

## MIDDLETOWN CENTER OVERLAY ZONING

### DISTRICT DEFINED:

The Middletown Center Overlay District is defined as the area in the general vicinity of “Two Mile Corner” bounded by Coddington Highway, West Main Road and Lake Erie Street and is comprised of land owned by the Town of Middletown and identified as Lots 3, 4, 5, 6 and 7 on Middletown Tax Assessor’s Plat 102 (“Middletown Center”) with an underlying “General Business” zoning district designation. This land is intended for redevelopment purposes involving a public/private partnership between the Town of Middletown and a development entity. As mixed-use development projects are defined in Article 27A of this code, the intention of this overlay district is to allow for the coordinated development of more than one building, and including not less than three residential dwelling units, and to create a mix of residential and commercial uses. This overlay district recognizes certain differences in allowable uses, dimensions, and performance and development standards in order to encourage economic development and to allow for the creative development of businesses that serve the residents of the district and surrounding areas. A mixed-use development project within the overlay district shall not be subject to individual land use requirements typically associated with each building, use, or lot within the mixed-use development. Mixed-use development project land uses will be evaluated holistically and based upon the mixture of uses, building locations, building types, and overall functional configuration.

### PURPOSE:

The Middletown Center Overlay Zoning is intended to facilitate the planned redevelopment of the Middletown Center property, including multiple land uses, and to provide regulatory flexibility to enable the implementation of a mixed-use development within the overlay district.

The objectives of the Middletown Center Overlay District are:

- (A) To facilitate the redevelopment of Middletown Center for a new mixed-use development commonly referred to as the “Middletown Center Project.”
- (B) To ensure the future development of Middletown Center aligns with the Town of Middletown’s Comprehensive Community Plan, the 2011 West Main/Coddington Development Center Master Plan, and municipal efforts promoting such redevelopment.

(C) To promote the implementation of the Middletown Center Project to ensure the integration of several land uses and provide flexibility for such uses across the entire overlay district addressing intensity, location, design, and construction.

(D) Ensure that public benefits are included as a part of the Middletown Center Project as proposed to the Town of Middletown and as referenced in supporting legal agreements between the Town and development entity.

APPLICABILITY:

The Middletown Center Overlay District shall encompass land designated and owned by the Town of Middletown and identified as Lots 3, 4, 5, 6 and 7 on Middletown Tax Assessor's Plat 102, which is intended to be leased to and redeveloped into a mixed-used development by private entities. Such redevelopment may be further defined within supplemental agreements such as long-term lease documents.

All subdivisions, land development projects and any other development within the Middletown Center Overlay District as delineated herein and 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 Chapter 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, the requirements of this article shall prevail.

PROCEDURE:

(A) No building permit shall be granted for construction within the Middletown Center Overlay District until final approval has been granted by the Planning Board and recorded in the land evidence records, except as follows. Small-scale projects, independently developed in accordance with an approved mixed-use project master plan shall be encouraged. Therefore, where master plan approval has been granted for a phased project, preliminary approval and final plan approval may be granted at the discretion of the Planning Board for an individual phase or phases, and construction may commence on that phase or phases independent of other phases.

(B) Any development in the Middletown Center Overlay District shall be reviewed and approved by the Planning Board under the unified development review process in accordance

with the procedures set forth in the Town of Middletown’s “Rules and Regulations Regarding the Subdivision and Development of Land” (Regulations).

(C) Any development approved under this subchapter that then seeks approval for expansion of, or a change in the distribution of percentage of types of use(s) of existing or proposed buildings shall be reviewed through the development plan review process.

**PERMITTED USES:**

(A) *Generally:* A mixture of land uses is required. Permitted uses are those listed below and specified as permitted uses in § [602](#) of this chapter for the Middletown Center Overlay District. The provisions of this section shall take precedence over those of other subchapters that purport to regulate certain specific uses that are otherwise permitted.

The Middletown Center Project is intended to include a significant number of multi-family units as a part of the mixed-use development.

