comprehensive Plan with regard to the proportion of buildable land which is devoted to different uses. The Board shall require that at least 50 percent of the buildable land in the entire District be used for office, institutional, light industrial or similar nonretail business use. Within the southern portion of the District the Board may allow a greater percentage of buildable land (>50 percent) to be devoted to low-impact residential development provided such development is found by the Board to be at a scale and density appropriate to the southern District setting, provides adequate buffers to existing land uses in the vicinity and is not visually intrusive from Route 1.

In making this determination the Planning Board shall make affirmative findings relative to each of the following during the Conceptual Master Plan review of a proposed land development project:

1. The proposed use will have no or very limited impact on those Town capacities that are critical in constraining the Town's current six-year capacity, as identified by the Town Council in determining that capacity as provided in Article 11, Section 1102.4.D of the Zoning Ordinance.
2. The applicant has demonstrated that the site planning methodology, standards and techniques utilized in the preparation of the site plan for the proposed land development project are consistent with the "South Kingstown Residential Design Manual", (South Kingstown Subdivision and Land Development Regulations, Article IV, A.4.a - e).
3. The design and scale of the project is found to preserve and enhance the Route 1

viewshed by providing buffers that are determined to be adequate, building yard setbacks that meet or exceed the requirements of any adjacent residentially zoned properties and open space that meets the requirements of Article 6, Section 605, without the inclusion of required highway buffer areas.

4. The density of the proposed development is found be appropriate to the southern district setting.

At least 15 percent of the buildable land area in the entire District shall be set aside for open space as provided in subsection 605.15., Open Space, below.

605.6. *Prohibited uses.* The following uses are prohibited in the Route 1 Special Management District:

1. Residential dwellings of any type having more than two bedrooms per dwelling;
2. Drive-up windows for any use except a bank;
3. Open lot storage and sales of materials or products of any kind;
4. Noxious or heavy commercial or industrial uses or any use, activity or operation exceeding the performance standards set forth in subsection 605.23., below; and
5. Any of the following uses or Use Code categories:

Use Code	Use
15.1	Halfway house
16	Single mobile or manufactured home or transient trailer
25.1	Prison or correctional institution
32.2	Casino
33.6	Outdoor entertainment
45	Automobile or gasoline service station
51.1	General warehouse
51.2	Self-storage facility
53	Wholesale or retail trade of petroleum products, up to 100,000 gallons

53.1	Wholesale or retail trade of petroleum products, more than 100,000 gallons
53.2	Wholesale or retail trade of liquified gas
55.4	Retail trade of automotive products
55.5	Retail trade of marine products
57	Adult entertainment
57.1	Adult entertainment with alcohol
61	Transportation center
61.1	Motor vehicle rental service
62	Freight terminal
63	Aircraft transportation including maintenance
65.2—65.7	Transmitters and towers, including cellular or other communications towers
66.2	Incinerators
67	Landfill
67.1	Waste tire storage facility
71	Fish processing
73.1	Paper products manufacturing, but permitting printing and publishing
74	Chemicals products manufacturing
74.2	Rubber and rubber products manufacturing, but permitting plastic products manufacturing
75.1	Paving and building materials manufacturing

77.1	Junk yard, including screened outdoor storage, salvage yards, wrecking yards and recycling facilities
78	Primary metals industries, including smelters
82.2	Leather and fur tanning and finishing
86	Petroleum refining
88	Lime, gypsum or plaster of paris manufacturing
90, 91, 92	Any use in Use Code Category 9.0 - Extractive industries
100,101,102	Any use in Use Code Category 10 - Marijuana-Related Uses
N/A	Swimming pool (commercial, outdoor)
N/A	Indoor riding school or academy
N/A	Dance hall, pinball or game room, including video arcade, massage parlor
N/A	Bow and gun range
N/A	Supermarket, or any retail establishment, the principal activity of which is selling food, and which has a gross leasable floor area of 5,000 square feet or more
N/A	Injection well

(Ord. of 5- 8-17)

605.7. *Highway access and buffering.* No new building or use shall be provided with any new direct driveway access to US Route 1. All new uses constructed after the effective date of this Section shall be provided with vehicular access to a common internal street(s) or frontage road(s) which shall intersect with US Route 1 at a location(s) approved by the Planning Board. Subject to the approval of the Board, new uses may also have vehicular access from Kelley Way or Albro Lane. In reviewing applications for new or

expanded existing uses having existing driveway access to US Route 1, the Board shall determine if such access to the proposed new use would be safe, attractive and otherwise consistent with the intent and purpose of this District and shall make their findings in writing. Based on these findings, the Board may permit new use(s) to utilize existing access, may require improvements to such access or may deny such access.

