

# Protecting Drinking Water Sources through Local Ordinances

- **Enacting watershed/aquifer overlay districts**
- **Regulating overall density of new developments**
  - **Controlling development on lots**

# Protecting Drinking Water Sources through Local Ordinances

## **Watershed/aquifer protection overlay districts**

- Traditional use of overlay by adding layer of regulation to the underlying zone(s)
- Establishes a review process by local board(s)
- Identifies prohibited/special use permit uses
- Sets performance standards

# **Watershed/aquifer protection overlay districts**

## **Community examples**

- Burrillville Aquifer Zoning
- Charlestown Groundwater Protection District
- Exeter Groundwater Protection Overlay District
- Lincoln Watershed and Wellhead Protection Overlay District
- NK Groundwater Recharge and Wellhead Protection Overlay Districts
- Middletown Watershed Protection District
- NS Groundwater/Aquifer/Wellhead/Water Basin Zoning
- Portsmouth Watershed Protection District
- SK Groundwater Protection Overlay District
- Tiverton Watershed Protection Overlay District
- Warren Kickemuit Reservoir Watershed Overlay District
- Westerly Aquifer Protection Overlay District

## Other zoning regulations

### Community examples

- **Block Island** Onsite Wastewater Treatment Systems
- **Jamestown** High Groundwater Table and Impervious Overlay District
- **Narragansett** Coastal and Freshwater Wetlands and High Water Table Overlay Districts

#### WETLAND SETBACK REGULATIONS:

- **Barrington**
- **Little Compton**
- **Middletown**
- **Smithfield**
- **Tiverton**
- **Warren**

# Protecting Drinking Water Sources through Local Ordinances

## **Regulating overall density of new developments**

- Provides protection outside of overlay districts
- Limits flooding and habitat impact
- Reduces development impacts and need for services
- Consistency with state guide plan; lower density in rural and suburban communities

# Protecting Drinking Water Sources through Local Ordinances

## **Regulating overall density of new developments**

### **Removing unsuitable land from minimum lot area**

- Always includes wetlands (sometimes buffer), coastal and flood hazard areas
- Can include steep slopes as defined by community
- Can include ROWs, utility easements, cemeteries
- Used in conventional lay-outs and yield plans for cluster/conservation developments

# Regulating overall density of new developments

## Unsuitable land

The following communities remove unsuitable land when determining overall density:

**Burrillville, Charlestown, Coventry, Cranston, Hopkinton, Jamestown, Lincoln, Middletown, New Shoreham, North Kingstown, North Smithfield, Portsmouth, South Kingstown, Tiverton, Warren, and maybe others**

“Land unsuitable for development shall not be counted towards minimum lot area”

# Regulating overall density of new developments

## Unsuitable land

The following towns give discretion to the Planning Board:

### **Narragansett:**

“The Planning Board may determine the extent to which such land deemed unsuitable for development shall be included within the minimum lot size required . . .”

### **Westerly:**

Land unsuitable “may” be considered and “may” be deducted when determining density

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## Regulating overall density of new developments

### Unsuitable land

Typical unsuitable land definition (**Cumberland**):

- Freshwater wetlands, including 50 foot buffer in unsewered areas, excluding 50 foot buffer in sewerred areas
- Areas within 100 year flood zone
- Land within ROW of public or private street
- Land within utility easements
- Areas with slopes in excess of 15%
- Cemeteries

## Protecting Drinking Water Sources through Local Ordinances

### **Regulating overall density of new developments**

#### **Minimum Buildable land**

- Given percent of minimum lot area must be land free from constraints, OR
- Minimum amount of contiguous upland required, usually tied to lot area requirements for the district
- Can also make use of “land unsuitable for development” in determining buildable area, BUT
- Constrained or unsuitable land always includes wetlands

# Regulating overall density of new developments

## Minimum Buildable land

The following communities base density on minimum buildable land/ contiguous upland:

**Barrington:** 80% of minimum lot area shall not be wetland

**Bristol:** R-40, R-80 zones shall have 20K, 40K of contiguous upland

**Cumberland:** 80K min lot area requires 40k of contiguous upland

**E Greenwich:** bldg envelope area must not include unsuitable land

**Exeter:** requires 1 acre of contiguous suitable land even in 4 acre zone

**Glocester:** requires 1.5 acres of contiguous suitable land even in 4 acre zone

**W Greenwich:** 70% of minimum lot area shall be contiguous suitable land

# Protecting Drinking Water Sources through Local Ordinances

## Regulating overall density of new developments

### Unsuitable land

Location in ordinances:

- Definitions, zoning and subdivision
- Dimensional standards, zoning
- Procedures for cluster, zoning and subdivision
- Lot design standards, subdivision

# Protecting Drinking Water Sources through Local Ordinances

## Regulating overall density of new developments

### Unsuitable land

Procedures for calculating overall density:

- Use of formula, OR
- Yield plan; each lot has minimum area of suitable land and can support onsite well and septic, OR
- Both formula and yield plan with lowest density prevailing (**Cranston**)
- Many towns allow Planning Boards to require larger lots (lower density) to ensure viability of on-site septic

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## **Regulating overall density of new developments**

When unsuitable land deduction/ minimum buildable area is not required:

- Ordinances that are silent must rely on state definition of “buildable lot”, “physical constraints to development” and the **Required Findings** done as part of the vote to approve a subdivision

# Protecting Drinking Water Sources through Local Ordinances

## **Regulating overall density of new developments**

### **Other density restrictions**

- Reducing underlying density in watershed/aquifer protection districts
- Prohibiting density bonuses for low/mod income developments in watershed protection districts

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## Regulating overall density of new developments

### Watershed protection district example

- Tiverton: 3 acre density required in the Stafford Pond Watershed and primary protection area of Nonquit Pond watershed and 100,000 SF density required in the secondary protection area of Nonquit Pond watershed in an R-80 zone

# Protecting Drinking Water Sources through Local Ordinances

## **Controlling development on lots**

- Wetland setbacks in excess of state requirements
- Limits of disturbance / no cut areas
- Limits on impervious coverage

# Protecting Drinking Water Sources through Local Ordinances

## Controlling development on lots

### Wetland setbacks

- Increasing setback of all structures and/or ISDS from wetland edge to 100 -- 150 feet
- General development standard OR a performance standard in a wetland overlay district or water resource protection overlay district

# Protecting Drinking Water Sources through Local Ordinances

## Controlling development on lots

### Limits of disturbance

- Limiting areas of clearing or requiring no-cut zones
- Required as a performance standard in an overlay district OR
- Condition of approval of a subdivision application

# Protecting Drinking Water Sources through Local Ordinances

## **Controlling development on lots**

### **Limits on impervious coverage**

- Distinction between lot building coverage and overall lot coverage
- Required as a performance standard in an overlay district OR
- Added to the dimensional table for all districts

# Protecting Drinking Water Sources through Local Ordinances

## Controlling development on lots

### Lot building coverage

The following communities apply maximum lot building coverage only to suitable land area:

- **Middletown**
- **Tiverton**

# Protecting Drinking Water Sources through Local Ordinances

## Controlling development on lots

### Lot coverage

The following communities regulate lot coverage:

- **Block Island:** maximums for both lot building coverage and total lot coverage
- **Westerly:** lot coverage replaces lot building coverage

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