

PLANNING DEPARTMENT

MEMORANDUM

TO: Coventry Planning Commission

FROM: Doug McLean, Director of Planning and Development

DATE: February 25, 2025

SUBJECT: Code Updates - Second Batch (first Town Council reading on 3/11/25)

This memo provides brief overviews, findings of fact, and staff recommendations for the 6 proposed amendments to the Town of Coventry's Code of Ordinances which will go before the Town Council for a first reading on Tuesday, March 11.

These proposed code amendments are primarily intended to remove now-outdated references to special use permits in specific sections of the Code; there are also a few instances of typographical errors proposed to be corrected. Although the special use permit references are the thematic commonality that ties these 6 proposed ordinances together, they are presented as separate and independent ordinances.

Although the ultimate authority to amend a municipal Zoning Ordinance resides with that municipality's Town Council, R.I. Gen. Laws § 45-24-51 establishes that the Planning Commission's role in the process begins upon referral of proposed amendments, and describes that role as follows: "...The planning board or commission shall, in turn, notify and seek the advice of the city or town planning department, if any, and report to the city or town council within forty-five (45) days after receipt of the proposal, giving its findings and recommendations as prescribed in § 45-24-52."

Per R.I. Gen. Laws § 45-24-51 ("Adoption – Review by planning board or commission."), the required findings of fact that the Planning Commission must make when forwarding recommendations to the Town Council include:

1. "...a statement on the general consistency of the proposal with the comprehensive plan of the city or town, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and
2. "...Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in § 45-24-30."

Although the Commission may elect to vote and forward recommendations to the Town Council as a "slate," summaries and findings of fact are broken out on an individual (ordinance-by-ordinance) basis throughout the remaining pages of this memo.

Ordinance No. 2025-13, amending the following sections of Chapter 255, Article V ("Zoning Districts and Zoning Map"): 520 - Interpretation of zoning district boundaries

Overview

This ordinance is amended to delete references to special use permits and to insert a reference to the Zoning Enforcement Officer. These amendments are being addressed to create absolute consistency with previous changes made to Schedule of District Use Regulations, Table 6-1, that went into effect on January 1, 2024, as well as other proposed ordinance amendments.

Findings of Fact

RIGL § 45-24-52 ("Adoption – Review by planning board or commission.") states that, "Among its findings and recommendation to the city or town council with respect to a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map, the planning board or commission shall:"

"(1) Include a statement on the general consistency of the proposal with the comprehensive plan of the city or town, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and

1. The proposed ordinance is generally consistent with the intent of the Comprehensive Plan, insofar as it clarifies and updates terminology to bring the Town's Zoning Code and state law into greater accord, which in turn will simplify the development review process for applicants as well as municipal staff and thereby facilitate orderly development as intended by the Plan. Importantly, this amendment will bring the Town's code into greater conformance with state law as it pertains to this matter.

"(2) Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in § 45-24-30."

2. The proposed ordinance is consistent with the applicable purposes of zoning as presented in § 45-24-30 – as an example, it is consistent with § 45-24-30 (a)(14), which lists one purpose of zoning as "Providing for efficient review of development proposals, to clarify and expedite the zoning approval process."

Recommendation

Staff finds Proposed Ordinance 2025-13 to be consistent with the standards for required findings of fact set forth in RIGL Section 45-24-52 as well as with the Town of Coventry's Comprehensive Plan and Zoning Code. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and forward a **positive** recommendation to the Town Council.

Ordinance No. 2025-14, amending the following sections of Chapter 255, Article VII ("Industrial Performance Standards"): 7190 - Performance standards for hazardous materials

Overview

This ordinance is amended to delete references to special use permits and to replace them with references to use variances. These amendments are being addressed to create absolute consistency with previous changes made to Schedule of District Use Regulations, Table 6-1, that went into effect on January 1, 2024, as well as other proposed ordinance amendments.

