

ORDINANCE OF THE TOWN COUNCIL

IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES, 2008
PART II – GENERAL LEGISLATION,
CHAPTER 255, ARTICLE IV – Zoning Board of Review

Ordinance No. 2025-09

Passed:

Hillary V. Lima, Council President

Approved:

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 IV:

Article IV, Chapter 255 – Zoning

§ 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 (“ZEO”) 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 instance where any necessary state or federal agency approvals are not received

- 45 within a specified time period;
- 46 (7) To promulgate rules and regulations to enforce this chapter;
- 47 (8) To provide for the payment of reasonable fees, in an amount not to exceed actual costs
48 incurred, to be paid by the appellant or applicant for the adequate review and hearing of
49 applications, the issuance of zoning certificates, and for the recording of the decisions
50 thereon; and
- 51 (9) To hear and decide other matters, according to the terms of this chapter or other statutes,
52 and upon which the Board may be authorized to pass under this chapter or other statutes.

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

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66 ~~B.~~ In exercising its powers the Board may reverse or affirm wholly or partly and may modify
67 the order, requirement, decision, or determination appealed from and may make such
68 orders, requirements, decisions, or determinations as ought to be made, and to that end shall
69 have the powers of the officer from whom the appeal was taken. All decisions and records
70 of the Board with respect to appeals ~~respecting appeals~~ shall conform to the provisions of
71 Code § 255-420E-4120B.

72

73 **§ 255-420. Procedure of the Board.**

- 74 A. Meetings of the Board shall be held at the call of the chairperson, by vote of the
75 membership, or by written request signed by three members of the Board and filed with
76 the Town Clerk. The Chairperson or in his absence, the Vice-Chairperson, may
77 administer oaths and compel the attendance of witnesses.
- 78
- 79 B. When transacting business, conducting a public hearing, or arriving at a decision, the
80 Board shall at all times consist of at least five participating members. As soon as a
81 conflict of interest, as defined by R.I. Gen. Laws § 36-14-1 et seq. as well as the rules and
82 regulations of the Rhode Island Ethics Commission, occurs for a member, that member
83 shall recuse themselves ~~himself or herself~~, shall not sit on the dais or in the meeting room ~~as~~
84 ~~an active member~~, and otherwise take no part in the conduct of the hearing.
- 85
- 86 C. Only five (5) active members shall be entitled to vote on any issue. The concurring
87 vote of ~~three of the five~~ a majority of the members of the Board sitting at the hearing
88 shall be necessary to reverse or modify any order, requirement, decision or
89 determination of ~~the Building Inspector or~~ the ZEO from whom an appeal was taken and
90 the concurring vote of ~~four of the five~~ a majority of the members of the Board sitting at a

91 hearing shall be required to decide in favor of the applicant on the matter of a variance,
92 special use permit, or any other matter upon which the Board is authorized to pass.

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

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

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

129 ~~E. —Any decision by the Board, including any special conditions attached thereto, shall be
130 mailed to the appellant or applicant, the Town Clerk, the Building Inspector or the
131 Zoning Enforcement Officer, the Town Planner and the Commission, and to the
132 Associate Director of the Division of Planning of the Rhode Island Department of
133 Administration. Any decision evidencing the granting of a variance, modification, or
134 special use shall also be recorded in the land evidence records of the Town.~~

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

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

142
143 § 255-430. Decisions and records.

144 A. The Board shall render a decision on any matters before it within fifteen (15) days after
145 the public hearing is closed by a majority vote of the Board.

146 B. The Board shall include in its decision all findings of fact and conditions, registering the
147 vote of each participating member, and the absence of a member or their failure to vote.
148 The Board shall keep written minutes of its proceedings, recording the vote of each
149 member upon each question, or, if absent or failing to vote, indicating such fact, and the
150 Board shall keep records of its examinations, findings of fact, and other official actions,
151 all of which shall be recorded and filed in the Office of the Town Clerk in as expeditious
152 a manner a practicable following the completion of a proceeding.

