

**AN ORDINANCE IN AMENDMENT OF
THE ZONING ORDINANCE OF THE TOWN OF TIVERTON**

IT IS HEREBY ORDAINED by the Town Council of the Town of Tiverton, Rhode Island, that the Zoning Ordinance of the Town of Tiverton is amended as follows:

Section 1. The Tiverton Zoning Map is hereby amended by designating portions of Plat 203, Lots 106 and 107, Plat 203, Lot 111, Plat 204, Lots 101, 102, 103, 106 and 108, and portions of Plat 206, Lot 140 as Casino Gaming and Entertainment Overlay District (“CGE”). The plats and lots, and designated portions thereof, are reflected in the subdivision plan recorded in the Land Evidence Records for the Town of Tiverton at Book 24, Pages 101-104.

Section 2. The Tiverton Zoning Ordinance is hereby amended by adding Section 20 Casino Gaming and Entertainment Overlay District – CGE to Article IV as follows:

A. Purpose

The purpose of this Section is to provide for the review, development, and construction of a licensed pari-mutuel facility to offer state-operated video lottery games and state-operated casino games with associated restaurants, hotel and accessory uses, in accordance with the affirmative referenda vote on November 8, 2016 by the voters in the State of Rhode Island and Town of Tiverton. The proposed development shall be consistent with the Tiverton Casino Program submitted to the Tiverton Town Council at the time the Resolution was adopted, including uses, signage concepts, lighting concepts, buffer, landscaping and streetscape concepts.

B. Review of Proposal

The Tiverton Casino Program, as modified by the concept of structured parking, establishes a baseline for an application for and approval of a major land development with regard to developable area, uses, signage concepts, lighting concepts, buffer, landscaping and streetscape concepts, and related information for development. As pursuant hereto and as consistent with the outcome of the Referendum, the Applicant shall submit a major land development application to ensure that the actual development is: (a) consistent with the baseline set forth in the Tiverton Casino Program; (b) incorporates the program requirements set forth in Section 2(G)(2); and (c) results in a first-class, regionally competitive casino gaming facility.

C. Definitions

Definitions contained in Article II shall apply to the CGE overlay zoning district. Additional definitions are as follows.

- (1) “Building Height” means the vertical distance measured from the average natural lot grade across the footprint of the building(s) to the top of the highest point of the roof or structure, excluding spires, chimneys, flagpoles, widow’s watch (as designed into the Tiverton Casino program pursuant to public input) and the like and except for a peaked roof building, where the top of the highest point of the roof or structure shall be the midline of the peaked roof.
- (2) “Casino” and/or “Casino Gaming Facility” means any and all Buildings developed, designed and operated for Casino Gaming and Video Lottery Gaming as those terms and operations are defined and licensed by the State pursuant to R.I. Gen. Laws §42-61.2-1 *et seq.*, including Table Games, as that term is defined in R.I. Gen. Laws §42-61.2-1 *et seq.*, and any accessory uses customarily incidental and supportive to Casino Gaming, including any associated restaurants, taverns, coffee shops and other establishments offering food and/or alcoholic beverages, hotels, retail stores and shops, meeting/conference and multi-function space, and Entertainment Venue(s). Accessory uses include cashier cage, count room, players club and customer service areas, and back of the house uses including without limitation, office, security, laundry, kitchen, employee cafeteria and break areas.
- (3) “Casino Gaming Project” means the development project set forth in the Tiverton Casino Program to be reviewed under the procedures and guidelines set forth herein.
- (4) “Casino Gaming and Entertainment Overlay District Map” means an overlay district map to be finalized and appended to this Ordinance by the Town Clerk in the form attached hereto.
- (5) “Entertainment Venue” means an area of the Casino open to the public for entertainment uses including without limitation promotional events, concerts, stage performances, or comedic performances.
- (6) “Hotel” means the hotel set forth in the Tiverton Casino Program.
- (7) “Major Land Development Application” means an application submitted under the provisions of the Tiverton Land Development and Subdivision Regulations, which shall include three stages of review including master plan, preliminary plan and final plan review.
- (8) “Maximum Developable Area” That portion of the entire lot without subtraction of unsuitable lands that is or may be covered by buildings, accessory buildings, and other created improvements on the ground that are more impervious than the natural surface, such as paving, patios, and driveways. Impervious surfaces shall mean to include any material that prevents absorption of stormwater into the ground.
- (9) “Referendum” means the local and statewide vote as pursuant to Section 22 of Article VI of the Rhode Island Constitution and R.I. Gen. Laws §41-9-14.