Uses with existing direct vehicular access to US Route 1 shall be permitted to retain such access. Change of existing uses to other permitted uses in the District or additions or enlargements which do not involve significant expansion of a structure as defined in Section 505.1 shall not require new access. Any expansion, enlargement or intensification of such existing use may require the relocation of existing driveways on US Route 1 to internal streets or common driveways. New streets and street patterns shall consider and accommodate parcels within and adjacent to the District.

No new principal building shall be located within 100 feet of the State Highway Line of US Route 1 or Kelley Way (or any highway access easement granted to the Rhode Island Department of Transportation). No parking area or access drive, except required principal access streets or driveways, if allowed, shall be located within this 100-foot setback unless the Planning Board finds that such parking area or access drive can be totally hidden from view by motorists on US Route 1 or Kelley Way. Such screening shall be accomplished by lowering the elevation of such parking area or drive by a significant amount below the grade of US Route 1 or Kelley Way, which, in combination with grading, landscaping, stone or masonry walls, or a combination thereof, will have the effect of completely preventing views of such facilities from US Route 1 or Kelley Way.

The area within the required 100-foot setback shall be devoted to a landscaped or natural buffer zone, the purpose of which is to provide an audio and visual screen of development within the District from US Route 1. Provided, however that the buffer zone adjacent to any driveway or access road may be cleared of vegetation which may impede sight distances to vehicles entering or exiting the District, but shall be suitably landscaped in a manner consistent with the purposes of this Ordinance and the Comprehensive Plan. The Planning Board shall require a landscape plan prepared by a landscape architect of all portions of this buffer zone to be submitted for review and approval.

605.8. *Buffering from adjacent residential uses.* Buffering of uses proposed to be developed within the District shall be governed by the applicable provisions of the Subdivision and Land Development Regulations. Provided, however that in reviewing any new use proposed to be developed within the District adjacent to existing residential uses, the Planning Board may require additional screening, landscaping or buffering, including, but not limited to, the construction of fences, walls or other architectural barriers the purpose of which is to mitigate any adverse impacts upon adjacent residential property.

605.9. *Dimensional and density standards.*

A. *[Regulation of permitted residential uses.]* Permitted residential uses shall be regulated

by net density as well as by the dimensional standards set forth herein. The provisions of Section 401, Schedule of Dimensional Regulations, shall not apply to uses in the Route 1 Special Management District.

- B. *Incentives authorized.* In order to reduce impacts on public schools caused by new residential development which generates significant amounts of school-aged children, this Ordinance permits increases in residential density and reduction of certain dimensional requirements, not permitted in other zoning districts, as an incentive for construction of dwellings which have been documented as having relatively low impacts on public school enrollments as compared to traditional single-household dwellings.
- C. According to 1997 Town data, dwelling units can be expected to generate different rates of school children based on the type of dwelling and the number of bedrooms per dwelling.
- D. Residential dwellings constructed in the District shall be regulated as follows:
1. *Single-household detached structures (two bedrooms or less per unit).*
 - a. For dwellings on individual lots (subdivisions):

Minimum lot area: 5,000 square feet.

Minimum lot width/street frontage: 50 feet (frontage prohibited on US Route 1).

Yard dimensions:

Build-to line: As established by the Planning Board.

Front yard: Minimum of 10 feet; maximum of 25 feet.

Rear yard: 25 feet.

Side yard: 10 feet.

Maximum residential density: 4.0 dwelling units per developable acre.

Minimum pervious area: 50 percent.

Maximum lot building coverage: 40 percent.