153 C. Decisions shall be recorded and filed in the office of the Board within thirty (30) working
154 days from the date when a decision was rendered and decisions shall be a public record.
155 A copy of all Board decisions shall also be recorded in the land evidence records of the
156 Town.

157 D. For any proceeding from which a party to the proceeding has a right of appeal to the
158 Rhode Island Superior or Supreme Courts, the Board shall have the minutes recorded
159 stenographically and transcribed by a qualified stenographer or recorded by a sound-
160 recording device and transcribed by a qualified transcriptionist. All costs for stenographic
161 and/or transcription services shall be paid by the applicant.

162 E. All decisions of the Board, including any special conditions attached thereto, shall be
163 mailed to the appellant or applicant, the Town Clerk, the Building Inspector or the ZEO,
164 the Town Planner and the Commission, and to the Associate Director of the Division of
165 Planning of the Rhode Island Department of Administration. Any decision evidencing the
166 granting of a variance, modification, or special use shall also be recorded in the land
167 evidence records of the Town.

168
169 ~~§ 255-430. Special Use Permits.~~

170 ~~A. The Board shall have the power to grant a special use permit for the uses so designated~~
171 ~~in Article VI.~~

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

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

177 ~~(2) Off-street parking and loading areas where required (see Article XII), with~~
178 ~~particular attention to the items in Subsection B(1) above, and to the economic,~~

- 179 noise, glare or odor effects of the special use permit on adjoining lots;
- 180 (3) ~~Trash, storage and delivery areas with particular reference to the items in~~
181 ~~Subsection B(1) and (2) above;~~
- 182 (4) ~~Utilities, with reference to locations, availability and compatibility;~~
- 183 (5) ~~Screening and buffering with reference to type, dimensions and character (see~~
184 ~~Article XVII);~~
- 185 (6) ~~Signs, if any, and exterior lighting with reference to glare, traffic safety, economic~~
186 ~~effect on and compatibility and harmony with lots in the zoning district (see~~
187 ~~Article XV);~~
- 188 (7) ~~Required yards and other open space;~~
- 189 (8) ~~General compatibility with lots in the same or abutting zoning districts;~~
- 190 (9) ~~The use will not result in or create conditions that will exceed the industrial~~
191 ~~performance standards in Article VII;~~
- 192 (10) ~~General compatibility with the Coventry Comprehensive Plan; and~~
- 193 (11) ~~That the granting will not result in conditions inimical to the public health,~~
194 ~~safety, morals and welfare.~~
- 195 C. ~~The Board shall hold a public hearing on any application for a special use permit in an~~
196 ~~expeditious manner, after receipt, in proper form, of an application, and shall give~~
197 ~~notice thereof at least 14 days prior to the date of the hearing in a newspaper of general~~
198 ~~circulation in the Town. Notice of hearing shall be sent by certified mail to the~~
199 ~~applicant and to at least all those who would require notice under § 255-420C of this~~
200 ~~chapter. The notice shall also include the street address of the subject property. The~~
201 ~~posting shall be for informational purposes only and shall not constitute required notice~~
202 ~~of a public hearing. The cost of notification shall be borne by the applicant.~~
- 203
- 204 D. ~~Approval of an application for a special use permit shall expire one year from the date~~
205 ~~recorded in the Town Clerk's Office unless the applicant exercises the permission~~
206 ~~granted or receives a building permit to do so and begins the construction and diligently~~
207 ~~pursues it until completed. The disregarding of any conditions made part of the special~~
208 ~~use permit shall be deemed a violation of this chapter and shall negate the granted~~
209 ~~special use permit. The Board may grant a six-month extension of the special use~~
210 ~~permit if the applicant can show just cause.~~

