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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 IV
Zoning Board of Review

§ 255-410. Powers and duties of Board.

A. The Board shall have the following powers and duties:

- (1) To hear and decide appeals in a timely fashion where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector or the Zoning Enforcement Officer in the enforcement or interpretation of the Zoning Enabling Act or this chapter;
- (2) To hear and decide appeals from a party aggrieved by a decision of the Historic District Commission when and if historic district zoning is established in the Town;
- (3) To authorize, upon application, in specific cases of hardship, variances in the application of the terms of this chapter;
- (4) To authorize, upon application, in specific cases, special use permits;
- (5) To refer matters to the Planning Commission, or to other boards or agencies of the Town as the Board may deem appropriate, for findings and recommendations;
- (6) To provide for issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one or more state or federal agency approvals which are necessary are pending. A conditional zoning approval shall be revoked in the

38 instance where any necessary state or federal agency approvals are not received within
39 a specified time period;

40 (7) To promulgate rules and regulations to enforce this chapter;

41 (8) To provide for the payment of reasonable fees, in an amount not to exceed actual costs
42 incurred, to be paid by the appellant or applicant for the adequate review and hearing of
43 applications, the issuance of zoning certificates, and for the recording of the decisions
44 thereon; and

45 (9) To hear and decide other matters, according to the terms of this chapter or other statutes,
46 and upon which the Board may be authorized to pass under this chapter or other statutes.

47 ~~B.—An appeal to the Board from a decision of the Building Inspector or the Zoning Enforcement~~
48 ~~Officer in the enforcement of this chapter may be taken by any person, officer, department or~~
49 ~~board of the Town or state aggrieved or affected by such decision or other action. Such appeal~~
50 ~~shall be taken within 30 days of the recording of the decision or action by the Building~~
51 ~~Inspector or the Zoning Enforcement Officer by filing a notice of appeal with the Zoning~~
52 ~~Board of Review Clerk specifying the grounds therefor. The Building Inspector or the Zoning~~
53 ~~Enforcement Officer shall transmit to the Board all the records upon which the decision or~~
54 ~~action was based. An appeal shall stay all proceedings in furtherance of the decision or action~~
55 ~~appealed from, unless the Building Inspector or Zoning Enforcement Officer certifies to the~~
56 ~~Board that a stay would cause imminent peril to life or property. In such a case, proceedings~~
57 ~~shall not be stayed other than by a restraining order granted by a court of competent~~
58 ~~jurisdiction.~~

59 **C.B.** In exercising its powers the Board may reverse or affirm wholly or partly and may modify
60 the order, requirement, decision, or determination appealed from and may make such orders,
61 requirements, decisions, or determinations as ought to be made, and to that end shall have the
62 powers of the officer from whom the appeal was taken. All decisions and records of the
63 Board respecting appeals shall conform to the provisions of § 255-~~420E~~-**4120B**.

64 **§ 255-420. Procedure of the Board.**

65 A. Meetings of the Board shall be held at the call of the chairperson, by vote of the membership,
66 or by written request signed by three members of the Board and filed with the Town Clerk.
67 The Chairperson or in his absence, the Vice-Chairperson, may administer oaths and compel
68 the attendance of witnesses.

69
70 B. When transacting business, conducting a public hearing, or arriving at a decision, the Board
71 shall at all times consist of at least five participating members. As soon as a conflict of interest
72 occurs for a member, that member shall recuse himself or herself, shall not sit as an
73 active member, and take no part in the conduct of the hearing.

74
75 **C.** Only five active members shall be entitled to vote on any issue. The concurring vote of
76 ~~three of the five~~ **a majority of the** members of the Board **sitting at the hearing** shall be
77 necessary to reverse or modify any order, requirement, decision or determination of ~~the~~
78 ~~Building Inspector or~~ the Zoning Enforcement Officer **from whom an appeal was taken**

79 and the concurring vote of ~~four of the five~~ **a majority of the** members of the Board sitting at
80 a hearing shall be required to decide in favor of the applicant on the matter of a variance,
81 special use permit, or any other matter upon which the Board is authorized to pass.

