

## B. DEVELOPING AN AFFORDABLE/ATTAINABLE HOUSING UNIT ON YOUR PROPERTY

Are you considering developing an Affordable Dwelling Unit (ADU) on Block Island? An ADU can provide another source of income to your property, provide much needed housing for a year-round resident, provide a presence on your property when you are not there such as caretaking the property, or providing other kinds of help a property owner may need.

If you own property that has an unused or underused space such as a:

- garage,
- storage building,
- seasonal rental building that you would like to convert to year-round housing,
- land that could support an Accessory Dwelling Unit,
- Addition or space within your home that could be converted into a year-round housing unit,
- Other situations not listed above,

then an ADU may be worth pursuing.

The Town of New Shoreham ordinances may appear to be complicated as they have been developed and modified over many years. In the early 2020's much work was done in creating or modifying language to facilitate the development of ADUs. These changes are spread throughout ordinances and can be a challenge to find and understand.

This section of our website has been developed to direct you to the Ordinances that apply to Affordable Housing.

The requirements for what is allowed are **Building Zone dependent**.

This section of the BIHB website contains links to detailed information on the requirements and uses of each Building Zone.

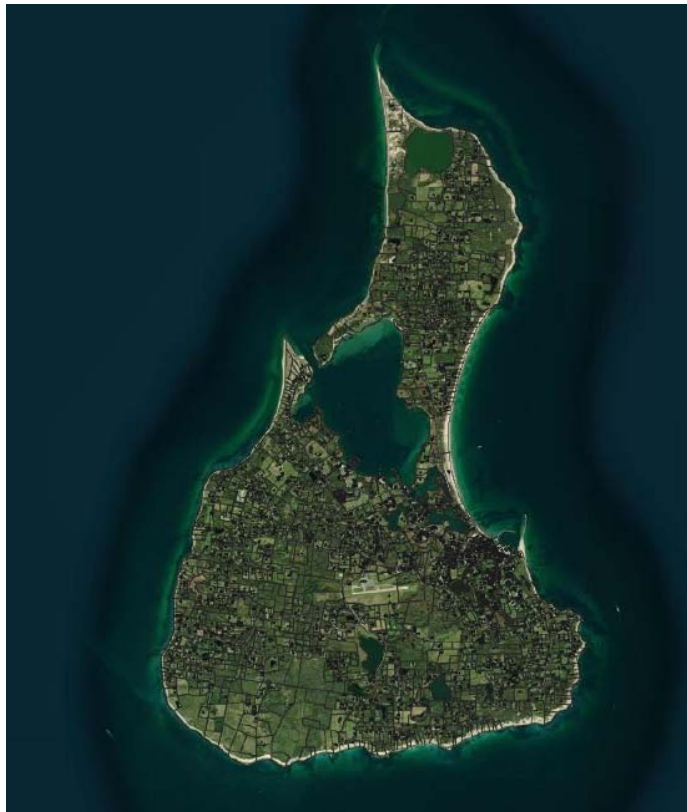
### **What Building Zone am I in?**

Below is a link to the TNS Graphic Information System (GIS) with a wide variety of maps that show specific information about the land on Block Island. These maps contain information on Plat Maps, Water and Sewer Districts, Conserved Lands, Topography (Contours), Flood Zones, Soils and **Zoning**:

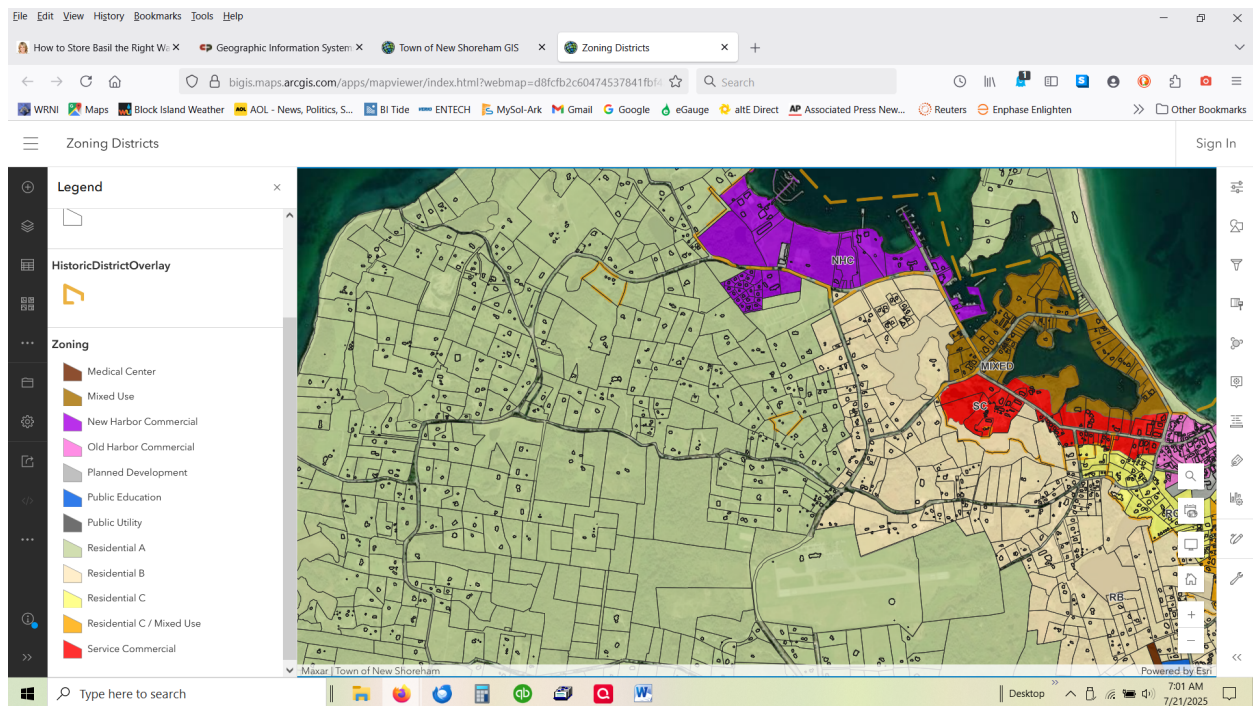
<https://newshorehamri.gov/142/Geographic-Information-Systems-GIS>

Below is an interactive map that allows detailed searching of the Town's Building Zones.

<https://bigis.maps.arcgis.com/apps/mapviewer/index.html?webmap=d8fcfb2c60474537841fbf429fe04afa>



GIS Map of Block Island



Zoomed-in View of Downtown and New Harbor Building Zones

## **Zoning Ordinance Section 405, Affordable Housing**

The governing section of the Zoning Ordinance overseeing the development of Affordable Housing is Section 405

<https://ecode360.com/36750081#36750184>

Here you will find Zoning standards, and relief from Building Zoning standards for the expressed purpose of developing Affordable Housing including **Accessory Dwelling Units**.

## **Zoning Ordinance Section 513, Accessory Dwelling Units**

Accessory Dwelling Units (ADUs) are often referred to as 513 housing, as that is the section number in the Town of New Shoreham's Building Zoning Ordinances pertaining to ADUs. Requirements for developing an ADU are a function of the Land Use Zone.

Once you have determined your Building Zone, you will need to undertake the usually unenjoyable task of reading the requirements for your Zone. **Remember, each Building Zone has its own 513 development requirements.**

### **Permitted Use within a Building Zone versus a Special Use Permit?**

What if I cannot meet the requirements to build an ADU as stated within the Building Zone's Permitted Use? First of all, a **Permitted Use** is language that allows you to construct an ADU as long as you meet the requirements within your Building Zone's 513 development regulations. It is also known as "**By Right**" regulation in that if you meet the Building Zone requirements, then By Right, you can apply for a Building Permit.

You can request an **Accessory Unit Special Use Permit** ([hyperlink to section below](#)) if you cannot meet the Permitted Use requirements. Requirements are detailed in the ordinance as described later in this web page.

You can request an **Expedited Approval Process (EAP)** ([hyperlink to section below](#)) under the Special Use Permit process if you meet certain requirements as detailed in the ordinance as described later in this web page.

Below is a link to Appendix E Zoning Ordinances, Article 3 Building Zoning Districts and Regulations.

<https://ecode360.com/36749791#36749791>

Below are links to the specific Building Zones in the Town of New Shoreham:

[§ 306 Residential A Zone \(RA Zone\).](#)

[§ 307 Residential B Zone \(RB Zone\).](#)

[§ 308 Residential C Zone \(RC Zone\).](#)

[§ 309 Residential C/Mixed Use Zone \(RC/M Zone\).](#)

[§ 310 Mixed Use Zone \(M Zone\).](#)

[§ 311 Old Harbor Commercial Zone \(OHC Zone\).](#)

[§ 312 New Harbor Commercial Zone \(NHC Zone\).](#)

[§ 313 Service Commercial Zone \(SC Zone\).](#)

[§ 314 Coastal Zone \(C Zone\).](#)

## Accessory Dwelling Units by Special Use Permit

<https://ecode360.com/45109078#45109078>

### Expedited Approval Process ("EAP").

You can apply for an **Expedited Approval Process (EAP)** during the Special Use Permit process if you meet the following:

<https://ecode360.com/45109087#45109087>

If you can meet the following, you will exempt you from having to obtain a Special Use Permit.