211

212 **§255-440. Public notice and hearing requirements.**

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- 214 A. The Board, immediately upon receipt of an application for a variance or a special use
215 permit, may request that planning staff report its findings and recommendations,
216 including a statement on the general consistency of the application with the goals and
217 purposes of the Comprehensive Plan, in writing, to the Board within thirty (30) days of
218 receipt of the application from the Board.
- 219 B. The Board shall hold a public hearing on an application for a variance or a special use
220 permit in an expeditious manner, after receipt, in proper form, of an application, and shall

221 give public notice at least fourteen (14) days prior to the date of the hearing in a
 222 newspaper of local circulation in the Town. A supplemental notice, that an application for
 223 a variance or a special use permit is under consideration, shall be posted at the location in
 224 question. The posting is for information purposes only and does not constitute required
 225 notice of a public hearing. The same notice shall be posted in the Town Clerk's office
 226 and one other municipal building in the Town and the notice shall be accessible on the
 227 Town's website at least fourteen (14) days prior to the hearing. For any notice sent by
 228 USPS first-class mail, the sender of the notice shall submit a notarized affidavit attesting
 229 the mailing. The cost of newspaper notification shall be due and payable from the
 230 applicant.

231 C. Notice by USPS first-class mail shall be sent by the applicant at least fourteen (14) days
 232 prior to the date of the hearing to all property owners within the notice radii specified
 233 under Subsections D and E of this Code section. Notice shall also be sent to at least those
 234 who would require notice under Code § 255-1820. The requirement for notice by USPS
 235 first-class mail shall apply even where properties within the notice radii are located in an
 236 adjacent municipality. Where notification radius includes properties in an adjacent
 237 municipality, notice by USPS certified mail shall also be sent to the Clerk of the adjacent
 238 city or town. A list of the names and addresses of these persons shall be determined from
 239 current public records within the appropriate municipality. Proof of such mailing shall be
 240 established by the applicant's filing an affidavit of notice with the Town's Department of
 241 Planning and Development. The cost of mailing notification shall be paid by the
 242 applicant.

243 D. For dimensional variance and special use permit applications, notice shall be sent to all
 244 property owners within 500 feet measured from the perimeter of the property boundary,
 245 except in the case of applications within the R-20 zoning district in which the notice shall
 246 be sent to all property owners within 200 feet measured from the perimeter of the
 247 property boundary.

248 E. For use variance applications, notice shall be sent to all property owners within the notice
 249 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>
200	R-20
500	VRC, VMC, GB, GB-1, BP, I1, I2
1,000	RR-2, RR-3
2,000	RR-5

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 259 ~~§ 255-440. Extension of special use permits.~~

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

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§ 255-450. Special use permits.

- A. The Board shall have the power to grant a special use permit for the uses so designated in Article VI.
- B. In granting any special use permit, the Board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
- (1) Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe;
 - (2) Off-street parking and loading areas where required (see Article XII), with particular attention to the items in Subsection B(1) above, and to the economic, noise, glare or odor effects of the special use permit on adjoining lots;
 - (3) Trash, storage and delivery areas with particular reference to the items in Subsection B(1) and (2) above;
 - (4) Utilities, with reference to locations, availability and compatibility;
 - (5) Screening and buffering with reference to type, dimensions and character (see Article XVII);
 - (6) Signs, if any, and exterior lighting with reference to glare, traffic safety, economic effect on and compatibility and harmony with lots in the zoning district (see Article XV);
 - (7) Required yards and other open space;
 - (8) General compatibility with lots in the same or abutting zoning districts;
 - (9) The use will not result in or create conditions that will exceed the industrial performance standards in Article VII;
 - (10) General compatibility with the Coventry Comprehensive Plan; and
 - (11) That the granting will not result in conditions inimical to the public health, safety, morals and welfare.