82 ~~C.—The Board shall hold a public hearing on all appeals and on applications for special use~~
83 ~~permits. Such hearing shall not be held later than 45 days after receipt, in proper form, of an~~
84 ~~appeal or application. Public notice thereof shall be given at least 21 days prior to the date of~~
85 ~~hearing in a newspaper of general circulation in the Town. In addition, the appellant or~~
86 ~~applicant shall give written notice by certified mail at least 21 days before such hearing to all~~
87 ~~property owners of record within the notice radii specified below (excluding road rights-of-~~
88 ~~way). The requirement for notice by certified mail shall apply even where properties within~~
89 ~~the notice radii are located in an adjacent municipality. Where the notification radius includes~~
90 ~~properties in an adjacent municipality, notice by certified mail shall also be sent to the Clerk~~
91 ~~of the adjacent city or town. A list of the names and addresses of these persons shall be~~
92 ~~determined from current public records within the appropriate municipality. Proof of such~~
93 ~~mailing shall be established by the applicant's filing an affidavit of such notice with the Town~~
94 ~~Clerk. The Board shall render a decision on any matters before it within 45 days after the~~
95 ~~termination of the public hearing.~~

Notice Radius	
Measured from Property Boundary	
(feet)	Zone
200	R-20
500	VRC, VMC, GB, BP, I1, I2
1,000	RR-2, RR-3
2,000	RR-5

104 ~~D.—The Board shall include in its decision all findings of fact and conditions, showing the vote~~
105 ~~of each member participating thereon, and the absence of a member or his or her failure to~~
106 ~~vote. Decisions shall be recorded and filed in the office of the Board within 30 working days~~
107 ~~from the date when the decision was rendered and shall be a public record. The Board shall~~
108 ~~keep written minutes of its proceedings, showing the vote of each member upon each~~
109 ~~question, or, if absent or failing to vote, indicating such fact, and shall keep records of its~~
110 ~~examinations, findings of fact, and other official actions, all of which shall be recorded and~~
111 ~~filed in the Office of the Town Clerk in an expeditious manner upon completion of the~~
112 ~~proceeding. A copy of the Board's decision shall also be recorded in the land evidence records~~
113 ~~of the Town. For any proceeding in which the right of appeal lies to the superior or supreme~~
114 ~~court, the Board shall have the minutes taken either by a competent stenographer or recorded~~
115 ~~by a sound recording device. All costs for stenographic services shall be paid by the applicant.~~

116 ~~E.—Any decision by the Board, including any special conditions attached thereto, shall be mailed~~
117 ~~to the appellant or applicant, the Town Clerk, the Building Inspector or the Zoning~~
118 ~~Enforcement Officer, the Town Planner and the Commission, and to the Associate Director~~
119 ~~of the Division of Planning of the Rhode Island Department of Administration. Any decision~~

120 ~~evidencing the granting of a variance, modification, or special use shall also be recorded in~~
121 ~~the land evidence records of the Town.~~

122
123 ~~F. D.~~ Where the Board denies a request for variance or special use permit, an application
124 requesting an identical action may not be considered for a period of one year from the date
125 of such denial unless the Board in its discretion votes affirmatively to reconsider the request.

126 ~~F. — Copies of all applications to the Board shall be forwarded to the Planning Commission for~~
127 ~~advisory review and recommendation.~~

128 **§ 255-430. Decisions and records.**

129 **A. The Board shall render a decision on any matters before it within 15 days after the**
130 **termination of the public hearing.**

131 **B. The Board shall include in its decision all findings of fact and conditions, showing the**
132 **vote of each member participating thereon, and the absence of a member or his or her**
133 **failure to vote. The Board shall keep written minutes of its proceedings, showing the vote**
134 **of each member upon each question, or, if absent or failing to vote, indicating such fact,**
135 **and shall keep records of its examinations, findings of fact, and other official actions, all**
136 **of which shall be recorded and filed in the Office of the Town Clerk in an expeditious**
137 **manner upon completion of the proceeding.**