**Land Uses Permitted by Right:**

The following ~~lists General Business~~ land uses, by category, that are deemed compatible for a Middletown Center Overlay District and are permitted by right within the District:

**Agricultural:**

- Offices of veterinarians and animal hospitals;

**Residential:**

- Hotel/Motel;
- Mixed residential and commercial uses in a single building;
- Mixed Use Development Project;

**Retail Commercial:**

- General merchandise retailing activities, including department stores (storage areas not to exceed 30% of gross floor area) under 30,000 sq. ft.;
- Small-scale shopping center;
- Supermarkets;
- Convenience stores, delicatessens, fish markets, fruit and vegetable markets, bakeries, dairy products stores;

- Lunchroom or restaurant (no alcoholic beverages);
- Lunchroom or restaurant (alcoholic beverages);
- Tavern, café, club bar or cocktail lounge (alcoholic beverages);
- Packaged liquor store.

Personal Services:

- Laundry or dry cleaners (pick up only)(no plant);
- Self-service laundromat;
- Therapeutic massage and physical therapy services;
- Miscellaneous personal services not otherwise classified;

Business Services:

- Catering and food packaging;
- Miscellaneous repair shops and related services (non-vehicle) without outdoor storage;
- Duplicating, printing or photocopying services;
- Miscellaneous business services not otherwise classified;

Professional Services:

- General professional offices;
- Bank or financial institution without drive-up window/ATM;
- Bank or financial institution with drive-up window/ATM;
- Research or development offices;
- Office - customary home occupation (for use by a resident of the premises up to one employee or associate);
- Temporary real estate sales office located on the premises being sold;
- Sales and service offices for fuel oil and bottled gas dealers including parts and repairs but excluding storage and distribution of the product on the premises;
- Miscellaneous professional services not otherwise classified.

Indoor Commercial Amusement Services:

- Motion picture theaters;
- Billiard and pool parlors;
- Exercise center court games;
- Exercise center, without court games.

Governmental, Educational and Institutional on Privately Owned Land:

- Church or other place of worship;
- Library or museum;
- Professional or music school;
- Day nursery school, kindergarten or other agency giving day care;
- Clubs, lodges, social and community centers (non-profit only);
- Hospital/medical center or clinic;

Commercial Outdoor Recreation:

- Public and private parks and open space;

Accessory Uses:

- Accessory uses associated with permitted uses.
- Co-Locating cellular and other antenna on top of structures is a permitted by right.
- Drive-through service for restaurants and retail, including Banks.

*(B) Prohibited Uses:* As a broad description, land uses are prohibited that do not compliment or promote a desired high quality mixed-used development in the overlay district. Prohibited uses include the following categories and land uses:

- All land uses in the “Agricultural” category except “Offices of veterinarians and animal hospitals”;
- All land uses in the “Extractive and Industrial Non-Manufacturing” category;
- All land uses in the “Manufacturing” category;
- All land uses in the “Transportation, Communication and Utilities” category;
- All land uses under the “Wholesale Commercial” category;
- All land uses under the “Commercial Outdoor Recreation” category;
- Single and two-family dwelling units;
- Mobile home park;
- Single mobile home or transient trailer;
- Building material operations;
- Heavy equipment sales or leasing;
- Gasoline or fuel station;
- Commercial greenhouse;
- Retail outlet for wholesale, storage or manufacturing use;
- Funeral home;
- Crematorium,

- Vehicle washing establishment.
- Cultivation, sale, or use of drug paraphernalia, to include, but not limited to, cannabis shops or dispensaries;
- Any use that is unlawful or inherently dangerous;
- Activities involving the storage, treatment, transportation, disposal, or manufacture of toxic or Hazardous Materials, other than in quantities and under conditions in compliance with Applicable Laws;
- Gambling of any sort (other than the sale of lottery tickets in the ordinary course);
- Any establishment exhibiting or selling pornographic materials, adult books, videos, or other adult entertainment.

