


DRAFT ZONING AMENDMENTS
OCTOBER 15, 2019


BUILDING HEIGHT IN SFHA

2018 RHODE ISLAND LEGISLATIVE SESSION AMENDMENT TO ZONING ENABLING ACT

Building Height...”For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), building height shall be measured from base flood elevation, and where freeboard, as defined in this section, is being utilized or proposed, such freeboard area, not to exceed five feet (5'), shall be excluded from the building height calculation; provided, however that the Rhode Island coastal resources management council design elevation maps may be used by an owner or applicant to establish a base flood elevation for a property that is higher than the official FEMA FIRMs.”



KEY POINTS


- Within SFHAs, building height will no longer be measured from average existing grade, but from Base Flood Elevation (BFE) or BFE plus freeboard
 - Effective March 1, 2019
 - 2018 local amendment – 5 feet of freeboard excluded from calculation of building height (State legislative change)
 - CMRC Design Elevation Maps not available for Block Island
 - This amended definition allows for greater building height within Special Flood Hazard Areas (SFHAs).
- 

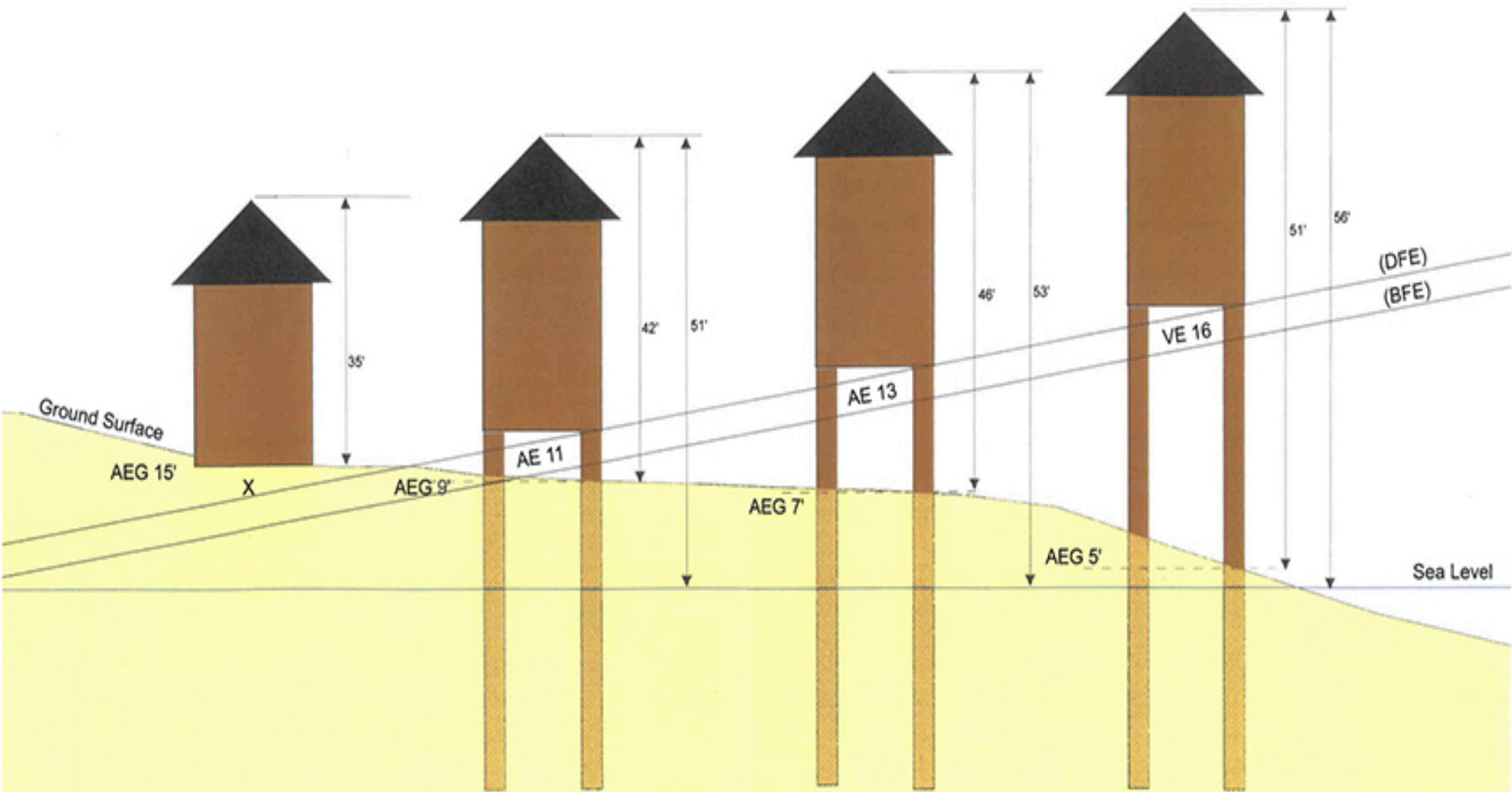
DRAFT NEW SHOREHAM ZONING AMENDMENT

SECTION 202 DEFINITIONS *(REQUIRED FOR STATE CONSISTENCY)*

27. *Building Height.* ~~The vertical distance from the average grade to the highest point of the existing or proposed structure, excluding appurtenant features such as chimneys, spires, flag poles, and cupolas. For a vacant parcel of land, building height shall be measured from the average, existing grade elevation where the foundation of the structure is proposed. For an existing structure, building height shall be measured from average