Findings of Fact

RIGL § 45-24-52 ("Adoption – Review by planning board or commission.") states that, "Among its findings and recommendation to the city or town council with respect to a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map, the planning board or commission shall:"

"(1) Include a statement on the general consistency of the proposal with the comprehensive plan of the city or town, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and

1. The proposed ordinance is generally consistent with the intent of the Comprehensive Plan, insofar as it clarifies and updates terminology to bring the Town's Zoning Code and state law into greater accord, which in turn will simplify the development review process for applicants as well as municipal staff and thereby facilitate orderly development as intended by the Plan. Importantly, this amendment will bring the Town's code into greater conformance with state law as it pertains to this matter.

"(2) Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in § 45-24-30."

2. The proposed ordinance is consistent with the applicable purposes of zoning as presented in § 45-24-30 – as an example, it is consistent with § 45-24-30 (a)(14), which lists one purpose of zoning as "Providing for efficient review of development proposals, to clarify and expedite the zoning approval process."

Recommendation

Staff finds Proposed Ordinance 2025-14 to be consistent with the standards for required findings of fact set forth in RIGL Section 45-24-52 as well as with the Town of Coventry's Comprehensive Plan and Zoning Code. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and forward a **positive** recommendation to the Town Council.

Ordinance No. 2025-15, amending the following sections of Chapter 255, Article X ("Earth Removal/Sand and Gravel Extraction"): 1010 - Applicability; and 1070 - Earth removal operations

Overview

This ordinance is amended to delete references to special use permits and to replace them with references to use variances, as well as to acknowledge the existence of Unified Development Review. These amendments are being addressed to create absolute consistency with previous changes made to Schedule of District Use Regulations, Table 6-1, that went into effect on January 1, 2024, as well as other proposed ordinance amendments.

Findings of Fact

RIGL § 45-24-52 ("Adoption – Review by planning board or commission.") states that, "Among its findings and recommendation to the city or town council with respect to a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map, the planning board or commission shall:"

"(1) Include a statement on the general consistency of the proposal with the comprehensive plan of the city or town, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and

1. The proposed ordinance is generally consistent with the intent of the Comprehensive Plan, insofar as it clarifies and updates terminology to bring the Town's Zoning Code and state law into greater accord, which in turn will simplify the development review process for applicants as well as municipal staff and thereby facilitate orderly development as intended by the Plan. Importantly, this amendment will bring the Town's code into greater conformance with state law as it pertains to this matter.

"(2) Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in § 45-24-30."

2. The proposed ordinance is consistent with the applicable purposes of zoning as presented in § 45-24-30 – as an example, it is consistent with § 45-24-30 (a)(14), which lists one purpose of zoning as "Providing for efficient review of development proposals, to clarify and expedite the zoning approval process."

Recommendation

Staff finds Proposed Ordinance 2025-15 to be consistent with the standards for required findings of fact set forth in RIGL Section 45-24-52 as well as with the Town of Coventry's Comprehensive Plan and Zoning Code. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and forward a ***positive*** recommendation to the Town Council.

Ordinance No. 2025-16, amending the following sections of Chapter 255, Article XII ("Standards for Parking Lots and Loading Facilities"): 1200 - General requirements; and 1220 - Minimum off-street parking requirements

Overview

This ordinance is amended to delete references to special use permits and to replace them with references to use variances, as well as to replace "Board" with "Permitting authority" to better reflect the potential for a Planning Commission role in a Unified Development Review scenario. These amendments are being addressed to create absolute consistency with previous changes made to Schedule of District Use Regulations, Table 6-1, that went into effect on January 1, 2024, as well as other proposed ordinance amendments.

Findings of Fact

RIGL § 45-24-52 ("Adoption – Review by planning board or commission.") states that, "Among its findings and recommendation to the city or town council with respect to a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map, the planning board or commission shall:"

"(1) Include a statement on the general consistency of the proposal with the comprehensive plan of the city or town, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and

1. The proposed ordinance is generally consistent with the intent of the Comprehensive Plan, insofar as it clarifies and updates terminology to bring the Town's Zoning Code and state law into greater accord, which in turn will simplify the development review process for applicants as well as municipal staff and thereby facilitate orderly development as intended by the Plan. Importantly, this amendment will bring the Town's code into greater conformance with state law as it pertains to this matter.