*Accessory Dwelling Units by Special Use Permit, but otherwise conforms to all other applicable standards and dimensional regulations contained in this Ordinance, shall be exempt from having to obtain a Special Use Permit if an application for building permit is filed with the Building Official for review and approval, and said application includes at the time of filing:*

- (1) Planning Board Pre-approved building plans. The Planning Board may from time to time review and approve such building plans. Details and plans of planning board pre-approved structures shall be held by the Zoning Official and may be obtained upon request;*
- (2) Approval from applicable state and local authorities for a new OWTS and/or tie in to a pre-existing system;*
- (3) A well system which has been approved by applicable state and local authorities;*
- (4) If the property is on Town water, a letter from the water company attesting the fact that the additional allotment required, is available;*
- (5) A sufficient electrical and/or solar energy system which has been approved by applicable state and local authorities; and*
- (6) An affidavit from the owner that the Accessory Dwelling Unit will be offered for year-round rental only.*

### EXAMPLES

#### EXAMPLE A: EXAMPLE FOR RESEARCH FOR BUILDING A 513 AFFORDABLE/ATTAINABLE HOUSING UNIT IN RESIDENTIAL RA ZONE

A homeowner in Residential A (RA) Zone is considering building an 700 sq ft Accessory Dwelling Unit on their property which currently has one dwelling, their home which is 1400 sq ft.

1. Determine your Zone

Zone A

2. Read the requirements/standards for Zone RA

<https://ecode360.com/36749814?highlight=ra&searchId=27787954175480698#36749814>

3. Within this document are the requirements for 513 Housing

Study this section carefully. If you do not meet the requirements for a Permitted Use, then you must seek a Special Permit.

Being located in RA, the following Dimensional Standards apply:

**C. Dimensional Standards.**

[Table Amended October 6, 2008; October 21, 2009; November 5, 2012 by Ord. No. 2012-10; 7-15-2020 by Ord. No. 2020-05; 4-17-2024 by Ord. No. 2024-11]

Minimum Lot Area (See § 305)	120,000 square feet
Minimum Lot Frontage	200 feet
Minimum Setbacks for Principal and Accessory Structures:	
Front	50 feet
Side	50 feet
Rear	50 feet
Minimum Setbacks for Accessory Structures: Building footprint limited to 144 square feet, and building height limited to 12 feet	
Front	50 feet
Side	15 feet
Rear	15 feet
Minimum Setbacks for Substandard Lots of Record	See § 113E
Maximum Lot Building Coverage:*	
As applied to the principal structure	3%
As applied to all structures on the lot	4%
Maximum Lot Building Coverage for Substandard Lots of Record	See § 113E
Maximum Lot Coverage	10%
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 § 113E

\*\* 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 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.

The property is configured as such that in order to build the Affordable Housing Unit, the building will be 10 feet from the Left side setback. The minimum is 15 feet.

Therefore, the property owner must apply for a Special Use Permit from Land Use Planning.

<https://newshorehamri.gov/DocumentCenter/View/1614/Zoning-Board-Application-for-Special-Use-Permit>

The Relief requested is from 13. "Identify Existing and Required Spatial Standards and any relief being requested" : The property owner completes this table and the rest of the form, indicating that 5 feet (15-10) from the Left Side is the RELIEF REQUESTED (last column of form).

Identify Existing and Required Spatial Standards and any relief requested

	EXISTING	EXISTING & PROPOSED	REQUIRED	
Minimum Lot Area	130,000 sq ft	130,000 sq ft	120,000 sq ft	
Minimum Lot Frontage	230 ft	230 ft	200 ft	
<b>Minimum Setback for Principal and Accessory Structure:</b>				
Front	60	60	50 ft	
Left Side	115	10 ft	15 ft	
Right Side	20	20	15 ft	
Rear	30	30	15 ft	
Maximum Lot Building Coverage	1.2% 1400 sq ft	1.75% 2100 sq ft	3%	
Maximum Lot Coverage			10%	
<b>Maximum Height</b>				
Main Structure		32 ft	32 ft	
Accessory		25 ft	25 ft	
Parking				

EXAMPLE B: TO BE DEVELOPED