

# ORDINANCE OF THE TOWN COUNCIL

IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES, 2008  
PART II – GENERAL LEGISLATION,  
CHAPTER 255, ARTICLE III – Administration and Enforcement

## Ordinance No. 2025-05

*Passed:*

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Hillary V. Lima, *Council President*

*Approved:*

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Daniel O. Parrillo, *Town Manager*

*The Town Council of the Town of Coventry hereby ordains as follows:*

**Section 1.** The Town of Coventry Code of Ordinance, Part II General Legislation is hereby amended by amending the following Chapter and Sections of Article III:

### Article III, Chapter 255 – Zoning

#### § 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.
- B. Any change of use or tenant in a commercial or industrial building structure or land shall require the issuance of a zoning certificate.

#### § 255-380. Vested rights.

- A. ~~Applications for development that are~~ Any application for development under the provisions of this chapter, including but not limited to an application for a building permit, special use permit, or variance, is 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 but not limited to plans, together with payment of all required fees, have been received by the official designated by Code or regulation to receive such applications. Required documents shall include only those

48 documents specified either by ordinance (this ordinance or any other applicable  
49 ordinance), Code provision, or rule adopted and published by the permitting authority  
50 prior to the time the application is filed.  
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- 52 B. Any application for development under this ordinance and the Subdivision and Land  
53 Development Regulations, including an application for a land development project or  
54 subdivision or for development plan review, is deemed substantially complete when issued a  
55 certificate of completeness, as defined in Article II of the Subdivision and Land  
56 Development Regulations.

57 For minor land development and minor subdivision projects and for development plan  
58 review, an application is vested when a certificate of completeness is issued at the  
59 preliminary plan phase.

60 For major land development and major subdivision projects, an application is vested when a  
61 certificate of completeness is issued at the master plan phase.

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

68 ~~E. D.~~ If an application for development under the provisions of this section is approved, the  
69 applicant must begin development ~~shall be initiated~~ or exercise the right granted in the  
70 approval within ~~six months~~ one (1) year of the date of approval, and shall be substantially  
71 completed within two (2) years of the date of approval. Any application for development  
72 that is governed by the Subdivision and Land Development Regulations shall adhere to  
73 the provisions of such approval and this section shall not apply.

74  
75 **§ 255-390. ~~Administrative variances.~~ Modification permit.**

- 76 A. The ~~Building Inspector or~~ Zoning Enforcement Officer ~~may allow an administrative~~  
77 ~~variance~~ is authorized to grant modification permits under this chapter. Modification  
78 permits may be for modifications or adjustments from the literal dimensional  
79 requirements of this chapter ~~in the instance of the construction, alteration, or structural~~  
80 ~~modification variance of a structure or lot of record.~~ The modification shall not exceed  
81 25% of any of the dimensional requirements specified in this chapter. ~~In no instance~~  
82 ~~shall an administrative variance permit the moving of lot lines.~~ Within ~~ten (10)~~ 10 days  
83 of receipt of a request for ~~an administrative variance~~ a modification permit, the ~~Building~~  
84 ~~Inspector or~~ Zoning Enforcement Officer shall make a written findings ~~decision~~ as to the  
85 suitability of the requested ~~administrative variance~~ modification permit based on the  
86 following determinations:

- 87 (1) The ~~administrative variance~~ modification requested is reasonably necessary for the  
88 full enjoyment of the permitted use;
- 89 (2) If the ~~administrative variance~~ modification is granted, neighboring property  
90 will neither be substantially injured nor its appropriate use substantially impaired;
- 91 (3) The ~~administrative variance~~ modification requested is in harmony with the purposes

- 92 and intent of the Comprehensive Plan and this chapter; and
- 93 (4) The ~~administrative variance~~ modification requested does not require a variance
- 94 of a flood hazard requirement.
- 95 ~~B. The Building Inspector or Zoning Enforcement Officer shall consider, but not~~
- 96 ~~necessarily be bound by, an advisory opinion of the planning department on an~~
- 97 ~~administrative variance in question, provided that such opinion is delivered in writing~~
- 98 ~~within 10 days of receipt of the request for administrative variance.~~
- 99 ~~C. B.~~ B. Upon an affirmative determination, in the case of a modification of 5% or less, the
- 100 ~~Building Inspector or~~ Zoning Enforcement Officer has ~~shall have~~ the authority to issue a
- 101 decision approving the modification without any public notice requirements. In the case
- 102 of a modification of greater than 5%, the Zoning Enforcement Officer shall direct the
- 103 applicant to notify, by ~~registered or certified~~ USPS first class mail, all property owners
- 104 abutting the property which is the subject of the ~~administrative variance~~ modification
- 105 request, and shall indicate the street address of the subject property in the notice, and
- 106 shall publish in a newspaper of ~~general~~ local circulation within the Town that the
- 107 ~~administrative variance~~ modification will be granted unless written objection is received
- 108 within ~~30~~ fourteen (14) days of the public notice. Costs of any notice required under
- 109 this subsection shall be borne by the applicant requesting the ~~modification~~
- 110 ~~administrative variance~~. If written objection is received within ~~30~~ fourteen (14) days, the
- 111 request for an ~~administrative variance~~ modification shall be ~~denied~~ scheduled for the
- 112 next available hearing before the Zoning Board on application for review as a
- 113 dimensional variance following standards and procedures for such variances, including
- 114 notice requirements provided under this chapter. ~~In that case the changes requested will~~
- 115 ~~be considered a request for a variance and may only be issued by the Board following~~
- 116 ~~the standard procedures for variances~~. If no written objections are received within ~~30~~
- 117 fourteen (14) days, the ~~Building Inspector or~~ Zoning Enforcement Officer shall grant the
- 118 ~~administrative variance~~ modification decision.
- 119 ~~D. C.~~ D. The ~~Building Inspector or~~ Zoning Enforcement Officer may apply such special
- 120 conditions to the modification decision ~~permit~~ as may, in the opinion of the ~~Building~~
- 121 ~~Inspector or~~ Zoning Enforcement Officer, be required to conform to the intent and
- 122 purposes of this chapter.
- 123 ~~E. D.~~ E. D. The ~~Building Inspector or~~ Zoning Enforcement Officer shall keep public records of all
- 124 requests for ~~administrative variances~~ modifications, and of findings, determinations,
- 125 special conditions, and any objections received.
- 126 ~~F. E.~~ F. E. A request for ~~an administrative variance~~ a modification shall require an administrative
- 127 fee paid to the Town consistent with the schedule of fees maintained in the Planning and
- 128 Development Department ~~\$145~~.

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132 [This space intentionally left blank for legislative purposes only]

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138 **Section 2.** This ordinance shall take effect upon its passage and final adoption.

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141 Positive Endorsement:

Negative Endorsement: (Attach reasons)

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145 \_\_\_\_\_  
Town Solicitor

Date

\_\_\_\_\_

Date

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148 Introduced by/Pursuant to: Council President Hillary V. Lima at the request of the Executive

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150 Referred to/for: Planning Commission on February 19, 2025

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152 First Reading on \_\_\_\_\_, 2025

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154 Public Hearing on \_\_\_\_\_, 2025