

# PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

## ARTICLE 5. – SUPPLEMENTARY REGULATIONS

### 1 502.7 Cottage Community

#### 2 A. Purpose. The purposes of this section, Cottage Community, are to:

- 3 1. Provide housing types that are responsive to changing household demographics (e.g.,  
4 retirees, young people entering the workforce, small families, single parent  
5 households, single person households, dual owner households);
- 6 2. Provide more opportunities for low to moderate income (LMI) housing within single-  
7 family neighborhoods;
- 8 3. Encourage creation of functional usable open space in residential communities;
- 9 4. Promote neighborhood interaction and safety through design; and
- 10 5. Ensure compatibility with neighboring uses.

#### 11 B. Applicability. The Planning Board may approve, as a Major Land Development Project, a 12 Cottage Community in the Town's R10 and R20 Zoning Districts, as defined in Map 6.1, 13 Sewer Service Areas, Town of South Kingstown Comprehensive Community Plan, 2014 14 as amended and adopted, unless the proposed Cottage Community Development is within 15 the Town's Historic Overlay District as defined by Article 6, §600 of the Zoning Ordinance 16 where they are prohibited.

- 17 1. A Cottage Community shall only be allowed on lots that have existing access to water  
18 and sewer service or where the applicant can demonstrate that new water and sewer  
19 access will be provided prior to occupancy.

#### 20 C. Procedures. Applications for Cottage Community approval shall be made in accordance 21 with the procedures for approval of a Major Land Development Project per the Town's 22 Subdivision and Land Development Regulations.

#### 23 D. Inclusionary Zoning. Any Cottage Community is subject to the Inclusionary Zoning 24 requirements of Sec. 502.6.

#### 25 E. Density Requirements

- 26 1. The maximum density shall be eight (8) cottage units per developable acre of land.
- 27 2. An individual cottage development shall contain a minimum of six (6) dwelling units  
28 and may contain a maximum of thirty (30) dwelling units.
- 29 3. None of the provisions of this subsection shall be interpreted as removing any density  
30 limitations or nutrient loading limitations that may be required by RIDEM or RICRMC  
31 for specific areas.

#### 32 F. Dimensional Requirements

- 33 1. A Cottage Community may be developed with dwelling units on separate lots, a single  
34 lot, or a combination thereof.
- 35 2. No detached accessory buildings shall be allowed except shared community  
36 structures such as storage sheds, garages, utility structures, or similar common  
37 facilities.
- 38 3. Dwelling units shall be separated by a minimum of ten (10) feet from the side edge of  
39 one building to another. Where attached architectural features such as eaves, window  
40 bays, bulkheads, etc. project into the space between residences, the ten (10) foot  
41 separation shall be measured from the outside edge of these features.
- 42 4. Dwelling units not abutting or oriented towards a right-of-way shall front the common  
43 open space.

- 44 5. The first floor area of each cottage unit shall not exceed 900 square feet (foot print)  
45 not inclusive of any porch or deck area. Where a second floor is included, the habitable  
46 area of the second floor shall not exceed 50% of the ground floor area.
- 47 6. Dimensional requirements for porches shall comply with Subsection H.2. Porches.
- 48 7. The distance between the front building edge and the right of way or the edge of the  
49 common space shall be at least fifteen (15) feet.
- 50 8. The building height for all structures shall not exceed twenty-five (25) feet. Where  
51 included, the second floor area shall primarily be located under the pitched area of the  
52 roof as a half story, with the spring point for the eave starting no higher than (3) feet  
53 above the finished floor, and with no more than fifty (50) percent of the roof length  
54 interrupted by dormers. In no instance shall the first floor exterior walls exceed 14 feet  
55 in overall height.
- 56 9. Dwelling units shall have a minimum 6:12 roof pitch. Portions of a roof with a pitch less  
57 than 6:12 shall be limited to architectural features such as dormers, porch roofs, and  
58 shed roofs.
- 59 10. No building in the cottage community shall be closer to an adjacent property line than  
60 the required side yard setback of the zoning district of any adjacent property.
- 61 11. Accessory dwelling units are not allowed within a Cottage Community.