~~§ 255-450. Variances.~~

- A. ~~The Board shall have the power to:~~
- (1) ~~Grant a variance from the literal requirements of this chapter relating to density, dimensions or other site requirements, but not involving the actual use or activity; and~~
 - (2) ~~Grant a variance from the use regulations or requirements of this chapter where application is made for reinstatement of a nonconforming use.~~

- 305 B. ~~An application for relief from the literal requirements of this chapter because of hardship~~
306 ~~may be made by any person by filing with the Zoning Board of Review Clerk an~~
307 ~~application in accordance with § 255-470. The Zoning Board of Review Clerk shall~~
308 ~~immediately transmit each application received to the Board and shall transmit a copy of~~
309 ~~each application to the Planning Commission.~~
- 310 C. ~~The Board, immediately upon receipt of an application for a variance in the application~~
311 ~~of the literal terms of this chapter, may request that the Commission and/or planning~~
312 ~~staff shall report its findings and recommendations, including a statement on the general~~
313 ~~consistency of the application with the goals and purposes of the Comprehensive Plan, in~~
314 ~~writing, to the Board within 30 days of receipt of the application from that Board. The~~
315 ~~Board shall hold a public hearing on any application for variance in an expeditious~~
316 ~~manner, after receipt, in proper form, of an application. Public notice thereof shall be~~
317 ~~given at least 21 days prior to the date of hearing in a newspaper of general circulation in~~
318 ~~the Town. In addition, the applicant shall give written notice by certified mail at least 21~~
319 ~~days before such hearing to all property owners of record within 200 feet of the~~
320 ~~perimeter of the subject property (excluding road rights-of-way). The requirement for~~
321 ~~notice by certified mail shall apply where properties within 200 feet are located in an~~
322 ~~adjacent municipality. Where the notification radius includes properties in an adjacent~~
323 ~~municipality, notice by certified mail shall also be sent to the Clerk of the adjacent city~~
324 ~~or town. A list of the names and addresses of these persons shall be determined from~~
325 ~~public record. Proof of such mailing shall be established by the applicant's filing an~~
326 ~~affidavit of such notice with the Town Clerk. The Board shall render a decision on any~~
327 ~~matters before it within 45 days after the termination of the public hearing. The notice~~
328 ~~shall also include the street address of the subject property. The cost of notification shall~~
329 ~~be borne by the applicant.~~
- 330 D. ~~In granting a variance, the Board shall require that evidence to the satisfaction of the~~
331 ~~following standards be entered into the record of the proceedings:~~
- 332 (1) ~~That the hardship from which the applicant seeks relief is due to the unique~~
333 ~~characteristics of the subject land or structure and not to the general characteristics~~
334 ~~of the surrounding area; and is not due to a physical or economic disability of the~~
335 ~~applicant;~~
- 336 (2) ~~That the hardship is not the result of any prior action of the applicant and does not~~
337 ~~result primarily from the desire of the applicant to realize greater financial gain;~~
- 338 (3) ~~That the granting of the requested variance will not alter the general character of the~~
339 ~~surrounding area or impair the intent or purpose of this chapter or the Coventry~~
340 ~~Comprehensive Plan; and~~
- 341 (4) ~~That the relief to be granted is the least relief necessary.~~
- 342 (5) ~~When the Zoning Enforcement Officer of the Town of Coventry has recorded a~~
343 ~~notice of violation in the Coventry Land Evidence records which is, in his opinion,~~
344 ~~a violation of any of the use or dimensional regulation of the Coventry Zoning~~
345 ~~Ordinance, then the Board shall be prohibited from granting a variance regarding~~
346 ~~said use or dimensional regulation until such time as the applicant has corrected said~~
347 ~~violation to the satisfaction of the Zoning Enforcement Officer.~~

