

## **AMENDMENTS TO THE ZONING ORDINANCE COASTAL COMMUNITY OVERLAY DISTRICT**

### **ARTICLE 1. ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP**

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#### **Section 102. Overlay and special management districts.**

G. *Coastal Community Overlay District.* This overlay district, established per RIGL §45-24-31, affects “campground” facilities along the Town’s south shore area in the Villages of Matunuck and East Matunuck. The overlay district provides additional land use controls and administrative allowances to manage and limit changes to these legal non-conforming uses of land as detailed in Article 6, Section 608 of this ordinance (See also Article 2. Nonconformance).

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### **ARTICLE 6. OVERLAY ZONES, SPECIAL ZONES AND SPECIAL MANAGEMENT DISTRICTS**

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#### **Section 608. Coastal Community Overlay District.**

*Section 608.1 Purposes.* The purposes of this section are as follows:

- Permit and manage change for these existing, legal non-conforming residential communities which are reflective of South Kingstown’s summer resort heritage.
- Provide straightforward land use controls and allowances for the consideration of applications for changes to these subject properties.
- Allow for the continuation of these non-conforming uses in a manner that respects the historic use of the premises, is mindful of scale, bulk, height, environmental setting and relationship of these uses to the surrounding community/neighborhood setting.
- Accommodate RI State building code and Coastal Resource Management Council (CRMC) requirements, as may be amended from time to time, relating to 100-year flood plain areas as defined by the Federal Emergency Management Agency (FEMA) on the properties noted under 608.2 below.
- Acknowledge the projected impacts of Sea Level Rise (SLR) and climate change in these areas and encourage building and engineering practices that will promote adaptation to the impacts these environmental trends will have on these subject premises.

*Section 608.2 Applicability.* Properties that the requirements of this overlay district apply to consist solely of the following premises:

- Assessor's Plat 87-3, lot 2, 9.22 acres +/- (now/formerly (n/f) The Pointe at East Matunuck, LLC)
- Assessor's Plat 87-3, lots 5 and 6, 9.89 acres +/- (n/f Village at Potter Pond, LLC)
- Assessor's Plat 92-1, lot 9, 50.2 acres +/- (n/f Matunuck Beach Properties, Inc., a/k/a Roy Carpenter's Beach)
- Assessor's Plat 92-2, lot 46, 2.2 acres +/- (n/f Matunuck Beach Trailer Association)
- Assessor's Plat 92-2, lot 54, 1.3 acres +/- (n/f Blackbeard's)
- Assessor's Plat 92-2, lot 55, 18.29 acres +/- (n/f Mary Carpenter et al, a/k/a Carpenter's Beach Meadow)

*Section 608.3 Findings.* In adopting these amendments to the Zoning Ordinance the South Kingstown Town Council makes the following findings in support of this overlay district:

- a) South Kingstown's coastal cottage and trailer (residential) communities are reflective of the Town's summer resort heritage and important components of the history of the Matunuck and East Matunuck village areas.
- b) These residential communities are non-conforming by use and dimension compared to their base zoning designation, as land uses that were lawfully established at the time of adoption or amendment of this Zoning Ordinance.
- c) The residential units in these communities are typically small, one story-cottages and trailers in close proximity to other uses within the development serviced by limited infrastructure. While typically small these units vary greatly in terms of condition, style, and construction materials utilized. This diversity of appearance and orientation is found to be a valuable component of the heritage of these communities and the Town at large.
- d) These communities are situated in sensitive environmental settings in close proximity to the ocean, salt pond areas and coastal wetlands.
- e) These communities may also lie, in whole or in part, within flood zones as defined by the Federal Emergency Management Agency (FEMA) designated 100-year floodplain area ("A" or "V" zone). As such improvements to component units within these communities may require adherence to Flood Zone construction standards and Rhode Island State building code compliance. While these construction standards may be required they have the potential to change the character of the community if not mitigated in part through administrative review and regulatory requirements.
- f) These communities are subject to requirements articulated in the State of Rhode Island's Coastal Resources Management Program, commonly referred to as the Coastal Resources Management Council's (CRMC's) "Red Book", and Special Area Management Plan (SAMP) for the Salt Pond Region. Further, issues relating to OWTS (on-site wastewater treatment systems) are subject to regulatory review and permitting by the RI Department of Environmental Management (RIDEM).
- g) On January 26, 2016 the CRMC adopted changes to Section 145 of the "Red Book", "Climate Change and Sea Level Rise" to reflect National Oceanic and Atmospheric Administration (NOAA) predicted sea level rise. Section 145, C. Policies, 4 states in part

“as of 2015 the range in sea level rise change is projected by NOAA to be a maximum of 1.0 foot in 2035, 2.0 feet in 2050 and 7.0 feet in 2100.”

- h) This overlay district provides additional regulatory requirements for proposals to expand or change these developments and/or the individual units within the same.
- i) This overlay district permits minor changes to residential units within these communities via an administrative process managed by the Zoning Enforcement Officer through the Technical Review Committee (TRC).