Maximum building height: 35 feet.
 - b. For detached structures or condominiums or other residential structures on the same lot or on commonly-owned land, the dimensional and density standards set forth in a. above, shall apply. The minimum separation between buildings on the same lot shall be 20 feet for walls containing

windows serving habitable rooms, or 15 feet between walls one of which contains a window serving a habitable room; or 10 feet for walls none of which contain windows serving habitable rooms.

2. *Two-household detached dwellings (two bedrooms or less per unit).*

a. For dwellings on individual lots (subdivisions):

Minimum lot area: 7,000 square feet.

Minimum lot width/street frontage: 80 feet (frontage prohibited on US Route 1).

Yard dimensions:

Build-to line: As established by the Planning Board.

Front yard: Minimum of 10 feet; maximum of 20 feet.

Rear yard: Minimum 25 feet.

Side yard: Minimum 10 feet.

Maximum residential density: 4.0 dwelling units per developable acre.

Minimum pervious area: 40 percent.

Maximum lot building coverage: 50 percent.

Maximum building height: 35 feet.

b. For detached structures or condominiums or other residential structures on the same lot or on commonly-owned land, the dimensional and density standards set forth in a. above, shall apply. The minimum separation between buildings on the same lot shall be 20 feet for walls containing windows serving habitable rooms, or 15 feet between walls one of which contains a window serving a habitable room; or 10 feet for walls none of which contain windows serving habitable rooms.

3. *Multi-household dwelling structures (two bedrooms or less per unit):*

Minimum lot area: 8,800 square feet.

Lot width: Minimum of 80 feet and maximum of 115 feet.

Lot depth: Maximum of 150 feet and minimum of 110 feet.

Maximum residential density: 5 dwelling units per developable acre.

Yard dimensions:

Build-to line: As established by the Planning Board.

Front yard: Minimum of 10 feet and maximum of 20 feet.

Rear yard: Minimum of 55 feet.

Side yard: Minimum of 10 feet.

Maximum lot building coverage: 60 percent.

Minimum pervious area: 30 percent.

Maximum building size: 8 dwelling units in a building and 95 feet in length.

Minimum interior yards (separation between buildings on the same lot): 20 feet.

Rear yard parking and service lane access are required.

4. *Multi-household land development projects (two bedrooms or less per unit).* Two or more multi-household structures may be located on the same lot in accordance with the following standards:

Minimum lot area: 20,000 square feet.

Maximum residential density:

Less than two bedrooms per dwelling unit or elderly: 5.0 dwelling units per developable acre.

Two bedrooms per dwelling unit: 5.0 dwelling units per developable acre.

Yard dimensions:

Build-to line: As established by the Planning Board.

Front yard: Minimum of 10 feet and maximum of 20 feet.

Rear yard: Minimum of 55 feet.

Side yard: Minimum of 10 feet.

Minimum separation between buildings: Minimum separation between buildings: 30 feet for buildings containing 4 units or fewer, 50 feet for buildings containing 5 residential units or more.

Maximum lot building coverage: 60 percent.

Minimum pervious area: 30 percent.

Maximum building size: 30 dwelling units in a building and 160 feet in length.

Rear yard parking and service lane access are required.

5. *Accessory apartments.* Accessory apartments shall be counted as one-quarter [of a] dwelling unit for the purpose of calculating the maximum residential density permitted in the SMD Zoning District. Density for single- or two-household detached dwellings with accessory apartments shall be cumulative. Accessory apartments shall not be permitted for multi household dwellings. Yard dimensions and all other regulations shall be governed by the applicable provisions of subsection 605.9.D.1.
6. *Residential care and assisted living facilities.* Residential care and assisted living facilities which provide assisted living services for persons age 55 or older are permitted in the Route 1 Special Management District subject to the following:
 - a. No assisted living unit shall have more than two bedrooms and no unit shall have more than two permanent occupants;
 - b. The average floor area for all residential units shall not exceed 600 square feet;
 - c. The maximum number of dwelling units in a single building shall be 120 dwelling units;
 - d. Permitted uses shall include the following:
 - Residential unit (apartment or condominium);
 - Common dining area or kitchen;
 - Central laundry facilities;
 - Offices for staff and administration of the assisted living facility only;
 - Indoor and/or outdoor recreational and/or entertainment facilities for use of the residents and guests; including but not limited to library, exercise room, lounge, or similar accessory uses.
 - e. In addition to other open space requirements for the District in general, there shall be at least 100 square feet of outdoor area per dwelling unit, which shall be suitably designed and landscaped to meet the specific needs of elderly and/or handicapped residents of the facility.
 - f. The density for assisted living facilities shall not exceed the maximum residential density requirements applicable to multi-household land development projects (two bedrooms or less per unit) as provided in subsection 605.9.D.4, above.
 - g. The following dimensional requirements shall apply to assisted living

facilities:

Yard dimensions:

Build-to line: As established by the Planning Board.