(C) *Performance Standards:* The commercial performance standards detailed within “Article 27A – Mixed Use development Projects” will generally apply to projects within the Middletown Center Overlay Zoning District with the following exceptions and clarifications:

1. ~~Consistent with the existing “GB” zoning restriction,~~ commercial uses other than hotels and motels, within the overlay district shall limit hours of operation from 5:00 a.m. to 11:00 p.m. However, hotel operations are exempt from this time limitation and are not subject to any specified operating hours.
2. Maximum permissible noise limits for mixed-use developments will align with residential decibel limitations as described in Chapter 130.
3. Dumpsters within the district shall be emptied only between the hours of 7:00 a.m. and 10:00 p.m.
4. Truck deliveries within the district shall only occur during the hours of 7:00 am and 10:00 pm.

MIX OF LAND USES:

This section addresses the mix of uses within the overlay district.

1. *Common Area (Public)/Municipal Use/Open Space.* A public common area shall be provided as a part of development within the overlay district at a minimum of 10% of the total land area within the district. Such use may include dog parks, sitting areas, plazas, fountains, lawns, gardens, art, monuments, outdoor entertainment, sidewalks, bike lanes, active and/or passive recreation areas, library, museum, recreation facility, education, social activity facility, or community and open space or any other municipal use. Any use beyond those listed above shall be consistent with the zoning uses permitted in the “Public” zoning district. This requirement may include land required

for setbacks. This calculation will be based upon the combined total aggregated land area as proposed in the development plan for this mixed-use project. The development plan may include multiple lots of record. The public common area shall be counted to meet any Open Space requirements in the code. There shall be one contiguous public common area of ~~one~~1.5 acres within the overlay, in addition to other dedicated public common area placed throughout the remainder of the development. The Town of Middletown may incorporate its intended use for this contiguous public common area within an applicant's petition for development within the district or may define and create said use independently of an applicant's petition to develop within the district. The purpose of both the contiguous public parcel, and the remaining public space created within other land uses within the district is to foster a sense of place and community and support the gathering of and use by the public at said locations. For example, and without limiting generality of the foregoing, farmers' markets, community gardens, recreational fields, passive recreation, community concerts are examples of uses envisioned for said public space. ~~The common area (public) municipal use/open space 10% minimum requirement will fully satisfy all landscaping requirements set forth elsewhere in the zoning code or development standards; however additional landscaping elements shall be provided for throughout a project. Landscaping shall make up ten (10%) percent of the area of a project dedicated to commercial or residential uses~~

2. *Residential Use – Multifamily Dwellings.* A minimum of 25% and maximum of 75% of the total gross floor area within any development within the overlay district will be dedicated to multi-family residential lot coverage. A minimum of ten (10%) percent of total residential units shall be restricted to residential that meets the State of Rhode Island's definition of affordable housing at 80% of "Area Median Income" (AMI). This calculation will be based upon the combined total aggregated land area of the proposed development project. The development plan may include multiple lots of record. Where applicable, development standards in Article 15 Multifamily Dwellings shall be met. Where there is a conflict between the requirements of this subchapter and those in Article 15 Multifamily Dwellings, the provisions of this subchapter shall control.
3. *Retail, Bank, Restaurant, Motel/Hotel and Commercial Uses.* Retail, bank, restaurant, motel, hotel, and commercial uses may make up the balance of the development not otherwise dedicated to Common (Public) Area, Municipal Area, Open Space, or Residential Use. The development plan may include multiple lots of record. Where applicable, development standards in Article 18 Shopping Center shall be met not apply to this overlay district. ~~Where there is a conflict between the requirements of this~~

~~subchapter and those in Article 18 Shopping Center, the provisions of this subchapter shall control.~~ Where applicable, development standards in Article 14 Motels/Hotels shall be met. Where there is a conflict between the requirements of this subchapter and those in Article 14 Motels/Hotels, the provisions of this subchapter shall control.

#### DENSITY AND DIMENSIONAL STANDARDS:

The density and dimensional standards listed below shall pertain exclusively to the Middletown Center Overlay District. Where there is conflict between this section and other provisions of the Zoning Ordinance, this section shall control.