- 348 E. ~~The Board shall, in addition to the above standards, require that evidence be entered into~~
349 ~~the record of the proceedings showing that:~~
- 350 ~~(1) Granting of variances:~~
- 351 ~~(a) In granting a use variance the subject land or structure cannot yield any~~
352 ~~beneficial use if it is required to conform to the provisions of this chapter.~~
353 ~~Nonconforming use of neighboring land or structures in the same district and~~
354 ~~permitted use of lands or structures in an adjacent district shall not be~~
355 ~~considered in granting a use variance; and~~
- 356 ~~(b) In granting a dimensional variance, that the hardship that will be suffered by the~~
357 ~~owner of the subject property if the dimensional variance is not granted shall~~
358 ~~amount to more than a mere inconvenience, which shall mean that there is no~~
359 ~~other reasonable alternative to enjoy a legally permitted beneficial use of one's~~
360 ~~property.~~
- 361 ~~(2) The fact that a use may be more profitable or that a structure may be more valuable~~
362 ~~after the relief is granted shall not be grounds for relief.~~
- 363 F. ~~The Board shall consider any application for variance in the light of the Comprehensive~~
364 ~~Plan and shall consider the effect of the variance on the future development of the Town.~~
- 365 G. ~~In granting or denying an application for any variance, the Board shall set forth specific~~
366 ~~reasons for its decision in writing.~~
- 367 H. ~~Approval of the application for a variance shall expire one year from the date recorded in~~
368 ~~the Town Clerk's Office unless the applicant exercise the permission granted by~~
369 ~~obtaining a building permit and begins construction and diligently pursues it until~~
370 ~~completed. The Board may grant a six month extension of the variance upon a showing~~
371 ~~of just cause by the applicant.~~

372 **§ 255-460. Special exceptions.**

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

377
378 ~~**§ 255-460. Special conditions.**~~

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

- 386 A. ~~Minimizing adverse impact of the development upon other land, including the type,~~
387 ~~intensity, design, and performance of activities;~~

- 388 B. ~~Controlling the sequence of development, including when it must be commenced and~~
389 ~~completed;~~
- 390 C. ~~Controlling the duration of use or development and the time within which any temporary~~
391 ~~structure must be removed;~~
- 392 D. ~~Assuring satisfactory installation and maintenance of required public improvements;~~
- 393 E. ~~Designating the exact location and nature of development; and~~
- 394 F. ~~Establishing detailed records by submission of drawings, maps, plats, or specifications.~~

395

396 **§ 255-470. Variances.**

- 397 A. An application for relief from the literal requirements of this chapter because of hardship
398 may be made by any person by filing with the Zoning Enforcement Officer an application
399 in accordance with Code § 255-4100. The ZEO shall immediately transmit each
400 application received to the Board and shall transmit a copy of each application to the
401 Planning Commission.
- 402
- 403 B. In granting a variance, the Board, or, when unified development review is triggered
404 pursuant to R.I. Gen. Laws § 45-24-46.4, the Planning Commission, shall require that
405 evidence to the satisfaction of the following standards be entered into the record of the
406 proceedings:
- 407 (1) That the hardship from which the applicant seeks relief is due to the unique
408 characteristics of the subject land or structure and not to the general characteristics
409 of the surrounding area; and is not due to a physical or economic disability of the
410 applicant;
- 411 (2) That the hardship is not the result of any prior action of the applicant; and
- 412 (3) That the granting of the requested variance will not alter the general character of the
413 surrounding area or impair the intent or purpose of this chapter or the Coventry
414 Comprehensive Plan.
- 415
- 416 C. The Board, or, where unified development review is enabled pursuant to R.I. Gen. Laws
417 § 45-24-46.4, the Planning Commission, shall, in addition to the above standards, require
418 that evidence be entered into the record of the proceedings showing that:
- 419 (1) In granting a use variance, the subject land or structure cannot yield any beneficial
420 use if it is required to conform to the provisions of this chapter. Nonconforming use
421 of neighboring land or structures in the same district and permitted use of lands or
422 structures in an adjacent district shall not be considered in granting a use variance;
423 and
- 424 (2) In granting a dimensional variance, that the hardship that will be suffered by the
425 owner of the subject property if the dimensional variance is not granted shall amount
426 to more than a mere inconvenience, meaning that the relief sought is minimal to a
427 reasonable enjoyment of the permitted use to which the property is proposed to be

428 devoted. The fact that a use may be more profitable or that a structure may be more
429 valuable after the relief is granted shall not be grounds for relief.

