

February 20, 2019

TO: East Greenwich Town Council

FROM: Lisa Bourbonnais, Planning Director

RE: Zoning Revisions pertaining to building height in Flood Zones

Attached please find a proposed Zoning Ordinance amendment prompted by a change in the state's definition of "building height" as it is applied in Special Flood Hazard Areas. Legislation changing the definition was passed in the RI House and Senate in June, 2018 and signed by the Governor to take effect on March 1, 2019.

Building height in Rhode Island has for years been measured from the average natural grade of a site. In East Greenwich, this maximum height is set by the zoning ordinance at 35 feet for most zoning districts. The change to state law passed last year requires that building height in flood hazard areas be measured from the base flood elevation as shown on the FEMA Flood Insurance Rate Maps (FIRMs) rather than from the ground itself. Further, the legislation stipulates that Rhode Island's CRMC "design elevation maps" may be used in place of FEMA FIRM maps at a builder's discretion if they represent an even higher flood elevation than the FEMA maps. This is a significant change that will allow buildings of much greater height and bulk in our coastal zones. As an example, if a building were proposed on a lot where the average grade is 5 feet above sea level and the base flood elevation as shown on the FIRM map is 11 feet, then the measurement of the total building height (35 feet) would not start until the structure is 6 feet off the ground. Allowable overall height of the structure itself would then be 41 feet rather than the ordinary 35 feet per our ordinance. In both cases, the lowest 5 feet of the structure could be used solely for parking vehicles or for building access and limited storage, but the overall effect of the 2018 change in the law could be a building that sits several feet higher above the ground than is currently provided for on such sites. This site used in this example would be typical of our coastal flood hazard areas.

The East Greenwich Planning Board reviewed the proposed change at their first February meeting and voted unanimously to advance the attached Ordinance to you. We ask that you now consider these amendments and schedule the required Public Hearing on the draft language. While we do not consider the matter truly urgent since there are not many undeveloped parcels involved and no influx of potential re-development projects in affected areas seems to be forthcoming, it is definitely time-sensitive. As noted, a change to the definition is required for consistency with state law as of March 1 and we do not want the net effect of such change on the ground to be new structures that are completely out of proportion, scale, and context with our Town's existing character, especially within our historic Harbor area. Thank you for your consideration of this important amendment and please do not hesitate to call me with questions.