1. *Height.* The maximum height for buildings shall be 45 feet for residential and commercial structures. The maximum height for a motel/hotel use is ~~75~~ 55 feet.
2. *Lot Building Coverage.* Lot building coverage calculation shall include all buildings on the parcels within the overlay district. Total land area shall be calculated using all parcels within the district. Open space and public use acreage shall also be included in this total acreage for the purposes of defining lot building coverage. Maximum building coverage shall be 35% as an aggregate for all buildings on all parcels. No single building will exceed a 35,000 square feet lot coverage building footprint.
3. *Setbacks.* If a proposed project submitted for approval includes only one lot of record, setbacks requirements are required from all property lines. If a proposed project contains multiple-lots and is submitted for approval as one application, the setback requirements shall only pertain to the full project's perimeter or exterior property lines. Setback requirements shall not be required for interior, abutting lines within such a multi-lot, development project. In addition, "Common Area – Public" uses are allowed within the required setback areas. Perimeter setback requirements for front, side, and rear yard areas shall be:
  - Front (East facing West Main Road): 10 feet;
  - Side (South and North boundaries): 10 feet; and
  - Rear (West boundary): 10 feet.
  - For every 10 feet in building height above 45 feet, the setback requirement shall increase by 5 feet. For example, a ~~65~~ 55 foot tall building shall have a ~~20~~ 15 foot setback from the perimeter boundary.
4. *Density.* Maximum density calculation allowances shall be based upon a project's gross and total land area. Multiple lots of record for one project shall be addressed as an aggregate land area. For multi-lot developments, density calculations for each land use shall be calculated on the same gross and total land area without deductions for other land uses for such development.

- Dwelling unit (up to three bedrooms): One unit per 3,500 square feet;
  - Rooming units (hotel, motel, with or without kitchen): One unit per 1,000 square feet land area.
5. *Buildings*. There is no limit to the number of buildings located on any single parcel or parcels within the overlay district.

DESIGN STANDARDS:

This overlay zoning district’s design standards will generally adhere to the provisions of Article 5 - Required Minimum Standards of Design of the Rules & Regulations Regarding the Subdivision & Development of Land, including Section 521 - Commercial Development, except where they conflict with the following provisions, in which case this section shall prevail.

(A) *Site design*.

1. Projects shall include mixed-use development addressing a variety of building styles including multi-story buildings.
2. Site design shall integrate all buildings and uses rather than focus on a single building or land use. The objective is a balanced and well-planned location of buildings and uses and their functional relationship to each other on the property.
3. More than one principal structure per lot is encouraged and permitted by right.
4. [There is no specific building design or land use separation requirement for mixed-use developments in this district.](#)
- 3-5. [There are no separate stand-alone building setback requirements from other buildings within this mixed-use development.](#)

(B) *Parking*. Generally, parking shall be regulated by the provisions of Article 13 “Off Street Parking and Loading”, and the design standards of Article 5 of the “Subdivision and Land Development Regulations except where they conflict with the following provisions, in which case this section shall prevail.

1. Parking areas shall be located anywhere on the parcel outside of the required ten foot (10”) landscape buffer and will be equally distributed throughout the development.
2. Shared parking is recognized and encouraged where each land use has different hour, day, and/or seasonal peak demand.
  - a. Residential use shall provide 1.5 spaces per unit.

- b. Hotel use (inclusive of staff and ancillary uses) shall provide 1 space per room.
  - c. Retail parking requirement shall be 1 space per 1000 square feet of retail space.
- 3. Parking shall be designed in a manner to minimize visual appearance through location, landscaping, buffers, screening and other visual means. However, parking shall be allowed within five (5') of buildings or structures, without specific landscaping requirements.
- 4. Parking lots shall be designed such that pedestrian flow is not interrupted and the number of curb cuts is minimized to the greatest possible extent.
- 5. Pedestrian walkways and sidewalks shall be incorporated into the driveway and parking lot areas.
- 7. Bicycle racks shall be included and situated in a manner to safely segregate bike use from automobile traffic and parking. Bicycle racks shall be provided in appropriate locations and identified on the site plans. Minimum bicycle parking space for one bike for every ten (10) automobile parking spaces or fraction thereof is required.
- 8. Installation of electric vehicle charging stations is encouraged.