430 ~~§ 255-470. Application procedure for special use permits and variances.~~

432 ~~A. An application for a special use permit or variance may be made by any person desiring~~
433 ~~such action by filing with the Zoning Board of Review Clerk the prescribed application~~
434 ~~which shall describe the request and contain such information as may be required by this~~
435 ~~chapter and by the rules of the Board. All applications shall be accompanied at the time of~~
436 ~~filing by a plot plan drawn to scale showing the location of all lot and street lines, existing~~
437 ~~and proposed structures, utilities, wells, sewage disposal systems of the property which is~~
438 ~~the subject of the appeal or application. Additional application requirements may be~~
439 ~~found in Article XVI (Development Plan Review). All applications shall be accompanied~~
440 ~~by a plat map showing lot and street lines and approximate location of structures on~~
441 ~~premises adjacent to the property which is the subject of the application. All applications~~
442 ~~shall be filed with the Zoning Board of Review Clerk at least 20 days prior to the next~~
443 ~~scheduled public hearing date, and shall be accompanied by the fees required.~~

444 ~~B. An application for a special use permit, variance or appeal from a decision of the~~
445 ~~Building Inspector, shall require a filing fee as exhibited in Table 3-1.~~

446 § 255-480. Expiration of variances and special use permits.

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448 A. Any variance or special use permit shall expire one (1) year from the date recorded in the
449 Town Clerk's Office unless the applicant exercises the permission granted or receives a
450 building permit, begins construction and diligently performs construction of the project
451 until it is completed. Construction shall be substantially completed within two (2) years
452 from the date of approval. The Board may, upon written request for cause shown, renew
453 the variance or special use permit for a second, one-year period. The request for an
454 extension need not be advertised.

455 B. Should the applicant fail to begin construction following the issuance of a building
456 permit, or obtain a certificate of occupancy within the second, one-year period, the Board
457 may upon written request prior to the expiration of the second, one-year period, renew the
458 variance or special use permit for a third, one-year period provided the applicant can
459 demonstrate due diligence in proceeding and substantial financial commitment in
460 promoting the subject variance or special use permit since the date of the filing of the
461 resolution. Notice shall be given in accordance with Code § 255-440 and a hearing shall
462 be held on the request.

463 C. The expiration periods of an approval of a variance or special use permit granted under
464 this section under unified development review shall be the same as those set forth in the
465 Rhode Island General Laws for the underlying type of project under review.

466 D. The above one-year periods shall be stayed as of the date any court action is commenced
467 to overturn the approval and for the duration of the pendency of any such action.

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470 ~~§ 255-480. Participation in zoning hearing.~~

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

475 **§ 255-490. Special conditions.**

476
477 When granting a variance or special use permit, or in making any determination upon which
478 it is required to pass after a public hearing under this chapter, the Board may apply such
479 special conditions that may, in the opinion of the Board, be required to promote the intent
480 and purposes of the Coventry Comprehensive Plan and this Chapter. Failure to abide by any
481 special conditions attached to a grant shall constitute a zoning violation. Those special
482 conditions shall be based on competent credible evidence on the record, be incorporated into
483 the decision, and may include, but are not limited to, provisions for:

- 484 A. Minimizing adverse impact of the development upon other land, including the type,
485 intensity, design, and performance of activities; and
- 486 B. Controlling the sequence of development, including when it must be commenced
487 and completed; and
- 488 C. Controlling the duration of use or development and the time within which any
489 temporary structure must be removed; and
- 490 D. Assuring satisfactory installation and maintenance of required public improvements;
- 491 E. Designating the exact location and nature of development; and
- 492 F. Establishing detailed records by submission of drawings, maps, plats, or specifications.