138 **C. Decisions shall be recorded and filed in the office of the Board within 30 working days**
139 **from the date when the decision was rendered and shall be a public record. A copy of**
140 **the Board's decision shall also be recorded in the land evidence records of the Town.**

141 **D. For any proceeding in which the right of appeal lies to the superior or supreme court, the**
142 **Board shall have the minutes taken either by a competent stenographer or recorded by a**
143 **sound-recording device. All costs for stenographic services shall be paid by the applicant.**

144 **E. Any decision by the Board, including any special conditions attached thereto, shall be**
145 **mailed to the appellant or applicant, the Town Clerk, the Building Inspector or the**
146 **Zoning Enforcement Officer, the Town Planner and the Commission, and to the**
147 **Associate Director of the Division of Planning of the Rhode Island Department of**
148 **Administration. Any decision evidencing the granting of a variance, modification, or**
149 **special use shall also be recorded in the land evidence records of the Town.**

150 **§255-440. Public notice and hearing requirements.**

151 **A. The Board, immediately upon receipt of an application for a variance or a special use**
152 **permit, may request that planning staff shall report its findings and recommendations,**
153 **including a statement on the general consistency of the application with the goals and**
154 **purposes of the Comprehensive Plan, in writing, to the Board within 30 days of receipt**
155 **of the application from the Board.**

156 **B. The Board shall hold a public hearing on an application for a variance or a special use**
157 **permit in an expeditious manner, after receipt, in proper form, of an application, and**

158 **shall give public notice at least 14 days prior to the date of the hearing in a newspaper of**
 159 **local circulation in the Town. A supplemental notice, that an application for a variance**
 160 **or a special use permit is under consideration, shall be posted at the location in question.**
 161 **The posting is for information purposes only and does not constitute required notice of a**
 162 **public hearing. The same notice shall be posted in the Town Clerk’s office and one other**
 163 **municipal building in the Town and the notice shall be accessible on the Town home page**
 164 **of the website at least 14 days prior to the hearing. For any notice sent by first-class mail,**
 165 **the sender of the notice shall submit a notarized affidavit to attest to such mailing. The**
 166 **cost of newspaper notification shall be borne by the applicant.**

167 **C. Notice by first-class mail shall be sent by the applicant at least 14 days prior to the date**
 168 **of the hearing to all property owners within the notice radii specified under Subsections**
 169 **D and E below. Notice shall also be sent to at least those who would require notice under**
 170 **§ 255-1820. The requirement for notice by first-class mail shall apply even where**
 171 **properties within the notice radii are located in an adjacent municipality. Where**
 172 **notification radius includes properties in an adjacent municipality, notice by certified**
 173 **mail shall also be sent to the Clerk of the adjacent city or town. A list of the names and**
 174 **addresses of these persons shall be determined from current public records within the**
 175 **appropriate municipality. Proof of such mailing shall be established by the applicant’s**
 176 **filing an affidavit of such notice with the Department of Planning and Development. The**
 177 **cost of mailing notification shall be borne by the applicant.**

178 **D. For dimensional variance and special use permit applications, notice shall be sent to all**
 179 **property owners within 500 feet measured from the perimeter of the property boundary,**
 180 **except in the case of applications within the R-20 zoning district in which the notice shall**
 181 **be sent to all property owners within 200 feet measured from the perimeter of the**
 182 **property boundary.**

183 **E. For use variance applications, notice shall be sent to all property owners within the notice**
 184 **radii shown below, as measured from the perimeter of the property boundary:**

<u>Notice Radius</u>	
<u>Measured from Property Boundary</u>	
<u>(feet)</u>	<u>Zone</u>
<u>200</u>	<u>R-20</u>
<u>500</u>	<u>VRC, VMC, GB, GB-1, BP, I1, I2</u>
<u>1,000</u>	<u>RR-2, RR-3</u>
<u>2,000</u>	<u>RR-5</u>

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 195 **§ ~~255-430~~ 255-450. Special use permits.**

196 **A. The Board shall have the power to grant a special use permit for the uses so designated in**
 197 **Article VI.**