"(2) Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in § 45-24-30."

2. The proposed ordinance is consistent with the applicable purposes of zoning as presented in § 45-24-30 – as an example, it is consistent with § 45-24-30 (a)(14), which lists one purpose of zoning as "Providing for efficient review of development proposals, to clarify and expedite the zoning approval process."

Recommendation

Staff finds Proposed Ordinance 2025-16 to be consistent with the standards for required findings of fact set forth in RIGL Section 45-24-52 as well as with the Town of Coventry's Comprehensive Plan and Zoning Code. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and forward a **positive** recommendation to the Town Council.

Ordinance No. 2025-17, amending the following sections of Chapter 255, Article XX ("Special Regulations for Wind Energy Facilities"): 2010 - Definitions; and 2020 - Applicability

Overview

This ordinance is amended to delete references to special use permits and to replace them with references to use variances, as well as to acknowledge the existence of Unified Development Review. These amendments are being addressed to create absolute consistency with previous changes made to Schedule of District Use Regulations, Table 6-1, that went into effect on January 1, 2024, as well as other proposed ordinance amendments.

Findings of Fact

RIGL § 45-24-52 ("Adoption – Review by planning board or commission.") states that, "Among its findings and recommendation to the city or town council with respect to a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map, the planning board or commission shall:"

"(1) Include a statement on the general consistency of the proposal with the comprehensive plan of the city or town, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and

1. The proposed ordinance is generally consistent with the intent of the Comprehensive Plan, insofar as it clarifies and updates terminology to bring the Town's Zoning Code and state law into greater accord, which in turn will simplify the development review process for applicants as well as municipal staff and thereby facilitate orderly development as intended by the Plan. Importantly, this amendment will bring the Town's code into greater conformance with state law as it pertains to this matter.

"(2) Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in § 45-24-30."

2. The proposed ordinance is consistent with the applicable purposes of zoning as presented in § 45-24-30 – as an example, it is consistent with § 45-24-30 (a)(14), which lists one purpose of zoning as "Providing for efficient review of development proposals, to clarify and expedite the zoning approval process."

Recommendation

Staff finds Proposed Ordinance 2025-17 to be consistent with the standards for required findings of fact set forth in RIGL Section 45-24-52 as well as with the Town of Coventry's Comprehensive Plan and Zoning Code. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and forward a ***positive*** recommendation to the Town Council.

Ordinance No. 2025-18, amending the following sections of Chapter 255, Article XII ("Special Regulations - Solar Power Generators"): 2140 - Ground-mounted solar installations

Overview

This ordinance is amended to delete references to special use permits and to replace them with references to use variances, as well as to acknowledge the existence of Unified Development Review. These amendments are being addressed to create absolute consistency with previous changes made to Schedule of District Use Regulations, Table 6-1, that went into effect on January 1, 2024, as well as other proposed ordinance amendments.

Findings of Fact

RIGL § 45-24-52 ("Adoption – Review by planning board or commission.") states that, "Among its findings and recommendation to the city or town council with respect to a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map, the planning board or commission shall:"

"(1) Include a statement on the general consistency of the proposal with the comprehensive plan of the city or town, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and

1. The proposed ordinance is generally consistent with the intent of the Comprehensive Plan, insofar as it clarifies and updates terminology to bring the Town's Zoning Code and state law into greater accord, which in turn will simplify the development review process for applicants as well as municipal staff and thereby facilitate orderly development as intended by the Plan. Importantly, this amendment will bring the Town's code into greater conformance with state law as it pertains to this matter.

"(2) Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in § 45-24-30."

2. The proposed ordinance is consistent with the applicable purposes of zoning as presented in § 45-24-30 – as an example, it is consistent with § 45-24-30 (a)(14), which lists one purpose of zoning as "Providing for efficient review of development proposals, to clarify and expedite the zoning approval process."

Recommendation

Staff finds Proposed Ordinance 2025-18 to be consistent with the standards for required findings of fact set forth in RIGL Section 45-24-52 as well as with the Town of Coventry's Comprehensive Plan and Zoning Code. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and forward a **positive** recommendation to the Town Council.