493
494 **~~§ 255-490. Appeals to superior court.~~**

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

508 **§ 255-500. Appeals to the Rhode Island Superior Court.**

509 In accordance with R.I. Gen. Laws § 45-24-69, an aggrieved party may appeal any decision
510 of the Board to the Rhode Island Superior Court sitting in Kent County by filing a complaint
511 therein and setting forth the reasons of appeal within twenty (20) days after the decision has

512 been recorded in the Town's land evidence records and posted in the office of the Town
513 Clerk in a location visible to the general public. The posting in the Clerk's office shall be for
514 a period of twenty (20) days following the recording of the decision.

515 After being served with a copy of the complaint, the Board shall file the original documents,
516 or certified copies thereof, it acted upon and all other documents it relied upon or that
517 otherwise constitute the record of the decision appealed from, together with such other facts
518 as may be pertinent with the clerk of the Superior Court within thirty (30) days.

519 When a complaint is filed by someone other than the original applicant or appellant, the
520 original applicant or appellant and the members of the Board shall be made parties to the
521 proceedings in Superior Court. The appeal shall not stay the decision appealed from, but the
522 Court may, on application, grant a stay and make orders it deems necessary and just while the
523 appeal is pending before the Court.

524

525 **§ 255-4100. Application procedure for special use permits and variances.**

526 A. An application for a special use permit or variance may be made by any person desiring
527 such action by filing it with the Clerk of Zoning Board of Review. The prescribed
528 application shall describe the request and contain such other information as may be
529 required by this Chapter and by the rules of the Board. All applications shall be
530 accompanied at the time of filing by a plot plan drawn to scale showing the location of
531 all lot and street lines as well as existing and proposed structures, utilities, wells, and
532 sewage disposal systems of the property, which is the subject of the appeal or
533 application. Additional application requirements may be found in Article XVI of this
534 Chapter. All applications shall be accompanied by a plat map showing lot and street
535 lines and approximate location of structures on premises adjacent to the property which
536 is the subject of the application. All applications shall be filed with the Zoning Board of
537 Review Clerk at least twenty (20) days prior to the next scheduled public hearing date,
538 and shall be accompanied by payment for all required fees.

539 B. An application for a special use permit, variance or appeal from a decision of the
540 Building Inspector, shall require a filing fee as set forth in Table 3-1.

541

542 **~~§ 255-4100. Unified development review.~~**

543 ~~There shall be unified development review for the issuance of variances and special use~~
544 ~~permits for properties undergoing review under development plan review and/or land~~
545 ~~development or subdivision review.~~

546 A. ~~Public hearing. All land development and subdivision applications, and development~~
547 ~~plan review applications, which include requests for variances and/or special use permits~~
548 ~~submitted pursuant to this section, shall be heard in a public hearing that meets the~~
549 ~~requirements of the Land Development and Subdivision Regulations and R.I.G.L. § 45-~~
550 ~~23-42(b).~~

- 551 B. ~~In granting requests for dimensional and use variances, the Planning Commission shall~~
552 ~~be bound to the requirements as set forth in Article IV and specifically relative to~~
553 ~~entering evidence into the record in satisfaction of the applicable standards.~~
- 554 C. ~~In reviewing requests for special use permits, the Planning Commission shall be bound~~
555 ~~to the conditions and procedures under which a special use permit may be issued and the~~
556 ~~criteria for the issuance of such permits, as set forth in Article IV and specifically~~
557 ~~relative to entering evidence into the record in satisfaction of the applicable standards.~~
- 558 D. ~~Appeals. An appeal from any decision made pursuant to this section may be taken~~
559 ~~pursuant to R.I.G.L. § 45-23-71.~~
- 560 E. ~~Any decision for a variance or special use permit rendered by the Planning Commission~~
561 ~~through unified development review shall be required to provide for the recording of~~
562 ~~findings of fact and a written decision. Such decision shall be made part of the record~~
563 ~~and recorded in the land evidence records.~~

564
565 **§ 255-4110. Participation in zoning hearing.**
566

567 The general public shall have the right to participate in any zoning hearing or other
568 proceeding before the Board so long as the hearing or other proceeding is properly before
569 the Board as a docketed matter on its agenda. The Board shall have, as a matter of course, a
570 docket heading on its agenda entitled “Public Comment on Docketed Items; and Public
571 Hearings” during which the public may exercise its right to participate, subject to Board
572 rules concerning the conduct of its docket, hearings and public participation as well as
573 guidance set forth on the docket itself.