198 B. In granting any special use permit, the Board shall require that evidence to the satisfaction of
199 the following standards be entered into the record of the proceedings:

200 (1) Ingress and egress to the lot and to existing or proposed structures thereon with particular
201 reference to automotive and pedestrian safety and convenience, traffic flow and control,
202 and access in case of fire, emergency or catastrophe;

203 (2) Off-street parking and loading areas where required (see Article XII), with particular
204 attention to the items in Subsection B(1) above, and to the economic, noise, glare or odor
205 effects of the special use permit on adjoining lots;

206 (3) Trash, storage and delivery areas with particular reference to the items in Subsection
207 B(1) and (2) above;

208 (4) Utilities, with reference to locations, availability and compatibility;

209 (5) Screening and buffering with reference to type, dimensions and character (see Article
210 XVII);

211 (6) Signs, if any, and exterior lighting with reference to glare, traffic safety, economic effect
212 on and compatibility and harmony with lots in the zoning district (see Article XV);

213 (7) Required yards and other open space;

214 (8) General compatibility with lots in the same or abutting zoning districts;

215 (9) The use will not result in or create conditions that will exceed the industrial performance
216 standards in Article VII;

217 (10) General compatibility with the Coventry Comprehensive Plan; and

218 (11) That the granting will not result in conditions inimical to the public health, safety,
219 morals and welfare.

220 ~~C. The Board shall hold a public hearing on any application for a special use permit in an~~
221 ~~expeditious manner, after receipt, in proper form, of an application, and shall give notice~~
222 ~~thereof at least 14 days prior to the date of the hearing in a newspaper of general circulation~~
223 ~~in the Town. Notice of hearing shall be sent by certified mail to the applicant and to at least~~
224 ~~all those who would require notice under § 255-420C of this chapter. The notice shall also~~
225 ~~include the street address of the subject property. The posting shall be for informational~~
226 ~~purposes only and shall not constitute required notice of a public hearing. The cost of~~
227 ~~notification shall be borne by the applicant.~~

228 ~~D. Approval of an application for a special use permit shall expire one year from the date~~
229 ~~recorded in the Town Clerk's Office unless the applicant exercises the permission granted or~~
230 ~~receives a building permit to do so and begins the construction and diligently pursues it until~~
231 ~~completed. The disregarding of any conditions made part of the special use permit shall be~~
232 ~~deemed a violation of this chapter and shall negate the granted special use permit. The Board~~
233 ~~may grant a six month extension of the special use permit if the applicant can show just~~
234 ~~cause.~~

235 § ~~255-440~~ 255-460. ~~Extension of special use permits.~~ Special exceptions.

236 Any special exception previously granted under any Zoning Ordinance of the Town shall continue
237 to be a special exception, and shall not be construed to become, by the passage of this chapter as
238 revised and amended in 1994, a nonconforming use or structure.

239 § ~~255-450~~ 255-470. Variances.

240 ~~A. The Board shall have the power to:~~

241 ~~(1) Grant a variance from the literal requirements of this chapter relating to density,~~
242 ~~dimensions or other site requirements, but not involving the actual use or activity; and~~

243 ~~(2) Grant a variance from the use regulations or requirements of this chapter where~~
244 ~~application is made for reinstatement of a nonconforming use.~~

245 ~~B.~~ A. An application for relief from the literal requirements of this chapter because of hardship
246 may be made by any person by filing with the Zoning ~~Board of Review Clerk~~ Enforcement
247 Officer an application in accordance with § 255-4100~~470~~. The Zoning-Enforcement Officer
248 ~~Board of Review Clerk~~ shall immediately transmit each application received to the Board and
249 shall transmit a copy of each application to the Planning Commission.