grade taken from the outermost four (4) corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude appurtenant features such as chimneys, spires, cupolas and flag poles. *For buildings any property or structure located within a Special Flood Hazard Area, as shown on the official FEMA Flood Insurance Rate Maps, building height shall be measured from base flood elevation, and where the amount of freeboard is being utilized or proposed, such freeboard areas, not to exceed five (5) feet, shall be excluded from the building height calculation. above Base Flood Elevation shall be deducted from the building height calculation. In no case, shall the deduction of freeboard area from building height calculation exceed five (5) feet.*~~

OPPOSITION & CONSIDERATIONS

- Opposition by RI communities – New Shoreham passed resolution May of 2018.
 - Concern for tall structures along the coast/increase in bulk/massing/walling off of coast; increase in susceptibility to damage from coastal storms
 - Several RI communities have adopted amendments to counteract the state legislative change
 - Block Island does not have a significant amount of developable land within flood zones
 - Freeboard and the costs of building higher
- 



DFE = Design Flood Elevation (BFE + Freeboard of up to 5')
 BFE = Base Flood Elevation

A topographic map showing contour lines in various colors (red, yellow, green) and a blue water body. A white text box with a black border is overlaid on the map. The map also shows some parcel boundaries and structures.

GIS Analysis

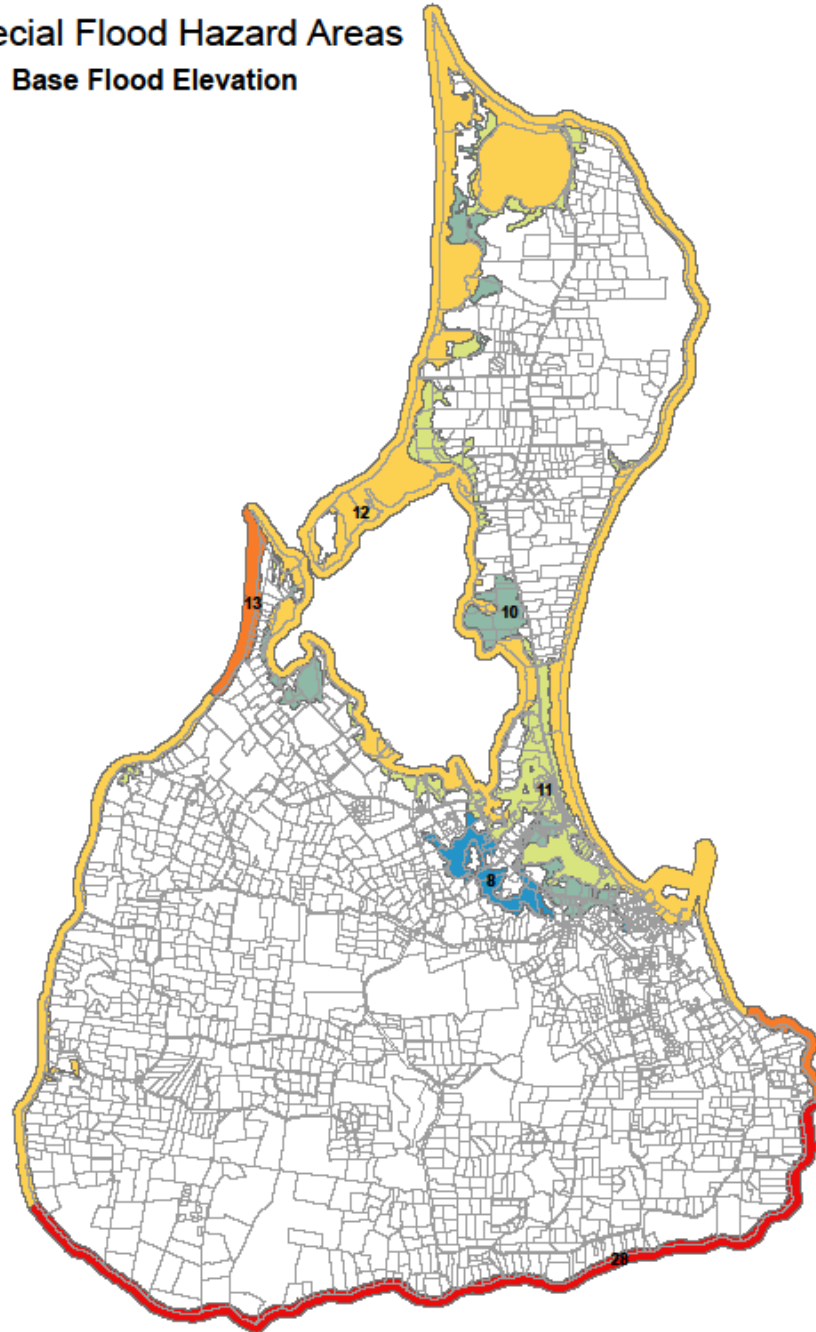
- 2011 LIDAR 2 foot contours and FEMA FIRMs
- parcels, conserved lands, zoning districts, structures, CRMC coastal overlay, undeveloped and underdeveloped parcels

