

ORDINANCE OF THE TOWN COUNCIL

IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES, 2008
PART II – GENERAL LEGISLATION,
CHAPTER 255, ARTICLE X – Earth Removal/Sand and Gravel Extraction

Ordinance No. 2025-15

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 X:

Article X, Chapter 255 – Zoning

§ 255-1010. Applicability.

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

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

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

- (1) Excavation in conjunction with utility installation, which is to be backfilled;

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

52 ~~C. A special use permit issued by the Zoning Board of Review pursuant to this article shall
53 remain in effect for up to two years. Said special use permit may be renewed in one year
54 increments for up to an additional two year period after review of the application and the
55 compliance history of the applicant. The Zoning Board of Review may ask the applicant for
56 additional information as needed. Any application for renewal shall include site plans
57 showing excavation and extraction activities to date and new areas where such activities are
58 proposed to take place, and site restoration plans.~~

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

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64 **~~§ 255-1070. Duration of permits.~~**

65 ~~A. All permits for new and existing earth removal operations may be effective for a
66 maximum of two years. Permits shall be renewed in accordance with this article.~~

67 ~~B. All permits for new and existing earth removal operations shall be subject to a review by
68 the Zoning Board of Review within six months from the start of activity under this
69 article. The purpose of this review is to ensure compliance with any terms and
70 conditions of the special use permit granted for approved operations and to allow for
71 adjustment of said conditions, based on experience with active operations.~~

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73 § 255-1070. Earth Removal Operations

74 Authorized Under Previously Granted Special Use Permits

75 A. Effective January 1, 2024, Code § 255-600, Table 6-1 was amended to make earth
76 removal operations a prohibited use in all zoning districts. New earth removal operations
77 are authorized through use variances. Earth removal operations permitted prior to January
78 1, 2024 shall be subject to applicable zoning regulations.

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80 B. Permits for existing earth removal operations may be effective for a maximum of two (2)
81 years after issuance. Permits may be renewed in one (1) year increments for up to an
82 additional two (2) year period after review of the application and the compliance history
83 of the applicant. If an applicant seeks renewal of a special use permit after the initial
84 period of time approved by the Zoning Board of Review has expired, then all Town
85 ordinances in effect at the time of the application for renewal shall be applicable.
86

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

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93 D. All permits for new and existing earth removal operations shall be subject to a review by
94 the Zoning Board of Review (or, in the case of Unified Development Review, the
95 Planning Commission) within six (6) months from the start of activity under this article.
96 The purpose of this review is to ensure compliance with any terms and conditions of the
97 special use permit or use variance granted for approved operations and to allow for
98 adjustment of said conditions, based on experience with active operations.
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101 **Section 2.** This ordinance shall take effect upon its passage and final adoption.
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104 Positive Endorsement:

Negative Endorsement: (Attach reasons)

105
106
107 _____
108 Town Solicitor

Date

Date

109
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111 Introduced by/Pursuant to: Council President Hillary V. Lima at the request of the Executive

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113 Referred to/for:

Planning Commission on February ____, 2025

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115 First Reading on _____, 2025

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117 Public Hearing on _____, 2025