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TOWN OF COVENTRY

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**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:*

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Hillary V. Lima, *Council President*

*Approved:*

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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 III  
**Administration and Enforcement**

...  
**§ 255-320. Zoning certificate required**

A. No building, structure or land shall be erected, enlarged, relocated, structurally altered or used in whole or in part, until a zoning certificate is issued stating that the proposed use conforms to the requirements of this chapter, unless the Building Inspector or Zoning Enforcement Officer receives a written order in the form of an administrative appeal, a variance, special use permit or ~~administrative variance~~ **modification** as provided by this chapter.

...  
**§ 255-380. Vested rights.**

A. ~~Applications for development that are~~ **Any application for development under the provisions of this chapter, including an application for a building permit, special use permit, or variance, shall be deemed** substantially complete ~~and have been submitted for approval to the Building Inspector or the Board prior to the effective date of this chapter shall be reviewed according to the Zoning Ordinance in force at the time the application was submitted.~~ **when all required documents, including plans, together with required fees, have been received by the official designated herein to receive such applications. Required documents shall include only those documents specified either by this**

43 ordinance, other applicable ordinances or code, or rules adopted and published by the  
44 permitting authority prior to the time the application is filed.  
45

46 **B. Any application for development under this ordinance and the Subdivision and Land**  
47 **Development Regulations, including an application for a land development project or**  
48 **subdivision or for development plan review, shall be deemed substantially complete**  
49 **when issued a certificate of completeness, as defined in Article II of the Subdivision and**  
50 **Land Development Regulations. For minor land development and minor subdivision**  
51 **projects and for development plan review, an application shall be vested when a**  
52 **certificate of completeness is issued at the preliminary plan phase. For major land**  
53 **development and major subdivision projects, an application shall be vested when a**  
54 **certificate of completeness is issued at the master plan phase.**

55 ~~B. C. For purposes of this section, an application shall be considered substantially complete when~~  
56 ~~signatures of approval have been obtained from the Town Engineer, the Zoning Enforcement~~  
57 ~~Officer, the Fire District, and the Building Inspector. Any application for development~~  
58 ~~under this ordinance that is substantially complete prior to the enactment or~~  
59 ~~amendment of this chapter, shall be reviewed according to the regulations applicable~~  
60 ~~in the Zoning Ordinance in force at the time the application was submitted.~~

61 ~~C. D.~~ **D. If an application for development under the provisions of this section is approved, the**  
62 **applicant must begin** development ~~shall be initiated~~ **or exercise the right granted in the**  
63 **approval** within ~~six months~~ **one year** of the date of approval, and shall be substantially  
64 completed within two years of the date of approval. **Any application for development that**  
65 **is governed by the Subdivision and Land Development Regulations shall adhere to the**  
66 **provisions of such approval and this section shall not apply.**

67 **§ 255-390. Administrative variances. Modification permit.**

68 A. The ~~Building Inspector or~~ Zoning Enforcement Officer ~~may allow an administrative variance~~  
69 ~~is authorized to grant modification permits under this chapter. Modification permits~~  
70 ~~may be for modifications or adjustments~~ from the literal dimensional requirements of this  
71 chapter ~~in the instance of the construction, alteration, or structural modification variance of a~~  
72 ~~structure or lot of record.~~ The modification shall not exceed 25% of any of the dimensional  
73 requirements specified in this chapter. ~~In no instance shall an administrative variance permit~~  
74 ~~the moving of lot lines.~~ Within 10 days of receipt of a request for ~~an administrative variance~~  
75 ~~a modification permit,~~ the ~~Building Inspector or~~ Zoning Enforcement Officer shall make a  
76 ~~finding decision~~ as to the suitability of the requested ~~administrative variance~~ **modification**  
77 **permit** based on the following determinations:

- 78 (1) The ~~administrative variance~~ **modification** requested is reasonably necessary for the full  
79 enjoyment of the permitted use;
- 80 (2) If the ~~administrative variance~~ **modification** is granted, neighboring property will  
81 neither be substantially injured nor its appropriate use substantially impaired;
- 82 (3) The ~~administrative variance~~ **modification** requested is in harmony with the purposes and  
83 intent of the Comprehensive Plan and this chapter; and

84 (4) The ~~administrative variance~~ **modification** requested does not require a variance of a  
85 flood hazard requirement.

86 ~~B. The Building Inspector or Zoning Enforcement Officer shall consider, but not necessarily be~~  
87 ~~bound by, an advisory opinion of the planning department on an administrative variance in~~  
88 ~~question, provided that such opinion is delivered in writing within 10 days of receipt of the~~  
89 ~~request for administrative variance.~~  
90

91 ~~C.~~ **B.** Upon an affirmative determination, in the case of a modification of 5% or less, the  
92 ~~Building Inspector or~~ Zoning Enforcement Officer shall have the authority to issue a  
93 decision approving the modification without any public notice requirements. In the  
94 case of a modification of greater than 5%, the Zoning Enforcement Officer shall direct  
95 the applicant to notify, by ~~registered or certified~~ **first class** mail, all property owners  
96 abutting the property which is the subject of the ~~administrative variance~~ **modification**  
97 request, and shall indicate the street address of the subject property in the notice, and shall  
98 publish in a newspaper of ~~general~~ **local** circulation within the Town that the  
99 ~~administrative variance~~ **modification** will be granted unless written objection is received  
100 within ~~30~~ **14** days of the public notice. Costs of any notice required under this subsection  
101 shall be borne by the applicant requesting the ~~modification~~ **administrative variance**. If  
102 written objection is received within ~~30~~ **14** days, the request for ~~an administrative variance~~  
103 **modification** shall be ~~denied~~ **scheduled for the next available hearing before the Zoning**  
104 **Board on application for review as a dimensional variance following standards and**  
105 **procedures for such variances, including notice requirements provided under this**  
106 **chapter. In that case the changes requested will be considered a request for a variance and**  
107 **may only be issued by the Board following the standard procedures for variances.** If no  
108 written objections are received within ~~30~~ **14** days, the ~~Building Inspector or~~ Zoning  
109 Enforcement Officer shall grant the ~~administrative variance~~ **modification decision**.

110 ~~D.~~ **C.** The ~~Building Inspector or~~ Zoning Enforcement Officer may apply such special conditions to  
111 the ~~modification decision~~ **permit** as may, in the opinion of the ~~Building Inspector or~~ Zoning  
112 Enforcement Officer, be required to conform to the intent and purposes of this chapter.

113 ~~E.~~ **D.** The ~~Building Inspector or~~ Zoning Enforcement Officer shall keep public records of all  
114 requests for ~~administrative variances~~ **modifications**, and of findings, determinations, special  
115 conditions, and any objections received.

116 ~~F.~~ **E.** A request for ~~an administrative variance~~ **a modification** shall require an administrative fee  
117 paid to the Town consistent with the schedule of fees maintained in the Planning and  
118 Development Department ~~\$145~~.