62 G. Common Open Space

- 63 1. A minimum of 250 square feet of common open space shall be provided per dwelling.  
64 However, not less than 3,000 square feet of common area shall be provided regardless  
65 of number of dwelling units.
- 66 2. No dimension of a common open space area used to satisfy the minimum square  
67 footage requirement shall be less than 20 feet, unless part of a pathway or trail.
- 68 3. Required common open space shall be divided into no more than two separate areas  
69 per cluster of dwelling units.
- 70 4. Common open spaces shall have dwelling units that face each other across the  
71 common open space.
- 72 5. Common open space shall be designed for passive or active recreational use.  
73 Examples may include but are not limited to courtyards, orchards, landscaped picnic  
74 areas, or gardens. Common open space shall include amenities such as seating,  
75 landscaping, trails, gazebos, outdoor cooking facilities, covered shelters, or  
76 ornamental water features.
- 77 6. The Planning Board may allow stormwater drainage facilities within the common open  
78 space if it finds that the drainage areas are designed as a fully integrated part of the  
79 overall common open space landscape plan which incorporates the types of design  
80 features and amenities noted above in Sec. 502.7.G.5, and are designed to facilitate  
81 infiltration and recharge.
- 82 7. All dwelling units shall have dedicated access ways to the common open spaces.

83 H. Private Open Space.

- 84 1. Intent. A sense of community requires the right balance of personal privacy. Private  
85 open space is an essential component of this balance. A 'front' yard creates a  
86 transition between public and private spaces, while a 'side' or 'back' yard offers  
87 increased seclusion.
- 88 2. Location. A semi-public transition zone and semi-private porch shall separate the main  
89 entrance to the dwelling from the common open space or street. This transition zone  
90 should include some combination of fencing, plantings, and or railings, none of which

91 may exceed 36 inches in height. Private open space may be located in the side and/or  
92 rear yards.

93 3. Size. Each residential unit shall be provided with a minimum of 200 square feet of  
94 usable private open space, with no dimension less than 10 feet. Such open space  
95 requirements may be met with a combination of front, side or rear yard locations.

96 I. Cottage Building and Fence Design Standards. In addition to the dimensional regulations  
97 in Article 4, and the standards contained in South Kingstown, RI - Cottage Community  
98 Regulations Design Guidelines - Bulletin #1 (July 2021), the following building design  
99 standards shall apply:

100 1. Variety in Building Design. The same combination of building elements, features, and  
101 treatments shall not be repeated on individual dwelling units for more than one-third of  
102 the total dwelling units in a CCD. Dwelling units with the same combination of features  
103 and treatments shall not be located adjacent to each other. The following building  
104 design features are required:

- 105 • Variation in general architectural elevation and size
- 106 • Predominant wall materials shall be or have the appearance of wood, brick or  
107 stone, shall be made of a paintable material, and may be painted or coated in  
108 a nonmetallic finish. Vinyl siding materials are prohibited unless such products  
109 have the appearance of natural wood (i.e. CertainTeed Signature Cedar  
110 Impressions Siding products or AZEK paintable trim material)

111 In addition, a minimum of five (5) of the following building elements, features, and  
112 treatments shall be provided in a manner that creates visual variety between adjacent  
113 structures and within clusters of cottage units:

- 114 • Variation in building stories (a mix of one- and one-and-a-half-story buildings)
- 115 • Variation in roof/building colors and/or materials
- 116 • Varying roof shapes or gables between adjacent structures
- 117 • Windows with visible trim and mullions
- 118 • Roof brackets
- 119 • Dormers
- 120 • Bay windows
- 121 • Entry enhancement such as a well detailed door (multi-panel or glass insert),  
122 sidelights, transoms, and/or roof extensions
- 123 • Attached trellis elements over windows or patios
- 124 • Exterior Chimney made of, or clad in, brick or stone
- 125 • Other building elements, treatments, features, or site designs approved by the  
126 code administrator that provide variety and visual interest
- 127 • Additional porches and patios (required porch not included)

128 2. Porches.

129 a) Cottage housing units shall have a covered porch of the primary entrance oriented  
130 to the common open space or the public street right of way as applicable.

131 b) The required front porch shall have a minimum sixty (60) square feet in area with  
132 a minimum dimension of six (6) feet and a maximum dimension of ten (10) feet on  
133 any side, except that:

134 i. A porch may extend, but is not required to extend, the full length of the front  
135 façade. The porch may also wrap around the cottage for a maximum length

136 of twenty (20) feet along either side of the cottage. Note: listed this as an  
137 exception to b).

138 3. Fences. All fences interior to the development shall be no more than thirty-six (36)  
139 inches in height. Fence materials shall be or have the appearance of natural materials,  
140 such as wood, brick or stone, shall be made of a paintable material (i.e. Azek, Walpole  
141 Outdoor Fence products), and may be painted or coated in a nonmetallic finish. Chain  
142 link fencing is prohibited.

143 J. Parking

144 1. A minimum of 1 parking space per dwelling unit shall be provided for the entire cottage  
145 community. Parking spaces located within garages and driveways may count towards  
146 this requirement. Any parking spaces in excess of 1 per dwelling unit shall be designed  
147 with pervious materials such as pervious pavement, porous asphalt, gravel surfaces,  
148 grass or other similar pervious options. Parking spaces, whether uncovered or in  
149 garages or carports, shall not count toward the total floor area of a cottage unit, as  
150 described in subsection F.5.