574
575 Generally, participation in a zoning hearing or other proceeding by a party or member of the
576 public shall not be a cause for civil action or liability except for: acts of bad faith, intentional
577 misconduct, a knowing violation or misrepresentation of the law, a knowing
578 misrepresentation of facts, transactions and relationships related to a docketed matter where
579 there is an undisclosed personal benefit or self-interest; and other malicious, wanton, or
580 willful acts of misconduct intended to provide misleading testimony.
581

582 **§ 255-4120. Appeals to the zoning board of review.**

583 A. An appeal to the Board from a decision of the ZEO in the enforcement of this chapter
584 may be taken by any person, officer, department or board of the Town or state aggrieved
585 or affected by such decision or other action taken by the ZEO. Any appeal must be taken
586 within thirty (30) days of the recording of the decision or action by the Building Inspector
587 or the ZEO by filing a notice of appeal with the Clerk for the Zoning Board of Review
588 setting forth the grounds for or reasons of appeal. The Building Inspector or the ZEO
589 shall transmit to the Board all the records upon which the decision or action was based.
590 Any appeal to the Board shall stay all actions or proceedings, including penalties and
591 finer, in furtherance of the decision or action appealed from, unless the Building
592 Inspector or ZEO certifies to the Board that a stay would cause imminent peril to life,
593 life safety or property. In such a case, proceedings shall not be stayed other than by a
594 restraining order granted by a Court of competent jurisdiction.

- 595 B. In exercising its powers the Board may reverse or affirm, in whole or in part, and may
596 modify the order, requirement, decision, or determination appealed from and may make
597 such orders, requirements, decisions, or determinations as ought to be made, and, to that
598 end, shall have the powers of the officer from whom the appeal was taken. All decisions
599 and records of the Board respecting appeals shall conform to the provisions of Code §
600 255-430E.

601
602 **§ 255-4140. Unified development review.**

603
604 There shall be unified development review for the issuance of variances and special use
605 permits for properties undergoing review under development plan review and/or land
606 development or subdivision review.

- 607 A. Public hearing. All land development and subdivision applications, and development
608 plan review applications, which include requests for variances and/or special use
609 permits submitted pursuant to this section, shall be heard in a public hearing that meets
610 the requirements of the Land Development and Subdivision Regulations and R.I. Gen.
611 Laws § 45-23-42(b).
- 612 B. When granting requests for dimensional and use variances, the Planning Commission
613 shall be bound to the requirements as set forth in Article IV of this Chapter and
614 specifically relative to entering evidence into the record in satisfaction of the
615 applicable standards.
- 616 C. In reviewing requests for special use permits, the Planning Commission shall be bound
617 to the conditions and procedures under which a special use permit may be issued and
618 the criteria for the issuance of such permits, as set forth in Article IV and specifically
619 relative to entering evidence into the record in satisfaction of the applicable standards.
620 Appeals. An appeal from any decision made pursuant to this section may be taken
621 pursuant to R.I. Gen. Laws § 45-23-71.
- 622
623 D. Any decision on a variance or special use permit rendered by the Planning
624 Commission through unified development review shall be required to provide for the
625 recording of findings of fact and a written decision. Such decision shall be made part
626 of the record and recorded in the land evidence records.

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635 [This space intentionally left blank for legislative purposes only]
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642 **Section 2.** This ordinance shall take effect upon its passage and final adoption.

643

644

645 Positive Endorsement:

Negative Endorsement: (Attach reasons)

646

647

648

649 _____
Town Solicitor

Date

Date

650

651

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

653

654 Referred to/for:

Planning Commission on February 19, 2025

655

656 First Reading on _____, 2025

657

658 Public Hearing on _____, 2025