RESULTS OF GIS ANALYSIS

- The higher Base Flood Elevations on Block Island (BFE 13 and BFE 28) are along the coastline and within the Coastal Overlay Zone / CRMC jurisdiction where there is little to no development potential.
- Much of the land with BFE of 12 can also be described as undevelopable with the exception of a few parcels in Old Harbor, as well as, the Coast Guard Station.
- The areas where Base Flood Elevation is 8, 10 or 11 feet and where there is the most potential to see new structures (development and redevelopment) are along Corn Neck Road and Ocean Avenue.
- There are several parcels within the New Harbor commercial district that have 7 feet in difference between Base Flood Elevation and existing grade.
- 41.5% of land within SFHA is conserved (767.17 AC Total / 318 AC Conserved)

Special Flood Hazard Areas

Base Flood Elevation



Open Space within Special Flood Hazard Areas

TOWN OF
NEW SHOREHAM
RHODE ISLAND
BLOCK ISLAND



Legend

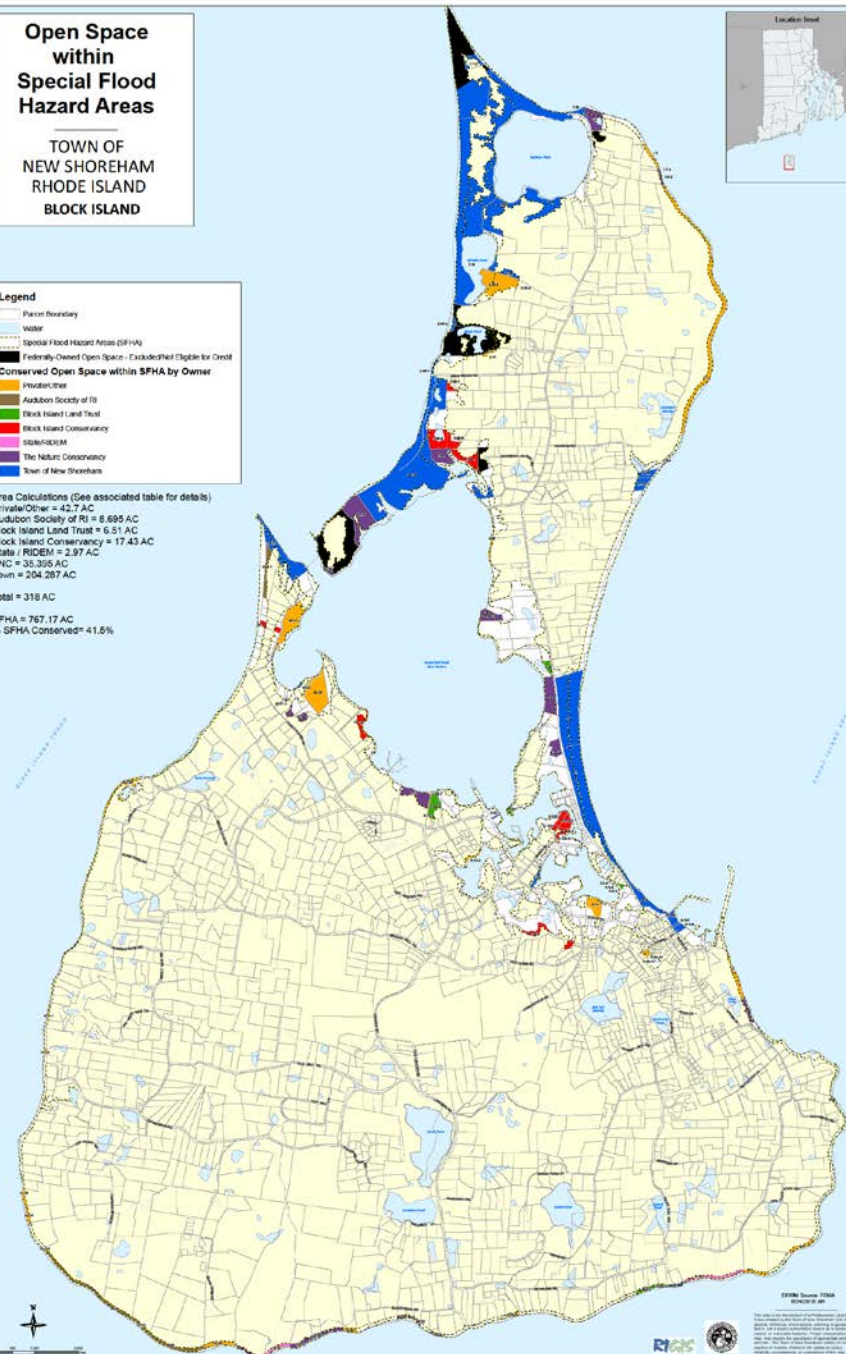
- Parcel boundary
- Water
- Special Flood Hazard Areas (SFHA)
- Federally-Designated Open Space - Calculated! (Table for Detail)
- Conserved Open Space within SFHA by Owner**
- Inshore Trust
- Audubon Society of RI
- Block Island Land Trust
- Block Island Conservancy
- State/RIDEM
- The Nature Conservancy
- Town of New Shoreham

Area Calculations (See associated table for details)

Private/Other = 42.7 AC
 Audubon Society of RI = 8.695 AC
 Block Island Land Trust = 6.51 AC
 Block Island Conservancy = 17.43 AC