151 2. Parking for individual dwelling units shall be combined into an individual facility or into  
152 parking clusters in order to facilitate housing clusters that are oriented to common  
153 open space areas.

154 3. Garage doors shall not be oriented towards a public right-of-way (i.e. street).

155 4. Garages and carports shall not be located between the common open space and the  
156 dwelling units.

157 5. Surface parking lots shall be broken into sub-lots of no more than fifteen (15) parking  
158 spaces. Any surface parking lot with more than seven (7) parking spaces shall contain  
159 at least one landscape island. Landscape islands shall:

160 a) Be a minimum of 144 square feet (18 ft. parking spaces) or 160 square feet  
161 (20 ft. parking spaces).

162 b) Have a minimum dimension of at least eight (8) feet at the widest point  
163 measured from the edge of pavement or back of curb where curbing is  
164 proposed.

165 c) Be located, graded and designed to pretreat stormwater runoff

166 d) Be planted with vegetation suited to the stormwater management strategy and  
167 resilient to the stressors anticipated in the parking area (e.g., heat, sand, etc.)

168 e) Include at least one deciduous shade tree of not less than two (2)-inch caliper  
169 and at least ten (10) feet in height at the time of installation.

170 f) Applicants may deviate from these standards where it can be demonstrated to  
171 the satisfaction of the Planning Board that stormwater management is not  
172 feasible because of the location of the island (i.e., upgradient) or other pre-  
173 existing site conditions.

174 6. Parking in the form of garages, carports, or surface lots may occupy no more than 40  
175 percent of site frontage on a public right-of-way, except in the case of an alley, in which  
176 case no restriction applies.

177 7. Surface parking lots shall be set back twenty (20) feet from the outside perimeter of  
178 the cottage community. This setback can be reduced to below twenty (20) feet but  
179 never less than ten (10) feet along no more than 50% of the perimeter. Where the  
180 setback is less than twenty (20) feet a decorative and sturdy fence at least six (6) feet  
181 in height (measured from grade) shall be installed (See Section H for fence standards).

182 8. Surface parking lots of more than four (4) spaces, visible from a public right-of-way  
183 (not including alleys) or adjacent single-family uses or zones shall be screened by

184 landscaping and/or architectural features, in accordance with Article XIII, Section G of  
185 the Subdivision Regulations.

186 9. Enclosed parking structures shall have a minimum 6:12 roof pitch and a maximum  
187 height of eighteen (18) feet. Portions of a roof with a pitch less than 6:12 shall be  
188 limited to architectural features such as dormers, porch roofs, and shed roofs. Parking  
189 structures shall also comply with the architectural elements required by Section H.  
190 (Cottage Building Design Standards).

191 K. Common Area Maintenance

192 1. Cottage developments shall be required to implement a mechanism that ensures the  
193 continued care and maintenance of common areas. All common areas shall be  
194 protected against further development and unauthorized alteration in perpetuity by  
195 appropriate deed restrictions. The Planning Board shall approve the form and content  
196 of all deed restrictions at the time of final approval of the application. Every deed  
197 restriction providing a maintenance guarantee shall contain the following provision:

198 "If the owners or their successors or assigns fail to maintain the common  
199 area, or fail to keep a Home Owners Association active and in good  
200 standing with the Rhode Island Secretary of State responsible for said  
201 maintenance, the Town may perform any necessary maintenance and  
202 enforce the payment for such costs, including reasonable attorneys' fees,  
203 by an action at law or in equity against the owners or their successors or  
204 assigns, or seek judicial relief to compel the owners to perform any  
205 necessary maintenance."

206 2. Ownership of the common area shall be conveyed to a corporation or trust owned or  
207 to be owned by the owners of lots or units within the cottage development or owners  
208 of shares within a cooperative development. If such a corporation or trust is used,  
209 ownership shall pass with conveyances of the lots or units. A typical example would  
210 be creation of a homeowner's association or condominium association with authority  
211 and funding necessary to maintain the common areas.

212 L. Stormwater Management. All applications shall be required to meet RIDEM's Stormwater  
213 Standards and shall conform to the Town's Subdivision and Land Development  
214 Regulations and Design Manual with particular regard for the need to encourage infiltration  
215 and groundwater recharge as opposed to detention or retention basins.

216 M. Sunset Provision. The provisions of § 502.7 of this Zoning Ordinance shall expire as of  
217 12:00 midnight on March 1, 2023, unless renewed by the Town Council in the same  
218 manner as the enactment of a new ordinance.