

Section 140.

Setbacks

A. Definition: a setback is the minimum distance from the inland boundary of a coastal feature at which an approved activity or alteration may take place.

B. Setbacks shall be maintained in areas contiguous to coastal beaches, coastal wetlands, coastal cliffs and banks, rocky shores, and existing manmade shorelines, and apply to the following categories of activities and alterations:

- 1) Filling, removal, or grading, except when part of an approved alteration involving a water-dependent activity or structure (Section 300.2);
- 2) Residential buildings and garages excluding associated structures (Section 110.4);
- 3) New individual sewage disposal systems, sewage treatment plants, and associated sewer facilities excluding outfalls (Section 300.6). Repairs and replacements of existing (permitted) individual sewage disposal systems shall be exempt from the Council's setback requirements;
- 4) Industrial structures, commercial structures, and public recreation structures that are not water-dependent (Section 300.3); and

5) Transportation facilities that are not water-dependent (Section 300.13).

C. Setbacks shall extend a minimum of either fifty (50) feet from the inland boundary of the coastal feature or twenty-five (25) feet inland of the edge of a Coastal Buffer Zone, whichever is further landward. In areas designated by the Council as Critical Erosion Areas (Table 2), the minimum distance of the setback shall be not less than 30 times the calculated average annual erosion rate for less than four dwelling units and not less than 60 times the calculated average annual erosion rate for commercial, industrial or dwellings of more than 4 units. Due to site conditions over time, field verification of a coastal feature or coastal buffer zone may result in a setback determination different than that calculated using a shoreline change rate.

D. Applicants for alterations and activities who cannot meet the minimum setback standards may apply to the Council for a variance (Section 120).

E. The setback provisions do not apply to minor modifications or restoration of structures that conform with all other policies and standards of this program.

Table 2. Setbacks in Critical Erosion Areas.

Erosion Category (on accompanying maps)	Annual Estimated Rate (in feet)	Setback Distance* (in feet)	Setback Distance** (in feet)
(A)	2-2 ½	75	150
(B)	3-4	120	240
(C)	4-5	150	300
(D)	5-6	180	360

* 4 units or less

** more than 4 units

NOTE: Setbacks in Critical Erosion areas as found on the accompanying Shoreline Change Maps for Watch Hill to Point Judith will be determined using the rates of change found on each map.