 State / RIDEM = 2.97 AC
 TNC = 35.355 AC
 Town = 204.287 AC

Total = 318 AC

SFHA = 767.17 AC
 % SFHA Conserved = 41.6%



DRAFT NEW SHOREHAM ZONING AMENDMENT RECOMMENDATION & RATIONALE

- Standard 7 feet reduction in maximum building height in SFHA
- 7 feet represents roughly the greatest distance between Base Flood Elevations of the FIRMs and ground elevations for a majority of the developable parcels within SFHA.
- Selecting a standard reduction, there will be an overcorrection in some instances. Therefore, it may be best to not base the reduction figure on the worst case scenario.
- Legal advisement – approach of a single figure for reduction rather than a one for one reduction corresponding with site specific elevation is less likely to be legally challenged / obvious circumventing of State legislation

EXAMPLE SCENARIO

- Property has BFE of 11 feet and average existing grade (AEG) of 8 feet.
- Building Code Requirement - The lowest floor (Design Flood Elevation/ BFE + 1 ft of freeboard).
- With a maximum height of 32 feet under current Zoning regulations/previous state law the homeowner would lose 4 feet of living area (DFE 12 - 8ft AEG).
- Under the proposed amendment/ 7 ft reduction, with a maximum height limit of 25 feet, the same property would lose 7 feet of living area (32-25 ft).
- Finished structure would be between 29 and 33 feet tall (25 feet of living area + 4 feet required elevation (3 - distance between grade and BFE +1 of required freeboard (DFE)) + 4 optional freeboard = 33 feet).