(C) *Circulation.*

- 1. Circulation plan. A circulation plan shall be provided addressing the design of proposed access, internal street and pedestrian circulation, and impacts on adjacent public roads, traffic control, existing traffic conditions, and projected traffic generation. Common driveways and shared access that serves more than one property are encouraged to reduce curb cuts. Roads within a development shall be constructed to the standards for roads established by the Town of Middletown's "Rules and Regulations Regarding the Subdivision and Development of Land" unless the applicant demonstrates such roadways will be privately owned, operated and maintained. For clarity and avoidance of confusion, individual parking stalls shall be no less than 9 feet wide and 18 feet in length and in no case shall the gross area of parking space including aisles be less than 162 square feet per car. Aisles between rows of parking stalls shall not be less than 12 feet for one way traffic, and not less than 24' for two-way drive aisles. Adequate access for emergency vehicles in to and throughout the development must be provided.
- 2. Access. To the extent possible and to reduce curb cuts, all new uses as part of a development shall be provided with vehicular access to an internal network of

streets which shall intersect with arterial roads at locations approved by the Planning Board. Subject to the approval of the Board, new uses may also have vehicular access from an existing local road. The number of curb cuts to access the development shall be minimized.

3. Pedestrian circulation. The circulation plan shall ensure that adequate, safe and attractive pedestrian and bicycle circulation is provided. A sidewalk network shall be provided throughout the development that interconnects all dwelling units, non-residential uses, and common open spaces, and with major activity centers within and adjacent to the development. The Planning Board may require construction of on-site or off-site sidewalks, footpaths, or bicycle paths. Access to off-site areas is required, particularly to permit pedestrian and bicycle access to the existing retail areas on arterial roads. A bike path with a minimum 10-foot width is required to connect the development to other bike paths and walkways on abutting property. Said bike path can be placed within and in lieu of the landscape buffer, but if so, the bike-path and landscape buffer combined shall be a minimum fifteen feet in width, including a minimum of five feet of landscape buffer.
4. Public transit. Accommodations for public transit and other modes of transportation shall be integrated into the development. Such accommodations might include bus stops, pull offs, signage, and other features on public ways and/or within the development.

(D) *Landscaping.*

1. Landscaping design Plan. A comprehensive landscape design plan shall be provided for proposed development addressing the integration of designed buffering, screening, and aesthetics for all uses and buildings within the property.
- ~~1-2.~~ Landscaping shall make up ten (10%) Percent of the area of a project dedicated to commercial or residential uses. The common area (public)/municipal use/open space 10% minimum requirement shall fully satisfy all landscaping acreage requirements for development. Additional landscaping elements shall be provided for within a project, as stipulated below.
- ~~2-3.~~ A landscaped buffer of no less than ten feet in width shall be required along the perimeter of the overlay development district except in the case of roadway, sidewalk, and pedestrian access connections.
- ~~3-4.~~ There will be a landscaped buffer of 10 feet along Coddington Highway. Such buffer may include the use of hardscape to soften the visual open appearance of the development.
- ~~4-5.~~ Landscaping 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.

~~5-6.~~ Landscaping should be used to screen ground-level equipment, ground-mounted lighting fixtures as appropriate.

~~6-7.~~ Street trees. Deciduous “street trees” shall be planted along the street side property boundary and along any private streets or internal driveways in planter strips or tree wells located between the sidewalk and curb. Trees shall be spaced no further apart than thirty (30) feet on center, and shall be a minimum of four (4) inch caliper dbh at time of planting.

~~7-8.~~ Parking Lots. A minimum of one (1) tree shall be provided for every five (5) parking spaces. Trees shall be at least four (4) inches caliper (diameter breast height) and seven (7) feet tall at time of planting. Each tree must be surrounded by at least 25 square feet of permeable unpaved area.