Front yard: Minimum of 10 feet.

Rear Yard: Minimum of 55 feet.

Side yard: Minimum of 10 feet.

Minimum separation between buildings: 50 feet for walls containing windows serving habitable rooms, or 30 feet between walls one of which contains a window serving a habitable room; or 20 feet for walls none of which contain windows serving habitable rooms.

Maximum lot building coverage: 60 percent.

Minimum pervious area: 30 percent.

605.10. *Retail uses, personal, business and professional services, and mixed-use buildings.*

Minimum lot area: 2,500 square feet.

Lot width at front yard setback line: Minimum of 25 feet and a maximum of 80 feet.

Lot depth: Minimum of 100 feet.

Yard dimensions:

Build-to line: As established by the Planning Board.

Front yard: Minimum of 0 feet; maximum of 10 feet.

Rear yard: Minimum of 25 feet.

Side yard: Minimum of 0 feet, if attached to an adjacent building or a minimum of 5 feet if not attached to an adjacent building.

Maximum lot building coverage: 70 percent.

Minimum pervious area: 20 percent. The 20 percent may be used on other parcels in the District subject to approval of the Planning Board.

Minimum separation between buildings on the same lot: 15 feet.

Maximum building size: 100 feet in length, including buildings on adjacent lots if attached thereto.

On-street parking is permitted, provided however that off-street parking must be located in rear yards where feasible. Service lane access is recommended.

605.11. *Light industrial uses; intensity of development.*

Maximum floor area ratio (FAR): 0.80.

Minimum front yard: 25 feet.

Minimum side and rear yards: 40 feet.

Minimum pervious area: 10 percent.

605.12. *Maximum floor area for individual uses (per building).* Within the Route 1 Special Management District, no building or portion of a building devoted to an individual use as specified below, may be constructed which exceeds the following maximum gross leasable floor area (GLFA):

Maximum floor area for restaurants: 5,500 square feet GLFA.

Maximum floor area for theaters or theater complexes: 12,000 square feet GLFA.

Maximum floor area for retail uses: 10,000 square feet GLFA.

Maximum floor area for light industrial and office uses: 60,000 square feet GFLA.

Maximum floor area for hotels, motels and inns: 50,000 square feet GFLA for 100 guestrooms.

Maximum floor area for indoor sports facilities: 20,000 square feet.

605.13. *Building height.* Buildings within the District shall be limited to a maximum height of 40 feet. Buildings which at their nearest point to Route 1 are situated at a grade lower than Route 1 shall be permitted one additional foot in height for each foot below Route 1, up to a maximum of 45 feet in height. No building over 40 feet in height can have a flat roof.

605.14. *Parking standards.*

A. *Ratios.* Parking ratios for all uses within the District shall be as provided in Article 7.

B. *Landscaping.* Parking lot landscaping for all uses within the District shall be as provided in Subdivision and Land Development Regulations. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section. The Planning Board may require the preparation of a plan showing the location of significant trees on property proposed for development in order to maximize the preservation of such trees and/or to incorporate them into the proposed development plan.

C. *Shared parking.* Common parking areas shall be encouraged for mixed-use developments which have different hours, days and/or seasons of peak parking

demand. The Board may, in approving development within the District, permit individual parking standards to be reduced for separate uses where it can be demonstrated that adequate parking may be made available on a shared basis. The Board may require written easements or other assurances as may be required to enforce shared parking arrangements. Where reasonable and practicable, the Planning Board shall require common driveways and interconnected parking lots in order to facilitate shared parking.

