

TOWN OF COVENTRY

ORDINANCE OF THE TOWN COUNCIL

IN AMENDMENT OF CHAPTER 255 OF THE CODE OF ORDINANCES OF THE TOWN OF COVENTRY, ENTITLED "Zoning"

Ordinance No. 2024-X

Passed:

Hillary V. Lima, Council President

Approved:

Daniel O. Parrillo, Town Manager

It is Ordained by the Town of Coventry Town Council as follows:

Note: Words set as ~~strikeover~~ are to be deleted from the ordinance; words set in underline/**bold** are to be added to the ordinance.

ARTICLE V

Zoning Districts and Zoning District Map

§ 255-520. Interpretation of Zoning District Boundaries

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C. Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the ~~Board~~ **Zoning Enforcement Officer** may ~~permit consider, as a special use permit,~~ the extension of the regulations for either portion of the lot not to exceed 30 feet beyond the district line in the remainder of the lot;

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ARTICLE VII

Industrial Performance Standards

§ 255-7190. Performance standards for hazardous materials

A. All hazardous materials used, created, stored above or below ground, processed, disposed of by processing, diluting, burying or containment, leaching or any other manner, or transported (including piping) in the Town shall be used, stored or transported in accord with all applicable federal, state, and local regulations, and shall be subject to a ~~special use permit~~ **use variance** granted in accordance with § 255-4370.

B. If any hazardous material is used, stored, transported or disposed of at the site, the following standards shall apply:

- (1) Facilities with a capacity in excess of 1,000 gallons shall be located more than 500 feet

from all abutting property lines and more than 100 feet from any building or structure.

(2) Facilities with a capacity of 1,000 gallons or less shall be located more than 200 feet from all abutting property lines and more than 100 feet from any building or structure.

(3) Any underground storage for a nonresidential, nonfarming use shall be by a vaulted tank or tanks.

(4) Prior to granting a ~~special use permit~~ **use variance** for such an industrial use, the Commission shall find that the use of the site will not endanger the safety of residential or other properties in the area, that vehicular access to the facility will be provided from major thoroughfares and will not require the use of minor residential access streets for access to the site.

(5) An emergency plan shall be prepared by the applicant detailing procedures, techniques, and equipment for firefighting; location, type, and volume of hazardous materials found on-site; evacuation and warning in case of emergency; and shall be submitted to the Building Inspector, and the local Fire Chief, along with site plans and building plans prior to the negotiation of a siting agreement.

(6) Siting standards for such facilities shall be complied with as stated in § 255-930E.

ARTICLE X

Earth Removal/Sand and Gravel Extraction

§ 255-1010. Applicability

A. A ~~special use permit~~ **use variance** is required from the Zoning Board of Review **(or, in the case of Unified Development Review, the Planning Commission)** for the following uses and activities (in addition to those defined in Article II as "earth removal"), including both new and existing facilities:

- (1) Mining, quarrying, and the commercial extraction of rock, sand, gravel, earth, clay, and similar materials;
- (2) Storage, stockpiling, distribution, and sale of rock, sand, gravel, earth, clay and other similar materials;
- (3) The installation and operation of plants or apparatus for rock crushing and appurtenant screening, blending, washing, loading, and conveyor facilities; and
- (4) Offices and any other uses necessary or incidental to mining operations on the site.

B. The following uses and activities are exempt from this ~~special use permit~~ **use variance** requirement:

- (1) Excavation in conjunction with utility installation, which is to be backfilled;
- (2) Excavation in conjunction with road construction within approved residential, commercial, or industrial subdivisions;
- (3) Excavation which by nature is of limited duration and area, such as for the installation of septic tanks, swimming pools, the construction of a house, etc.; and
- (4) Excavation that is part of an existing and established agricultural operation or otherwise protected under the R.I.G.L. 2-23-1 et seq., also known as the "Right to Farm" Act.

~~C. A special use permit issued by the Zoning Board of Review pursuant to this article shall remain~~

~~in effect for up to two years. Said special use permit may be renewed in one-year increments for up to an additional two-year period after review of the application and the compliance history of the applicant. The Zoning Board of Review may ask the applicant for additional information as needed. Any application for renewal shall include site plans showing excavation and extraction activities to date and new areas where such activities are proposed to take place, and site restoration plans.~~

~~(1) If an applicant wishes to renew a special use permit after the initial period of time approved by the Zoning Board of Review has expired, then all Town ordinances in effect at the time of the application for renewal shall be applicable.~~

§ 255-1070. ~~Duration of Permits~~ Earth Removal Operations Authorized Under Previously Granted Special Use Permits

A. Effective January 1, 2024, Section 255-600 Table 6-1 was amended to make earth removal operations a prohibited use in all zoning districts. New earth removal operations are authorized through use variances. Earth removal operations that were lawfully permitted prior to January 1, 2024 shall be subject to applicable zoning regulations.