#### *Section 608.4 Definitions.*

- a) *Baseline footprint and gross livable floor area (GLFA)*: for individual structures, trailers or manufactured homes in this overlay district the baseline footprint calculations and gross livable floor area shall be based upon the year 2000 Town-wide revaluation conducted by the South Kingstown Tax Assessment Department. This figure does not include covered (roofed), unenclosed (open air) porches, exterior stairs, ramps or decks.
- b) *Coastal community structure*: a structure (cottage, trailer or manufactured home) on land managed by the land owner, agent or association containing a single residential unit typically utilized as defined in the lease or condominium declaration governing said unit. Such structures may contain a single room or rooms with facilities for eating, sleeping, bathing and cooking. Individual structures may contain bathroom facilities or be serviced by common bathhouse facilities (where such is a requirement of the land owner).
- c) *Coastal community*: a parcel of land that is managed for occupancy and use and which contains leased land structures. This designation shall also apply to former leased land communities that convert to condominium type ownership, as listed in 608.2 above.
- d) *Freeboard*: a factor of safety expressed in feet above the base flood elevation of a flood hazard area for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.
- e) *Major changes*: any change or expansion that is not deemed to be a minor change by the South Kingstown Zoning Enforcement Officer. Major changes to these communities shall require the issuance of a special use permit by the South Kingstown Zoning Board of Review.
- f) *Minor changes or modifications*: administrative allowances for minor expansions and changes (modifications) to existing structures, trailers and appurtenances as determined by the South Kingstown Zoning Enforcement Officer, and as further defined under Section 608.6 herein.
- g) *Sleeping loft*: an area in a residential structure's attic, eaves or half story (area between the eaves and ridge line of a building with a pitched roof) utilized for sleeping purposes. Such area may be accessed by stairs, ladder or other means. Sleeping lofts do not meet current building code requirements for use as a bedroom.
- h) *Replacement structure*: a new structure proposed in replacement of an existing, legally established structure, trailer or manufactured home within a leased land community.

No replacement structure shall be more than 50% or 150 square feet (whichever is less) larger than the structure it is replacing in terms of GLFA.

- i) *Replacement in-kind*: demolition of an existing structure and replacement of same with a new structure on the same footprint with the same (or smaller) building configuration and gross livable floor area.

*Section 608.5 Permitted Changes to Coastal Community Structures.* The following changes to coastal leased land community structures are permitted as of right, subject to the issuance of a building permit from the Building Official (Zoning Enforcement Officer):

- a) Replacement in-kind structures, as defined above.
- b) Handicapped ramps and stairs for access to cottages or trailer units.

*Section 608.6 Changes to Coastal Community Structures Allowed With Approval of the Technical Review Committee (TRC).*

- a) Upon referral by the Zoning Enforcement Officer the Technical Review Committee is authorized to permit minor changes or modifications to existing structures, trailers, and appurtenances.
- b) Minor changes may allow for expansion of baseline footprint and/or GLFA square footage up to 25% or 150 square feet, whichever is less. For trailer or manufactured home replacements with “bump-out” extension features, the bump-out shall be counted toward the square footage of the replacement structure.
- c) Small decks of up to 100 square feet may be allowed by the TRC under this Section.
- d) Such allowances shall be available one-time only for any structure, trailer or appurtenance under this Section.
- e) The administrative requirements under Section 905, Modifications Granted by the Zoning Enforcement Officer shall not be applicable to review by the Technical Review Committee.
- f) Where the Zoning Enforcement Officer declines to refer an application to the Technical Review Committee as an administrative allowance, said expansion shall be considered a major change and the applicant must secure a special use permit from the Zoning Board of Review to permit any proposed expansion.
- g) If the TRC declines to approve an application as a minor change the application shall be considered a major change and require the issuance of a special use permit from the Zoning Board of Review to proceed.

*Section 608.7 Changes to Coastal Community Structures Allowed by Zoning Board.*

- a) The following changes to coastal leased land community structures are permitted subject to the issuance of a Special Use Permit from the Zoning Board of Review:
  - (1) Except as specifically permitted above, any applicant seeking an expansion, replacement unit or addition to an existing structure, trailer or manufactured home shall be required to apply for a special use permit as required under Section 203 of this ordinance. In consideration of such applications, the Zoning Board shall be

guided by the requirements, allowances and limitations of Article 2. Nonconformance and Article 9. Administration Enforcement and Relief, Sec. 907 A. 2. Special use permit.

(2) The enclosure and conversion of open porches or decks to living area.

(3) Detached accessory structures to cottages or trailers for storage or other purposes.