- D. *Location.* To the greatest extent possible, off-street parking lots and loading facilities shall be located to one side or behind commercial, industrial and multi-household buildings in order to screen such facilities from adjacent streets. Parking and garages for all single- and two-household dwellings shall be prohibited in front yard setback areas.

The Planning Board shall review the proposed location of parking facilities and may require relocation, modification or additional screening as required in order to protect views from adjacent public and private streets. Provided however, that the Planning Board shall require that all off-street parking and loading facilities shall be located so that they are not visible from US Route 1.

- E. *On-Street Parking.* On-street parking may be permitted by the Planning Board for any development within the District. In permitting on-street parking, the Board may require roadway construction standards, including pavement width, which may be reasonably necessary to accommodate on-street parking. If permitted, the number of on-street spaces may be added to the number of off-street spaces for the purpose of calculating minimum parking requirements. The Board may impose conditions required in order to guarantee that on-street parking spaces remain available for parking in the future.
- F. *Required loading and service areas.* When required, loading and other service areas such as trash dumpsters shall be placed to the rear or side of buildings in visually unobtrusive locations. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from public or private streets used by the general public. Screening and buffering shall be achieved through walls, fences and landscaping, shall be a minimum of five feet tall, and shall be visually impervious.

- 605.15. *Open space.* At least 15 percent of the land suitable for development in the District shall be designated as open space. In order to achieve this requirement, the developer of any parcel proposed for development within the Route 1 SMD shall provide open space by means of any of the following options, subject to the approval of the Planning Board:

Designation of open space upon the individual parcel proposed for development; or

Designation of open space in another part of the District; or

Payment of a fee-in-lieu of open space dedication to the Town may be required by the Planning Board as provided in the Subdivision and Land Development Regulations. Such funds shall be kept in restricted accounts by the Town and shall only be spent on purchase of open space land within the District; or

Any combination of the above options.

The designation of land in the District shall be encouraged by the Board as a preferable alternative to the payment of fees-in-lieu of open space. Payment of fees shall be restricted to situations only where the Board finds that designation of land is impractical.

Open space within the District may include the following:

Uses permitted in Open Space in a Residential Cluster Development in Section 304.A.4 of the Zoning Ordinance.

Highway buffer areas.

Pedestrian parks, plazas, Town green, village commons, etc.

Water features (fountains, pools, etc.).

Bicycle or foot paths, but excluding sidewalks.

Lawns, landscaped or wooded areas larger than 5,000 square ft.

Prior to the approval of any development within the district, the Planning Board shall require the submission of an overall conceptual open space use plan for the parcel(s) being developed for review and approval. This conceptual open space use plan shall indicate the general patterns and type of open space proposed to be created or reserved on the parcel(s). The Planning Board shall review this plan for consistency with the Comprehensive Plan and shall encourage the development of a comprehensive system of open space throughout the District. This open space plan shall coordinate the individual reservation or creation of open spaces upon individual parcels in order to create a system of open space for the whole District. This plan may be amended and refined by approval of the Planning Board as individual portions of the District are developed over time. Required open space dedications on individual parcels may be combined with open space dedicated from other parcels to a common open space area(s) within the District. Such open space dedication shall be consistent with an approved open space use plan as provided above. Open space shall be protected against further development and unauthorized alteration in perpetuity by appropriate deed restrictions and by the grant of a conservation or preservation restriction to the Town of South Kingstown as provided in the Subdivision and Land Development Regulations. No more than 25 percent of the minimum required open space in the District may be devoted to impervious surfaces. Wetlands may be devoted to open space but shall not be counted towards the minimum open space requirements as set forth in this section. Parking areas or access drives located within the 100-foot wide

highway buffer required in subsection 605.7, above shall not be counted as open space for the purpose of fulfilling the minimum open space requirements of this subsection. No more than 25 percent of the required highway buffer shall be devoted to parking areas or access drives.

The Planning Board may allow incentives as provided below, within the District in order to encourage a comprehensive system of open space throughout the District, on adjacent parcels, or on single parcels. In granting such incentives, the Board shall find that the incentive so granted will promote the objectives and purposes of the Comprehensive Community Plan and the Zoning Ordinance. Incentives so authorized may include the following:

1. Adjustments from the literal dimensional requirements of the Zoning Ordinance in the instance of the construction, alteration, or structural modification of a structure or lot of record up to a maximum of 25 percent of the requirements of this section.
2. Increases in permitted residential density up to a maximum of five percent of the requirements of this section.