250 ~~C. The Board, immediately upon receipt of an application for a variance in the application of~~
251 ~~the literal terms of this chapter, may request that the Commission and/or planning staff shall~~
252 ~~report its findings and recommendations, including a statement on the general consistency~~
253 ~~of the application with the goals and purposes of the Comprehensive Plan, in writing, to the~~
254 ~~Board within 30 days of receipt of the application from that Board. The Board shall hold a~~
255 ~~public hearing on any application for variance in an expeditious manner, after receipt, in~~
256 ~~proper form, of an application. Public notice thereof shall be given at least 21 days prior to~~
257 ~~the date of hearing in a newspaper of general circulation in the Town. In addition, the~~
258 ~~applicant shall give written notice by certified mail at least 21 days before such hearing to~~
259 ~~all property owners of record within 200 feet of the perimeter of the subject property~~
260 ~~(excluding road rights of way). The requirement for notice by certified mail shall apply~~
261 ~~where properties within 200 feet are located in an adjacent municipality. Where the~~
262 ~~notification radius includes properties in an adjacent municipality, notice by certified mail~~
263 ~~shall also be sent to the Clerk of the adjacent city or town. A list of the names and addresses~~
264 ~~of these persons shall be determined from public record. Proof of such mailing shall be~~
265 ~~established by the applicant's filing an affidavit of such notice with the Town Clerk. The~~
266 ~~Board shall render a decision on any matters before it within 45 days after the termination~~
267 ~~of the public hearing. The notice shall also include the street address of the subject property.~~
268 ~~The cost of notification shall be borne by the applicant.~~

269 ~~D.~~ B. In granting a variance, the Board, or, where unified development review is enabled
270 pursuant to § 45-24-46.4, the Planning Commission, shall require that evidence to the
271 satisfaction of the following standards be entered into the record of the proceedings:

272 (1) That the hardship from which the applicant seeks relief is due to the unique
273 characteristics of the subject land or structure and not to the general characteristics of
274 the surrounding area; and is not due to a physical or economic disability of the applicant;

275 (2) That the hardship is not the result of any prior action of the applicant ~~and does not result~~
276 ~~primarily from the desire of the applicant to realize greater financial gain;~~

277 (3) That the granting of the requested variance will not alter the general character of the
278 surrounding area or impair the intent or purpose of this chapter or the Coventry
279 Comprehensive Plan; and

280 ~~(4) That the relief to be granted is the least relief necessary.~~

281 ~~(5) When the Zoning Enforcement Officer of the Town of Coventry has recorded a notice~~
282 ~~of violation in the Coventry Land Evidence records which is, in his opinion, a violation~~
283 ~~of any of the use or dimensional regulation of the Coventry Zoning Ordinance, then the~~
284 ~~Board shall be prohibited from granting a variance regarding said use or dimensional~~
285 ~~regulation until such time as the applicant has corrected said violation to the satisfaction~~
286 ~~of the Zoning Enforcement Officer.~~

287 **E. C.** The Board, or, where unified development review is enabled pursuant to § 45-24-46.4,
288 the Planning Commission, shall, in addition to the above standards, require that evidence
289 be entered into the record of the proceedings showing that:

290 ~~(1) Granting of variances:~~

291 **(1)** In granting a use variance the subject land or structure cannot yield any beneficial use if
292 it is required to conform to the provisions of this chapter. Nonconforming use of
293 neighboring land or structures in the same district and permitted use of lands or structures
294 in an adjacent district shall not be considered in granting a use variance; and

295 **(2)** In granting a dimensional variance, that the hardship that will be suffered by the owner of
296 the subject property if the dimensional variance is not granted shall amount to more than
297 a mere inconvenience, meaning that the relief sought is minimal to a reasonable
298 enjoyment of the permitted use to which the property is proposed to be
299 devoted, which shall mean that there is no other reasonable alternative to enjoy a legally
300 permitted beneficial use of one's property. The fact that a use may be more profitable
301 or that a structure may be more valuable after the relief is granted shall not be
302 grounds for relief.

