

PLANNING DEPARTMENT

MEMORANDUM

TO: Coventry Town Council and Coventry Planning Commission
FROM: Doug McLean, Director of Planning and Development
DATE: January 30, 2025
SUBJECT: Zoning Code Updates

This memo provides a brief overview of the proposed amendments to the Code of Ordinances regarding the following regulatory items:

- 1) Comprehensive Plan
- 2) Commissions
- 3) Zoning Ordinance Adoption and Amendment
- 4) Nonconforming Development
- 5) Administration and Enforcement
- 6) Residential Mobile Home Districts
- 7) Zoning Board of Review
- 8) Planning Department Memorandum – Comparison of Notice Requirements
- 9) Schedule of District Use Regulations, Table 6-1
- 10) Definitions
- 11) Various Articles Amending Special Use Permits
- 12) Accessory Dwelling Units / Accessory Structures

The majority of code changes being proposed are to bring our local code into consistency with state law, both as a result of new state legislative actions within the past 2 years, as well as long-standing state law. Additional changes are proposed in order to align our local code with best planning and zoning practices in the State of Rhode Island. The purpose of February 4th joint meeting between the Town Council and Planning Commission is to conduct an informal review of the proposed code amendments and receive any feedback. No votes or decisions will be sought at this meeting.

Each of the separate ordinance documents are addressed below with a brief summary of the nature of the proposed amendments.

1) Chapter 18 - Comprehensive Plan (THIS SECTION IS NOT ZONING CODE)

This ordinance is amended to add notice requirements for public hearings regarding the adoption, modification, and amendment of the Town's Comprehensive Plan. This revision will ensure conformance and consistency with Rhode Island General Law (RIGL) § 45-22.2-8, as updated in 2023.

2) Chapter 15 – Commissions (THIS SECTION IS NOT ZONING CODE)

This ordinance is amended to state that the Planning Commission’s ability to adopt, modify, and amend rules and regulations governing the platting and other subdivisions of land shall no longer be subject to the Town Council’s approval. RIGL § 45-23-52, adopted in 1992, states that local planning boards have the authority to adopt, repeal, administer, interpret, and enforce land development and subdivision regulations. State law makes no mention of Town Council’s role in said process.

3) Chapter 255, Article 18 – Zoning Ordinance Adoption and Amendment

This zoning ordinance is amended to update notice and hearing requirements for the proposed adoption, repeal, and amendment of zoning ordinances, per recent updates to state law. Per RIGL § 45-24-53, as updated in 2023, written notice must be given to all property owners when a zoning ordinance change will result in a conforming lot of record to become nonconforming by lot area or frontage.

4) Chapter 255, Article 8 – Nonconforming Development

This ordinance is revised to state that single substandard lots of record shall not be required to seek zoning relief based solely on the failure to meet minimum lot size requirements. Instead, dimensional standards such as frontage, setbacks, width, and coverage shall be determined according to the procedures established by state law and incorporated into this section. Additionally, the merger of lots will no longer be required when the substandard lot of record has an area equal or greater than the area of fifty percent of the lots within two hundred feet of the subject lot. These revisions conform with RIGL § 45-24-38, which was updated in 2024.

5) Chapter 255, Article 3 – Administration and Enforcement

This ordinance is amended to state that applications for major land development and subdivision projects shall be deemed substantially complete when all required documents and fees have been received by a designated official and issued a certificate of completeness, thereby moving items to an administrative function. This revision is (1) consistent with state law, as § 45-24-44 allows municipalities to create their own ordinances to govern the minimum requirements for, and the review of, land development applications and (2) similar in nature to ordinances adopted in other municipalities. This ordinance is also revised to authorize the Zoning Enforcement Officer to grant modification permits for modifications or adjustments to dimensional requirements to ensure conformance with RIGL § 45-24-46, which was updated in 2024.

6) Chapter 255 - Various Articles Amending Residential Mobile Home Districts

This ordinance is amended to explicitly define the Residential Mobile Home District (RMD) as an unmapped, floating zone, and to update the procedures for review of said district. This revision is similar in nature to other municipalities and will result in greater clarity and consistency in regulating RMDs moving forward.

7) Chapter 255, Article 4 – Zoning Board of Review (ZBR)

This ordinance is amended to streamline the Zoning Board of Review (ZBR) application process to move items to an administrative review where guided by new state law, and to implement policies and procedures to streamline the application process before the ZBR. The revised ordinance reduces the amount of days for (1) public notice requirements of special use permits, appeals, and variances, (2) the ZBR to render a decision on special use permits and variances; and (3) for staff to report their findings and

recommendations to the ZBR. These changes will ensure consistency with the following state statutes: RIGL § 45-24-42, § 45-24-41, § 45-24-66, § 45-23-69, and § 45-24-61, as updated over the course of the last two years. It should be noted that this ordinance also proposes changes the notice radii for specific ZBR applications, which is described in detail within the planning staff memo referenced immediately below.

8) Planning Department Memorandum – Comparison of Notice Requirements

This memo describes Coventry’s current notice radius for each zoning district, and compares them to other municipalities. For Dimensional Variances and Special Use Permits, staff recommends that the Town modify the current abutter notification requirements to a standard 500 feet for all zoning districts, except for the R-20 zoning district which shall remain at 200 feet. For use variance applications, staff recommends maintaining the existing notice radii as this is typically a more intensive type of application.

9) Chapter 255, Article 6 - Schedule of District Use Regulations, Table 6-1

The schedule of district use regulations, Table 6-1 of the Zoning Ordinance, was revised on January 1, 2024 so that 363 uses formerly permitted by special use permit (marked as “S” in the table) were amended to be prohibited (“N”). Under the proposed schedule of uses, 52 of the aforementioned prohibited uses would be brought back as lawfully permitted (“P”). Three (3) uses that were formerly permitted (“P”) are now prohibited (“N”), and two (2) uses that are currently permitted through special use permit (“S”) are now prohibited (“N”). Additionally, this proposed code deletes the existing references to Accessory Dwelling Units from Table 6-1 to be consistent with new state law per RIGL § 45-23-73. Finally, staff is recommending adding one new use to Table 6-1 for “Pet Grooming” to be allowed in all commercial and industrial zones.

10) Chapter 255, Article 2 – Definitions

This ordinance is amended to establish definitions for the new terms “Accessory Dwelling Unit,” “Accessory Structure,” “Modification,” and “Residential Mobile Home District,” and removes outdated terms to be consistent with state law. This ordinance also makes slight amendments to existing definitions for “Building Height” and “Yard, Front” to be consistent with state law and other local regulations on these topics.

11) Chapter 255 - Various Articles Amending Special Use Permits

This ordinance is amending errant language throughout the zoning code regarding allowances for Special Use Permits. These amendments are being addressed to create absolute consistency with previous changes made to Schedule of District Use Regulations, Table 6-1, that went into effect on January 1, 2024.

12) Chapter 255, Article 9 – Supplementary Regulations (Accessory Dwelling Units/Acc. Structures)

This ordinance is amending standards related to Accessory Dwelling Structures consistent with new state law per RIGL § 45-23-73, as well as amending the dimensional regulations for both detached and attached accessory structures. The above two code topics closely relate and shall be addressed in coordinate fashion. Additionally, this ordinance removes outdated language regarding water bodies, motels and hotels, and leased land/seasonal housing.

Planning staff will provide an overview of all the above code at the February 4th joint meeting between the Town Council and Planning Commission.