605.16. *Architectural standards.* The architectural design of buildings, structures and site layout shall be visually compatible with the traditional historic character of the Town of South Kingstown and the surrounding area, including building materials, massing, scale, and roof line.

A diversity of roof heights, gable orientations and volumes in new buildings shall be considered. 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 South Kingstown and other small New England towns.

Architectural elements such as dormers should be in proportion with the overall building and should also be in keeping with the surrounding building context. Exaggerated or excessively large (or small) architectural elements shall be avoided. Traditional and contemporary architectural detailing which creates variety, interest and texture on new buildings and additions and which is compatible with the historical character of the Town is encouraged.

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. Especially with regard to buildings visible from Route 1, the exterior architectural design and exterior materials used shall be compatible with the traditional historic character of the area.

The construction of buildings which are designed primarily according to themes or architectural styles associated with chain stores or restaurants shall be reviewed by the Planning Board, and may be modified or prohibited if found to be inconsistent with the Comprehensive Plan or with this Ordinance.

Large scale development should take the form of village-like groupings of small scale buildings, rather than a large individual structure or box-like buildings set back on a large expanse of paved parking. New buildings shall not be large, bulky masses, but shall be scaled down into groupings of smaller attached or detached structures.

The Planning Board shall require schematic architectural drawings of the exteriors of all proposed new buildings to be submitted as part of review of land development projects. The Board shall review these drawings for conformity with the design guidelines set forth herein and in the Comprehensive Plan. The Board may permit specific written or graphic architectural standards or codes for building appearance and design to be submitted by the applicant for review and approval.

605.17. *Signs*. The Planning Board shall require the submission of a comprehensive signage plan for all uses, individual buildings or complex of buildings and uses as part of its review. The signage plan shall include conceptual drawings and supporting information describing the proposed signage for all major buildings and uses, including entrance signs, directional signs, etc. The Board may approve, revise or reject such plan as required to achieve consistency with the Comprehensive Plan and the purposes of this Ordinance.

Revisions to signs in an approved signage plan shall be reviewed by the Administrative Officer as an amendment to an approved plan, as provided in Article VI, Section D, of the Subdivision and Land Development Regulations.

Signs for individual buildings and uses shall not be located within the 100-foot highway open space buffer, except for permanent signs at major entrances to the development. The Planning Board shall limit the number of such major entrance signs to roads or driveways which provide access to major complexes of uses and buildings within the District, and not to individual uses or buildings. No such major entrance sign shall be permitted for individual uses or buildings. Such entrance signs shall be not more than 200 square feet in sign display area per side and no more than 15 feet in height.

For commercial, institutional, office and light industrial uses in the SMD there may be one or more wall mounted sign(s) for each main building, the total of which does not exceed one square foot for each lineal foot of the building frontage on which the sign is located, not to exceed 75 feet.

In addition to permitted wall mounted signs for main buildings above, there may be one individual wall mounted sign or projecting sign on each side of the building to identify each individual use in a multiple use building. An individual use may place said signs only on those sides of the building that are contiguous to the use. Such signs shall not exceed ten square feet in area per use and shall be located at or near any entrance open to the public.

In addition to permitted wall-mounted signs, there shall also be allowed one freestanding sign for each main building or use not to exceed 40 square feet per side. Such freestanding signs shall not exceed 20 feet in height above the ground. No such freestanding sign shall be erected in such a manner as to materially

impede vision or obstruct access to or from any public or private street, sidewalk, driveway, off-street parking or loading facility or any other access required by this Ordinance.

In consideration of the comprehensive sign plan for a building or buildings, the Planning Board may increase the size of the wall mounted signs by reallocating in whole or in part the allowable square footage of the freestanding sign to the wall mounted sign. Where such consideration is granted by the Board, no freestanding sign shall be permitted.

Signs for residential uses in the SMD shall be governed by the provisions of Section 804.

Permitted signs within the District may be illuminated or indirectly illuminated.