303 ~~(2) The fact that a use may be more profitable or that a structure may be more valuable after~~
304 ~~the relief is granted shall not be grounds for relief.~~

305
306 ~~F. The Board shall consider any application for variance in the light of the Comprehensive~~
307 ~~Plan and shall consider the effect of the variance on the future development of the Town.~~

308 ~~G. In granting or denying an application for any variance, the Board shall set forth specific~~
309 ~~reasons for its decision in writing.~~

310 ~~H. Approval of the application for a variance shall expire one year from the date recorded in the~~
311 ~~Town Clerk's Office unless the applicant exercise the permission granted by obtaining a~~
312 ~~building permit and begins construction and diligently pursues it until completed. The Board~~
313 ~~may grant a six-month extension of the variance upon a showing of just cause by the~~
314 ~~applicant.~~

315 **§ 255-480. Expiration of variances and special use permits**

316 **A. Any variance or special use permit shall expire one year from the date recorded in the**
 317 **Town Clerk's Office unless the applicant exercises the permission granted or receives a**
 318 **building permit to do so and begins construction and diligently pursues it until completed.**
 319 **Construction shall be substantially completed within two years of the date of approval.**
 320 **The Board may, upon written request for cause shown, renew the variance or special use**
 321 **permit for a second one-year period. The request for an extension need not be advertised.**

322 **B. Should the applicant fail to begin construction with a legal building permit, or obtain a**
 323 **certificate of occupancy within the second one-year period, the Board may upon written**
 324 **request prior to the expiration of the second one-year period, renew the variance or special**
 325 **use permit for a third one-year period provided the applicant can demonstrate due**
 326 **diligence in proceeding and substantial financial commitment in promoting the subject**
 327 **variance or special use permit since the date of the filing of the resolution. Notice shall be**
 328 **given in accordance with § 255-440 and a hearing shall be held on the request.**

329 **C. The expiration periods of an approval of a variance or special use permit granted under**
 330 **this section under unified development review shall be the same as those set forth in the**
 331 **statute for the underlying type of project under review.**

332 **D. None of the above one-year periods shall run during the pendency of any court actions**
 333 **seeking to overturn the approval.**

334 **§ ~~255-460~~ 255-490. Special conditions.**

335 In granting a variance or special use permit, or in making any determination upon which it is
 336 required to pass after a public hearing under this chapter, the Board may apply such special
 337 conditions that may, in the opinion of the Board, be required to promote the intent and purposes
 338 of the Coventry Comprehensive Plan and this chapter. Failure to abide by any special conditions
 339 attached to a grant shall constitute a zoning violation. Those special conditions shall be based on
 340 competent credible evidence on the record, be incorporated into the decision, and may include,
 341 but are not limited to, provisions for:

- 342 A. Minimizing adverse impact of the development upon other land, including the type, intensity,
 343 design, and performance of activities;
- 344 B. Controlling the sequence of development, including when it must be commenced and
 345 completed;
- 346 C. Controlling the duration of use or development and the time within which any temporary
 347 structure must be removed;
- 348 D. Assuring satisfactory installation and maintenance of required public improvements;
- 349 E. Designating the exact location and nature of development; and
- 350 F. Establishing detailed records by submission of drawings, maps, plats, or specifications.

351 **§ ~~255-470~~ 255-4100. Application procedure for special use permits and variances.**

- 352 A. An application for a special use permit or variance may be made by any person desiring such
 353 action by filing with the Zoning Board of Review Clerk the prescribed application which shall
 354 describe the request and contain such information as may be required by this chapter and by
 355 the rules of the Board. All applications shall be accompanied at the time of filing by a plot
 356 plan drawn to scale showing the location of all lot and street lines, existing and proposed
 357 structures, utilities, wells, sewage disposal systems of the property which is the subject of the
 358 appeal or application. Additional application requirements may be found in Article XVI
 359 (Development Plan Review). All applications shall be accompanied by a plat map showing
 360 lot and street lines and approximate location of structures on premises adjacent to the property
 361 which is the subject of the application. All applications shall be filed with the Zoning Board
 362 of Review Clerk at least 20 days prior to the next scheduled public hearing date, and shall be
 363 accompanied by the fees required.
- 364 B. An application for a special use permit, variance or appeal from a decision of the Building
 365 Inspector, shall require a filing fee as exhibited in Table 3-1.

366 **§ ~~255-480~~ 255-4110. Participation in zoning hearing.**

367 Participation in a zoning hearing or other proceeding by a party shall not be a cause for civil
 368 action or liability except for acts not in good faith, intentional misconduct, a knowing violation
 369 of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful
 370 misconduct.