- b) Decks allowed by Special Use Permit (unenclosed and unroofed) shall not exceed 50% of the GLFA as defined herein or 200 square feet, whichever is less.
- c) Any application involving two (2) or more structures, trailers or manufactured homes shall require a special use permit by the Zoning Board of Review.
- d) Where a Special Use Permit application involves changes to more than five units, the Building Official/Zoning Officer shall require the applicant to contact CRMC to ascertain if a "preliminary determination" process is appropriate as a pre-requisite to the Zoning Board of Review's formal consideration.

*Section 608.8 Prohibited Changes to Coastal Community Structures.* The following changes to coastal leased land community structures are prohibited:

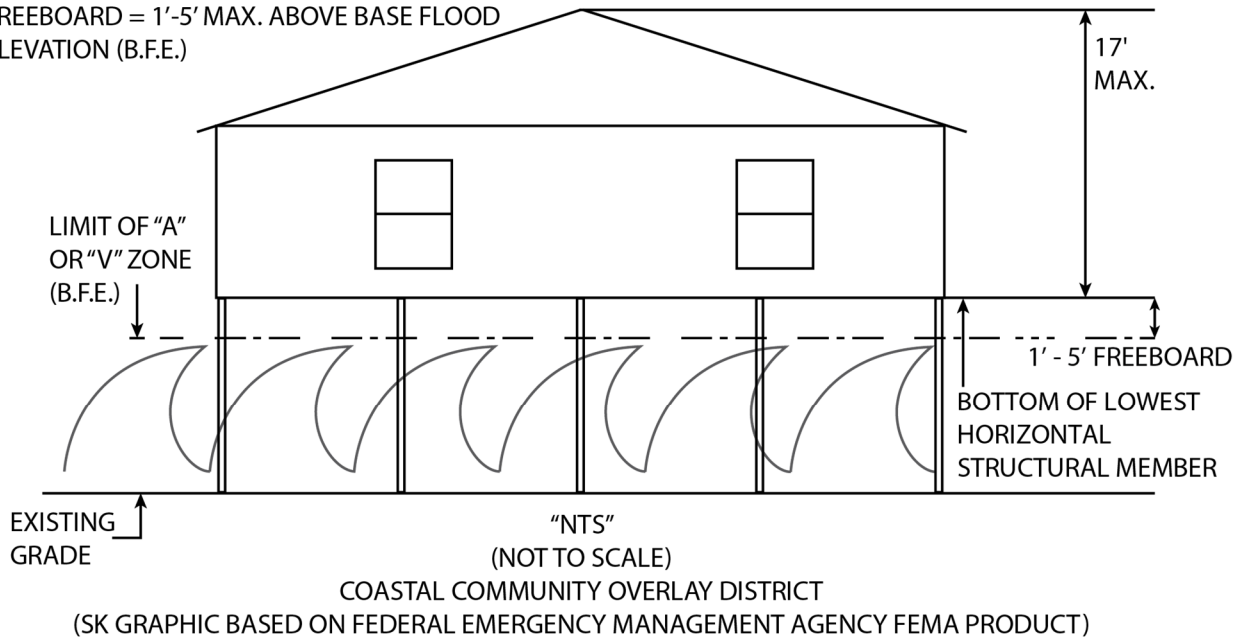
- a) Enclosure of the area below the BFE with breakaway walls, lattice or similar treatments.
- b) Detached decks at ground level.
- c) Second stories.
- d) Sleeping lofts.
- e) Roof decks.

*Section 608.9 General Standards for Changes to Coastal Community Structures.* The following standards shall apply to all changes to coastal leased land community structures:

- a) Expansion to existing structures or replacement structures must maintain or increase existing fire separation between structures.
- b) Where possible, replacement structures shall provide a minimum fire separation of 15' from other existing structures.
- c) Building height is limited to one story (less than or equal to 17') for those cottages or manufactured homes that are not located within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain area ("A" or "V" zone).
- d) Building height in floodplain areas shall be limited as follows:
  - i. In "V" zones (with base flood elevation, BFE, established) replacement or substantially rehabilitated structures shall be limited in height to not more than 17' from the bottom of joist to the ridgeline of the roof, lowest horizontal member not less than 1' above such BFE or in accord with the minimum requirements of the State Building Code. Where a building provides greater distance from the lowest horizontal member to the BFE (up to 3' above BFE), the building height limitation shall be calculated from level above the BFE. This additional allowance shall not permit the maximum building height of 35' to be exceeded.

- ii. In A zones (with base flood elevation established) replacement or substantially rehabilitated structures shall be limited in height to not more than 17' from bottom of the joist to the ridgeline of the roof, lowest horizontal member not less than 1' above such BFE or in accord with the minimum requirements of the State Building Code. Where a building provides greater distance from the lowest horizontal member to the BFE (freeboard, up to 5' above BFE), the freeboard area shall be excluded from the building height calculation.

\* BUILDING HEIGHT - MAX. ALLOWANCE  
17' MEASURED FROM FREEBOARD ELEVATION.  
FREEBOARD = 1'-5' MAX. ABOVE BASE FLOOD  
ELEVATION (B.F.E.)



Adopted September 26, 2016