- (10) “Tiverton Casino Program” means the definitive development proposal submitted to the Tiverton Town Council on November 9, 2015, as modified by structured parking to reduce impact on wetlands and impervious surface.

D. Use Regulations

The following uses shall be permitted in the CGE overlay zoning district.

- (1) A Casino Gaming Facility, as defined herein and consisting of video-lottery games and casino games as are defined by R.I. General Laws § 42-61.2-1 *et seq.*, which may include:
- a. Restaurant, with or without entertainment, and food and alcoholic beverage venues
 - b. Night club, with or without entertainment
 - c. Hotel, with up to 84 rooms, with associated food and beverage area(s), meeting space(s), fitness center and spa
 - d. Structured parking with a maximum of two levels and surface parking, with a combined maximum of 1,200 parking spaces
 - e. Retail business, not to exceed 10,000 square feet cumulative.

E. Dimensional Requirements

- (1) Minimum Lot Size: 40 acres
- (2) Minimum Lot Frontage: 120 feet
- (3) Minimum Front Yard Setback: 50 feet*
- (4) Minimum Side Yard Setback: 20 feet*
- (5) Minimum Rear Yard Setback: 50 feet*
- (6) Maximum Developable Area: 60%
- (7) Maximum Building Height: 35 feet

* The restricted wetland areas identified in the Tiverton Casino Program shall be maintained as a buffer, as that term is defined in the Tiverton Zoning Ordinance. The minimum setbacks cannot be utilized to contradict the minimum green space requirements to maintain the designated buffer.

F. Parking and Loading

- (1) In accordance with the Tiverton Casino Program, the Casino Gaming and Entertainment Overlay District shall include parking, both surface and structured, to accommodate up to 1,200 parking spaces for patrons and employees of the Casino Gaming Facility.
- (2) Off-street parking spaces shall have a minimum width of nine (9') feet and a minimum depth of eighteen (18') feet, except that when any part of a building column or light pole intrudes into a parking space, that space shall have a minimum width of eight (8') feet and a minimum depth of sixteen (16') feet.

- (3) The Casino Gaming Facility, with accessory uses, including the hotel, shall have a minimum of two (2) loading docks, which may be consolidated to a single loading bay, or two or more scattered bays.

G. Site Design

(1) Generally

The development shall be inspired by the local historical shoreline context and recent buildings built in the area that have successfully bridged time, creating a facility which is comfortable, familiar and modern. The design of the facility should adhere to community input as reflected in the Tiverton Casino Program.

All public-facing elements – entry and public parking – shall face northwest, away from residential areas.

The casino and hotel shall not be visible from surrounding roads.

Wetland overlooks shall consist of gravel/crushed stone footpaths following the natural topography at the edge of the wetland area with interpretive signage describing the ecosystem, flora and wildlife. Proposed designs for the wetland overlooks shall be submitted to the Rhode Island Department of Environmental Management after construction of the Casino Gaming Facility.

(2) Program Requirements

The traffic improvements set forth in the Tiverton Casino Program shall be completed and operational before the Casino, Hotel and/or Entertainment Venue are allowed to become operational.

The restricted wetland areas identified in the Tiverton Casino Program shall be maintained as a Buffer, as that term is defined by the Tiverton Zoning Ordinance.

The Applicant shall be required to install an on-site water storage tank for fire and domestic uses as set forth in the Tiverton Casino Gaming Program.

The wastewater connection providing Hurst Lane with sewer access as set forth in the Tiverton Casino Program shall be deemed to benefit the Town of Tiverton.

The Applicant shall be required to provide its safety and security plan to Tiverton Police and Tiverton Fire.

The Applicant shall construct a stormwater management system compatible with local and state regulations and the Tiverton Casino Program.

(3) Site Regulations

Loading, service, utility and mechanical equipment shall be located in areas designated for truck traffic only on the south and east sides of the building and not visible to patrons entering the casino's main parking areas and entry points, or least visible area, and screened from public view.