DETERMINING HEIGHT LIMITS FOR ACCESSORY STRUCTURES

Zoning District	Maximum Height					
	Not in a Flood Zone			Rounded % for Zoning Regulation to be used for calculating maximum Accessory Structure in SFHA	Special Flood Hazard Area	
	Main Structure (Feet)	Accessory Structure (Feet)	Accessory Structure as % of Main Structure		Main Structure in SFHA* (Feet)	Allowable Accessory Structure Maximum Height using Rounded %
RA	32	25	78%	80%	25	20
RB	32	25	78%	80%	25	20
RC	30	20	67%	70%	23	16.1
RC/M	30	20	67%	70%	23	16.1
M	30	20	67%	70%	23	16.1
OHC	40	25	63%	60%	33	19.8
NHC	30	25	83%	80%	23	18.4
SC	30	30	100%	100%	23	23

*Maximum Height for a Main Structure minus 7 feet

*SFHA- Special Flood Hazard Area

ARTICLE 3. ZONING DISTRICTS AND REGULATIONS

SECTION 306. RESIDENTIAL A

C. Dimensional Standards.

Maximum Height

Main Structure	32 feet
Accessory Structure	25 feet

*Lot building coverage shall be measured as a percentage of total lot area; see also exemption allowed for substandard lots under the provisions of Section 113E(2)(a).

**No portion or any side of a building shall exceed 37 feet in height, as measured from finished grade.

*****The maximum height for any main structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be twenty-five (25) feet. The maximum height for any accessory structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be no higher than 80% of the height of the main structure.**

SECTION 307 - RESIDENTIAL B ZONE

C. Dimensional Standards.

Maximum Height

Main Structure 32 feet

Accessory Structure 25 feet

*Lot building coverage shall be measured as a percentage of total lot area; see also exemption allowed for substandard lots under the provisions of Section 113E(2)(a)

**No portion or any side of a building shall exceed 37 feet in height, as measured from finished grade.

***The maximum height for any main structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be twenty-five (25) feet. The maximum height for any accessory structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be no higher than 80% of the height of the main structure.

SECTION 308 - RESIDENTIAL C ZONE

C. Dimensional Standards.

Maximum Height*

Main Structure 30 feet

Accessory Structure 20 feet

*The maximum height for any main structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be twenty-three (23) feet. The maximum height for any accessory structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be no higher than 70% of the height of the main structure.

SECTION 309 - RESIDENTIAL C/MIXED USE ZONE

C. Dimensional Standards.

Maximum Height*

Main Structure 30 feet

Accessory Structure 20 feet

*The maximum height for any structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be twenty-three (23) feet. The maximum height for any accessory structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be no higher than 70% of the height of the main structure.

SECTION 310 - MIXED USE ZONE

C. Dimensional Standards.

Maximum Height*

Main Structure 30 feet

Accessory Structure 20 feet

*The maximum height for any structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be twenty-three (23) feet. The maximum height for any accessory structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be no higher than 70% of the height of the main structure.

SECTION 311 - OLD HARBOR COMMERCIAL ZONE

C. Dimensional Standards.

Maximum Height**

Main Structure 40 feet

Accessory Structure 25 feet

**The maximum height for any structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be thirty-three (33) feet. The maximum height for any accessory structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be no higher than 60% of the height of the main structure.

SECTION 312 - NEW HARBOR COMMERCIAL ZONE

Maximum Height*

Main Structure 30 feet

Accessory Structure 25 feet

Maximum Bulk No single structure shall exceed 8,000 square feet.

Accessory buildings shall be smaller than principal structures.

*The maximum height for any structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be twenty-three (23) feet. The maximum height for any accessory structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be no higher than 80% of the height of the main structure.

SECTION 313 - SERVICE COMMERCIAL ZONE

C. Dimensional Standards.

Maximum Height*

Main Structure 30 feet

Accessory Structure 30 feet

*The maximum height for any structure located in a special flood hazard area, as shown on official FEMA Flood Insurance Rate Maps, shall be twenty-three (23) feet.

CHAPTER 11 NATURAL RESOURCES PROTECTION

ARTICLE I SECTIONS 111 THROUGH 116

“FLOOD ORDINANCE”

- 8) For any main structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps, the maximum building height set forth in Article 3 of the Zoning Ordinance, as applicable, shall be reduced by seven (7) feet. For any accessory structure, the maximum building height shall be a percentage set forth in Article 3 of the Zoning Ordinance, as applicable, of the building height of the main structure.

FEEDBACK

- Questions or Concerns
 - Alternative Solutions
 - Identification of Additional Information or Data Needs Prior to Decision making
 - Potential Next Steps – Town Council Advertisement & Public Hearing
- 