- 605.18. *Utilities.* All proposed new uses in the District shall be serviced with public sewer and water service. Electric and communications lines shall be placed underground. Installation schedules for public utilities shall be controlled by the Planning Board. Individual lots within the Special Management District may be developed prior to the availability of public water and sewer, provided however, connection to the utility once available may be required by the Planning Board.
- 605.19. *Internal street and drainage standards.* Construction of streets and stormwater drainage facilities within the District shall be as provided in the Subdivision and Land Development Regulations. The Planning Board may modify these standards as required in order to adapt street standards to meet special conditions or other requirements particular to nonresidential development in the District. The provisions for inspections, recording of approved plans and revisions thereto, and posting of performance guarantees for all required improvements shall be applicable to development within the District.
- 605.20. *Off-site traffic improvements.* The Planning Board shall require vehicular traffic created by development in the District to be integrated into the surrounding area and be compatible with abutting and nearby properties. Proposed vehicular traffic circulation shall be regulated to provide for safe and efficient traffic flow to and from US Route 1 and Old Tower Hill Road. The Board may require improvements to abutting streets such as Route 1, Kelley Way, Albro Lane or to the existing frontage road on US Route 1 and may require the installation of traffic signals at appropriate off-site locations. If State Highways are involved, such improvements shall also be approved by the Rhode Island Department of Transportation and Federal agencies, if applicable. In making this determination of the need for off-site traffic improvements, the Board may require a separate circulation plan to be submitted by the developer as part of the application for approval.

The costs of installing or constructing off-site improvements shall be distributed equitably among all proposed development in the District which will benefit from such improvements. The Planning Board may require that construction improvements be made as a condition of approval, or may require the payment of a fee to the Town in lieu of construction of off-site improvements. Such payment shall be used for off-site

improvements within or adjacent to the District on a shared basis among all property owners in the District for which development is proposed. All payments in lieu of construction shall be kept in restricted accounts by the Town and shall only be spent on the mitigation of the identified impacts for which it is required.

All required public improvements shall reflect the character defined for the District in the Comprehensive Community Plan.

The Planning Board shall clearly state the need for such improvements in writing, setting forth findings of fact based on studies of traffic circulation in the impacted area, the Comprehensive Plan, or the Capital Improvement Program.

The Board shall identify any significant negative impacts of proposed development projects on existing conditions within or in the vicinity of the District and the reasons for and extent to which mitigative measures are required.

605.21. *Lighting.* Streets, parking areas, pedestrian areas and other actively used development in the District shall be provided with adequate lighting while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties and public rights-of-way. Street lights shall be decorative and blend with the architectural style of buildings in the District.

Along all commercial or mixed use streets, parking areas, sidewalks, walkways, courtyards, community greens, and interior open spaces, 12-foot high decorative lamp posts shall be provided at regular intervals. Posts shall be spaced at no greater than 80 feet on center on both sides of a commercial main street. Lighting on residential streets should be confined to street intersections and corners. Lighting standards shall be consistent throughout the District. In parking lots, post heights may be extended to a maximum of 16 feet.

Use of minimum wattage metal halide or color corrected sodium light sources is encouraged. Non-color corrected low pressure sodium and mercury vapor lights are prohibited, except in light industrial areas where access by the public is restricted.

Porch light and yard post lighting shall be required in residential areas, and shall be incorporated into the street lighting design.

605.22. *Pedestrian and bicycle circulation.* As part of its review of development within the District, the Planning Board shall require that adequate, safe and attractive pedestrian and/or bicycle circulation be provided. A sidewalk network shall be provided throughout the District that interconnects all dwelling units with other dwelling units, non-residential uses, common open spaces, and with major activity centers adjacent to the District. The Board may require construction of on-site or off-site sidewalks, footpaths or bicycle paths. In particular, pedestrian access shall be provided in residential and retail commercial areas, but pedestrian access for light industrial and institutional development shall be required only if the Planning Board finds that such access is reasonable and necessary for reasons of public safety. Access

to off-site areas is required, particularly to permit pedestrian and/or bicycle access to the existing retail areas on Old Tower Hill Road or to public, semi-public and/or recreational facilities on Broad Rock Road.