Any trash facility (dumpsters, recycling areas, etc.) shall be located in areas designated for truck traffic only on the south and east sides of the building and not visible to patrons entering the casino's main parking areas and entry points. Such facility should be located in the rear of the site (where practicable) and placed in compatible designed outbuildings or utilizing screening to minimize the visual impact.

All site design shall have adequate provisions for fire lanes and emergency access.

Site design shall meet all applicable local and state standards for stormwater management and erosion and sediment control.

All permanent utility lines shall be located below grade.

H. Signage

Applicant shall submit a detailed signage plan which shall incorporate the restrictions set forth in the Tiverton Casino Program, including:

- (1) Neon signage on William S. Canning Boulevard and Stafford Road is prohibited;
- (2) Signage on Route 24 is prohibited (said prohibition excludes directional signage);
and
- (3) Entry signage to the Casino Gaming Facility shall be a low profile design as set forth in the Tiverton Casino Program.
- (4) Signage dimensions in the CGE overlay district shall be as follows:
 - a. Up to 2 freestanding signs at the entrance to the Casino Gaming Project shall not exceed 10 feet in height with a maximum of 48 square feet of signage. Sign lighting to be conventional;
 - b. Up to 5 freestanding signs (pole or monument), not to exceed 14 feet in height and 48 square feet of signage per sign. Sign display may be digital with LED illumination or similar technology to allow content to be frequently and easily updated to inform patrons and emergency personnel as on-site conditions change. Notwithstanding, displays that are flashing or continually scrolling without pause will not be allowed. The freestanding signs shall not be placed within 100 feet of a residential boundary; and

- c. Directional signage per plan, not to exceed 12 square feet of signage per sign. Directional signage mounted to the ground may be 6 feet above paved grade to allow for snow removal. Directional signage mounted to light poles or structures may be triple-sided and set up at a height up to 15 feet above paved grade.

I. Lighting

Parking lot, vehicular and pedestrian circulation paths, and loading areas shall have adequate lighting for public safety. Lighting should be designed to minimize light spill or trespass light and to add interest and variety to the site.

Mounting height for parking lot lighting fixtures shall not exceed twenty-four (24') feet, measured to the center of the luminaire.

Subject only to adherence with safety and security plans, use of landscape, circulation and architectural lighting should be utilized rather than wall mounted lighting or wall packs.

Building lighting and architectural lighting should incorporate a variety of techniques and sources, which minimize light spill, highlight architectural features, provide additional safety and add interest and variety to the building(s) and site.

All plans shall include a lighting plan that indicates fixture locations, type of light, source type, and photometric data.

J. Landscaping

A landscape plan stamped by a registered landscape architect, licensed in the State of Rhode Island, is required. Such plans shall include location of all landscaped areas with the proposed trees, shrubs, or other plant or ground covering material with information on the size, type and spacing.

A landscaping maintenance agreement shall be submitted to provide for maintenance of plantings, utilizing acceptable horticultural practices and for replanting of new material where required plants have not survived.

K. Application Review

- (1) An application shall be reviewed as a major land development project under the Tiverton Land Development and Subdivision Regulations. The Regulations shall apply unless inconsistent with this Section; in such case of inconsistency, this Section shall apply, which will also be incorporated into a host community agreement.
- (2) The Town will expedite the application, so that construction may be completed by July 1, 2018, as required by R.I. Gen. Laws §42-61.2-2.3, which will also be incorporated into a host community agreement.

- (3) An Applicant applying for major land development project review under this Section shall be responsible for the cost incurred by the Town of Tiverton for such expedited review. Said costs shall equate to the reasonable cost incurred by the Town of Tiverton for engaging outside consultants to expedite and complete said review, which will also be incorporated into a host community agreement.

L. Building Permit

The Tiverton Building Official shall ensure compliance with applicable building codes. The Building Official may engage outside consultants to assist and expedite plan review, code review, permit issuance, and field inspection. The Building Official may issue phased or staged permits to expedite phases of construction while construction documents for other phases are being developed. The Applicant shall be responsible for costs incurred by the Building Official. Such costs shall equate to the reasonable cost incurred by the Building Department in engaging consultants and temporary staff to assist and expedite, which will also be incorporated into a host community agreement.

Section 3. This Ordinance shall become effective immediately upon passage.

Adopted April 12, 2017