~~A.~~ **B. All p**Permits for ~~new and~~ existing earth removal operations may be effective for a maximum of two years after issuance. ~~Permits shall be renewed in accordance with this article. Permits may be renewed in one-year increments for up to an additional two-year period after review of the application and the compliance history of the applicant. If an applicant wishes to renew a special use permit after the initial period of time approved by the Zoning Board of Review has expired, then all Town ordinances in effect at the time of the application for renewal shall be applicable.~~

C. Any application for renewal shall include site plans showing excavation and extraction activities to date and new areas where such activities are proposed to take place, and site restoration plans. The Zoning Board of Review may ask the applicant for additional information as needed.

~~B~~ **D.** All permits for new and existing earth removal operations shall be subject to a review by the Zoning Board of Review **(or, in the case of Unified Development Review, the Planning Commission)** within six months from the start of activity under this article. The purpose of this review is to ensure compliance with any terms and conditions of the special use permit **or use variance** granted for approved operations and to allow for adjustment of said conditions, based on experience with active operations.

ARTICLE XII
Standards for Parking Lots and Loading Facilities

§ 255-1200. General Requirements

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D. Paving:

(1) All parking and loading facilities required under this chapter, together with driveways, aisles, and other circulation areas, shall be paved with asphalt, a minimum of two inches in thickness applied over no less than 10 inches of compacted gravel.

(2) The use of porous paving material may be allowed **at the discretion of the permitting authority**. ~~as a special use permit. Applications~~ **Requests** for such ~~special use permit~~ **use of**

porous paving material shall be forwarded to the Town Engineer for his recommendation, which shall be made part of the ~~Board's~~ **permitting authority's** record. The Engineer's recommendation shall be submitted in writing at least one week prior to the ~~Board's meeting~~ **permitting authority's review**.

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§ 255-1220. Minimum off-street parking requirements

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B. Parking or storage of commercial vehicles in residential districts. The parking or storage of commercial vehicles of over one-ton capacity shall not be permitted in a residential district ~~without receipt of a special use permit from the Zoning Board of Review~~, except where such parking or storage is directly related and accessory to a permitted use or lawful nonconforming use on the premises. Parking or storage of one commercial vehicle up to four-ton carrying capacity in a rural residential zoning district may be permitted where the property contains a minimum of two acres. Where such parking is permitted, the vehicle shall be stored in a building or in an area screened and/or landscaped as specified in Article XVII.

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ARTICLE XX

Special Regulations for Wind Energy Facilities

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§ 255-2010. Definitions

SMALL-UNIT TURBINE

A wind energy facility that is no more than 36 feet tall and that generates no more than 100 kw of electricity and where said electricity is used exclusively for the power needs of the individual homeowner who is also the applicant. Small-unit turbine applications shall be exempt from the requirements of this article; however, small-unit turbines must apply for and satisfy all conditions of a ~~special use permit~~ **use variance** obtained from the Zoning Board of Review **(or, in the case of Unified Development Review, the Planning Commission)** and may not produce more than 40 dB of noise during the day (as measured from 6:00 a.m. to 6:00 p.m.) and no more than 35 dB of noise during the evening (as measured from 6:00 p.m. to 6:00 a.m.). Small-unit turbines that exceed 36 feet in height shall be evaluated at the preapplication meeting with consultation from the Zoning Board of Review. Depending on how significant the requested variance is, the Zoning Board of Review **(or, in the case of Unified Development Review, the Planning Commission)** may require the applicant to meet the conditions of this article. An application for a small-unit turbine shall comply with the three-hundred-radius notification area, unless an additional notification area is required by the Zoning Board of Review.