- 605.23. *Performance standards.* Uses, activities or operations which violate any governmental building, fire, safety, health, environmental or other standards or regulation are prohibited. The provisions of Section 507 shall be applicable to commercial and industrial uses in the Route 1 Special Management District.

No nuisance shall be permitted to exist or operate upon any lot so as to be offensive or detrimental to any adjacent lot or property or to its occupants. A nuisance shall include, but not be limited to, any of the following conditions:

Any use, including careless construction activity, that emits dust, sweepings, dirt, or cinders into the atmosphere, or discharges liquid, solid wastes, or other matter into any street, property or wetland which may adversely affect the health, safety comfort of, or intended use of their property by persons within or adjacent to the District.

The escape or discharge of any fumes, odors, gases, vapors, steam, acids or other substance into the atmosphere, which may be detrimental to the health, safety or welfare of any person or may interfere with the comfort of persons within the District or which may be harmful to property or vegetation.

The radiation or discharge of intense glare or heat, or atomic, electromagnetic, microwave, ultrasonic, laser or other radiation. Any operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened building and then only in such a manner that the glare, heat or radiation emitted will not be discernible from any point exterior to the site or lot upon which said operation is conducted.

Excessive noise. No outside speaker or public address system shall be permitted without the express written consent of the Planning Board. At no point outside of any lot line shall the sound pressure level of any machine, device, or any combination of same, from any individual plant or operation, exceed the decibel levels set forth in Article 5, Section 507.13.

Excessive emissions of smoke, steam or particulate matter. Visible emissions of smoke or steam shall be prohibited that exceeds the levels set forth in Section 507.16. Wind borne dust, sprays and mists originating in any commercial or industrial operation are prohibited.

Storage of hazardous materials. No material of a hazardous character, as defined by the Hazardous Substance Act (Rhode Island General Laws, Section 23-24-2) shall be stored except within a building having roofing, walls and floors constructed of such materials as to render said building weather tight, and so as to prevent leakage of materials into the ground or

release into the atmosphere. Storage and use of such materials shall be in strict compliance with the requirements of applicable local, state and federal agencies governing such storage and use.

All outdoor refuse storage, collection and recycling areas shall be enclosed and solidly screened by wood enclosures or by brick walls, with a minimum height of seven feet, and shall extend on three sides of such an area, with a gate or door on the fourth side. Such a brick wall, if used, shall be capped at the top. A landscaped planting strip a minimum of three feet in width shall be planted on three sides of such area. The Planning Board may modify this requirement if such area is not visible from abutting property or streets, and, in the opinion of the Planning Board, is not necessary in order to screen or buffer abutting property or streets or to otherwise meet the purposes of the Comprehensive Plan or this Zoning Ordinance.

605.24. *Timing of development.* In order to regulate the development of new construction within the District and to prevent excessive development from exceeding the capacity of the Town and/or other public or private agencies to provide essential services and facilities, the Planning Board may provide for the construction to be divided into reasonable phases. If phasing of development is determined to be necessary by the Board, the following shall apply:

The Board shall grant approval of the entire site design first as a master plan. Thereafter the development plans may be submitted for preliminary and/or final review and/or approval by phases.

The master plan documents may contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

The Planning Board may set phasing of construction in order to coordinate the generation of traffic from the District to schedules for completion of on-site or off-site traffic control improvements; to ensure that adequate capacity exists or will exist for provision of wastewater treatment or drinking water supplies. The Board may also phase construction which, if developed too quickly, may create significant negative financial impacts upon critical Town services, including schools, emergency services, stormwater drainage facilities or other services. Where mixed-use development is proposed or anticipated, the Board may also establish requirements on the amount of development in a particular land-use category which may be completed before other types or categories of development are completed.

In establishing phasing requirements, the Board shall consider the ability of the Town, State or other public or private agencies to provide adequate permanent or interim services, facilities or capacity and shall establish timing controls which regulate development

according to these capacities, but do not unreasonably restrict the development of the District according to the policies of the Comprehensive Plan and in accordance with these and other land use regulations of the Town.

(Ord. of 12-16-03; Ord. of 6-14-04; Ord. of 8-15-06(2))