~~8-9.~~ Dumpsters, storage areas, exposed machinery installation including but not limited to HVAC units, service areas, truck loading areas, utility buildings and similar structures shall be designed and screened or located to provide an audio-visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

~~9-10.~~ Air conditioning and ventilation units, security devices, and other service equipment shall be screened from public view, either by being set back from the roof edge for roof mounted units, or by being screened by landscaping for ground mounted units.

~~10-11.~~ A landscape maintenance plan shall be provided including a schedule of initial and ongoing activities to be undertaken by the property owner, property association, or other appropriate party approved by the Planning Board to ensure the long-term maintenance of the landscaping.

~~11-12.~~ No landscaping buffer shall be required between parking spaces and buildings or sidewalks.

~~12-13.~~ The location and design of any proposed site amenities, such as benches, bus shelters, playgrounds, etc. must be identified on the site plans. Designs shall be compatible with the overall design theme for the development.

(E) *Lighting.*

1. Will be appropriate designed and exterior lighting shall be designed to minimize impact on neighboring properties and night light pollution.
2. All lighting shall be located, aimed, designed, shielded, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely travel

and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

3. Fixtures illuminating building facades shall be shielded and directed toward the building and all other lighting fixtures shall be shielded and directed to the ground. Building-mounted decorative light fixtures and pole-mounted decorative fixtures, if less than twelve (12) feet in height, should also be shielded to the extent possible.
4. Common area (public) spaces, sidewalks, bikeways, and other public spaces shall be addressed with ground-level, pedestrian-oriented lighting.
5. For mixed-use developments, outdoor lighting shall be extinguished nightly by 11 p.m, or within one-half hour of the close of commercial uses on the property, whichever is later. Exceptions include lighting of pedestrian pathways and sidewalks that grant access to dwellings, and parking areas used by residents of the development.
6. Electrical feeds for fixtures mounted on poles for the illumination of parking areas shall be run underground, not overhead.
7. Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, shall be placed outside paved area, curbing, or tire stops, or on concrete pedestals at least 30 inches above the pavement, or suitably protected by other approved means.
8. Fixtures shall not be mounted more than 20 feet above finished grade of the surface being illuminated, except that fixtures that are not fully shielded, if approved, shall not be mounted more than 16 feet above finished grade.
9. Fixtures and ancillary equipment shall be maintained to always meet the requirements of this article.

#### (F) Signage.

1. Signage shall generally be governed by the General Business section of Article 12 of this chapter with the exception of the following superseding regulations to address mixed-use development.
2. Signage plan. A comprehensive signage plan for a mixed-use development shall be provided 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 and directional signs.
3. Free-standing signage shall be allowed at the corner of West Main Road and Coddington Highway with a maximum size of 100 square feet and maximum height of 20 feet.

4. Free-standing signage shall be allowed at a primary ingress and egress access on West Main Road for the mixed-use development with a total maximum size of 100 square feet and maximum height of 20 feet.
5. Free-standing signage shall be allowed at a secondary ingress and egress access for the mixed-use development with the total maximum size of 40 square feet and maximum height of 10 feet.
6. Directional signage shall be allowed by right in the interior of a mixed-use development. Total maximum size is 16 square feet per sign. A maximum of eight (8) directional signs are allowed within the mixed-use development.
7. Business signs shall be allowed a maximum of one (1) square foot per one (1) linear foot of frontage. Businesses are allowed a maximum of two (2) signs per business.
8. Setbacks. Signs for any individual buildings and/or uses shall not be located within any required setback, 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, and not to individual uses or buildings. No such major entrance sign shall be permitted for individual uses or buildings.
9. Sign design. Signs shall be compatible with architectural style and components of the overall development including building materials, façade, and massing.

#### (G) Litter and Trash Management

1. Exterior litter receptacles shall be provided as part of any development within the overlay district, to serve patrons, residents and employees.
2. Receptacles shall be appropriately sized and located. The locations and design of receptacles must be identified on site plans.
3. Receptacles shall have decorative designs compatible with the overall design theme for the development.
4. A waste management and litter control plan shall be provided on the site plans or as a separate document, which shall include specific provisions and actions to prevent accumulation of litter on the subject property and to prevent it from entering abutting properties and streets.