§ 255-2020. Applicability

A. Effective January 1, 2024, Section 255-600 Table 6-1 was amended to make wind energy facilities a prohibited use in all zoning districts. New wind energy facilities are authorized through use variances. Wind energy facilities that were lawfully permitted prior to January 1, 2024 shall be subject to applicable zoning regulations. ~~This article applies to any wind energy facility proposed for construction in the Town of Coventry after the effective date of this article.~~

~~B. A wind energy facility that is the subject of an application determined to be substantially complete by the Zoning Board of Review prior to the effective date of this article shall not be required to meet the requirements of this article.~~

C. This article shall not apply to small-unit turbines, except to require the applicant requesting a small-unit turbine to apply for a ~~special use permit~~ **use variance** for said small-unit turbine from the Zoning Board of Review (**or, in the case of Unified Development Review, the Planning Commission**). The small-unit turbine must also meet the definition and standards of such as set forth herein.

ARTICLE XXI

Special Regulations – Solar Power Generators

§ 255-2140. Ground-mounted solar installations

A. Minor solar installations. Minor solar installations are permitted in all zones as an accessory use. Minor solar installations shall comply with all dimensional requirements for accessory structures as required by Article IX of this chapter.

B. Medium **and major** solar installations.

(1) ~~All~~ medium **and major** solar installations ~~is a permitted use or is permitted by special use permit in all zoning districts~~ **require the issuance of a use variance pursuant to Article IV of this chapter.**

(2) Medium solar installations covering more than 20,000 square feet of area shall require minor land development approval from the Planning Commission pursuant to Coventry's Subdivision and Land Development Regulations. [1]

[1]Editor's Note: See Ch. 213, Subdivision of Land.

(3) Unless otherwise specified by this article, medium solar installations shall meet all applicable zone requirements for accessory structures, including but not limited to lighting, and signage.

C. Major solar installations.

(1) All major solar installations require the issuance of a ~~special use permit from the Zoning Board of Review~~ **use variance** pursuant to Article IV of this chapter and major land development approval from the Planning Commission pursuant to Article V of the Coventry Subdivision and Land Development Regulations.

D. General design standards for all ground-mounted solar installations.

(1) Ground-mounted solar installations shall not exceed 12 feet in height as measured from the original grade of the ground surface to the highest point of the solar installation, including the top of any support structure or panel. The Planning Commission may allow heights exceeding 12 feet in nonresidential zones for solar parking lot canopies.

(2) No removal of topsoil or unnecessary grading/disturbance of the ground is permitted as part of the installation or maintenance of a ground-mounted solar installation. Any topsoil that must be moved shall be stored and stabilized on-site for future use.

~~(3) Ground-mounted solar installations proposed on lots of record that are nonconforming by area shall require a special use permit.~~

(34) To the maximum extent practicable, all ground-mounted solar installations shall be located so as to take advantage of existing cleared land. Clearing of forest or woodland shall be avoided to the greatest extent practicable.

(54) To the maximum extent practicable, all cleared areas below and surrounding a ground-mounted solar installation shall be maintained in a vegetated state to stabilize soils and prevent erosion.

(65) To the maximum extent practicable, all electrical connection and distribution lines shall be located entirely within the structure of the solar installation, underground, or within the structure to which the installation is supplying energy. Electrical equipment between the installation and the utility connection may be above-ground if required by the utility.

E. Supplemental design standards and requirements for major and medium solar installations.

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(3) Buffers. All medium and major solar installations shall maintain a vegetated buffer between the installation and all property boundaries to screen the solar installation from view from abutting properties and roads. Buffers may be incorporated into the required setback area.

(a) Medium solar installations in residential zones shall maintain a vegetated buffer of not less than 20 feet.

(b) Major solar installations in residential zones shall maintain a vegetated buffer of not less than 40 feet. A buffer plan prepared by a registered landscape architect and incorporating native species from the Rhode Island Native Plant Database shall be submitted as part of the project's application for major land development.

(c) All access roads through the buffer shall be angled or curved to obstruct views of the solar installation.

(d) Existing vegetation shall be supplemented with additional native species where necessary to ~~insure~~ **ensure** that the buffer adequately screens the solar installation from view beyond the property boundaries on a year-round basis.

(e) Medium and major solar installations in industrial, commercial and business zones may request permission from the Zoning Board ~~(through special use permit or, in the case of Unified Development Review, the Planning Commission)~~ to use a reduced ten-foot hybrid buffer that combines a vegetated buffer with solid or slatted security fencing to both secure and obscure view of the panels. The ten-foot hybrid buffer shall be extended to 20 feet where the solar installation abuts a residential zone.