371 **§255-4120. Appeals to the zoning board of review.**

372 A. **An appeal to the Board from a decision of the Zoning Enforcement Officer in the**
 373 **enforcement of this chapter may be taken by any person, officer, department or board of**
 374 **the Town or state aggrieved or affected by such decision or other action. Such appeal**
 375 **shall be taken within 30 days of the recording of the decision or action by the Building**
 376 **Inspector or the Zoning Enforcement Officer by filing a notice of appeal with the Zoning**
 377 **Board of Review Clerk specifying the grounds therefor. The Building Inspector or the**
 378 **Zoning Enforcement Officer shall transmit to the Board all the records upon which the**
 379 **decision or action was based. An appeal shall stay all proceedings in furtherance of the**
 380 **decision or action appealed from, unless the Building Inspector or Zoning Enforcement**
 381 **Officer certifies to the Board that a stay would cause imminent peril to life or property.**
 382 **In such a case, proceedings shall not be stayed other than by a restraining order granted**
 383 **by a court of competent jurisdiction.**

384 B. **In exercising its powers the Board may reverse or affirm wholly or partly and may**
 385 **modify the order, requirement, decision, or determination appealed from and may make**
 386 **such orders, requirements, decisions, or determinations as ought to be made, and to that**
 387 **end shall have the powers of the officer from whom the appeal was taken. All decisions**
 388 **and records of the Board respecting appeals shall conform to the provisions of § 255-**
 389 **430E.**

390 **§ ~~255-490~~ 255-4130. Appeals to superior court.**

391 An aggrieved party may appeal a decision of the Board to the Superior Court for Kent County
 392 in accordance with R.I.G.L. § 45-24-69 by filing a complaint setting forth the reasons of appeal
 393 within 20 days after the decision has been recorded and posted in the office of the Town Clerk.
 394 The decision shall be posted in a location visible to the public in the Town Hall for a period
 395 of 20 days following the recording of the decision. The Board shall file the original documents
 396 acted upon by it and constituting the record of the case appealed from, or certified copies thereof,
 397 together with such other facts as may be pertinent, with the clerk of the court within 30 days after
 398 being served with a copy of the complaint. When the complaint is filed by someone other than the
 399 original applicant or appellant, the original applicant or appellant and the members of the Board
 400 shall be made parties to the proceedings. The appeal shall not stay proceedings upon the decision
 401 appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make
 402 such other orders as it deems necessary for an equitable disposition of the appeal.

403 **§ ~~255-4100~~ 255-4140. Unified development review.**

404 There shall be unified development review for the issuance of variances and special use permits
 405 for properties undergoing review under development plan review and/or land development or
 406 subdivision review.

407 A. Public hearing. All land development and subdivision applications, and development plan
 408 review applications, which include requests for variances and/or special use permits
 409 submitted pursuant to this section, shall be heard in a public hearing that meets the
 410 requirements of the Land Development and Subdivision Regulations and R.I.G.L.
 411 § 45-23-42(b).

412 B. In granting requests for dimensional and use variances, the Planning Commission shall be
 413 bound to the requirements as set forth in Article IV and specifically relative to entering
 414 evidence into the record in satisfaction of the applicable standards.

415 C. In reviewing requests for special use permits, the Planning Commission shall be bound to the
 416 conditions and procedures under which a special use permit may be issued and the criteria for
 417 the issuance of such permits, as set forth in Article IV and specifically relative to entering
 418 evidence into the record in satisfaction of the applicable standards. Appeals. An appeal from
 419 any decision made pursuant to this section may be taken pursuant to R.I.G.L. § 45-23-71.

420 ~~D. Appeals. An appeal from any decision made pursuant to this section may be taken pursuant~~
 421 ~~to R.I.G.L. § 45-23-71.~~

422 **E. D.** Any decision for a variance or special use permit rendered by the Planning Commission
 423 through unified development review shall be required to provide for the recording of
 424 findings of fact and a written decision. Such decision shall be made part of the record and
 425 recorded in the land evidence records.

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