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ARTICLE 1 - INTRODUCTION

SECTION

100 - Preamble:

101 In accordance with Title 45, Chapter 24 of the General Laws of Rhode Island, 1991 as amended and as hereafter amended, and by virtue of the authority conferred by the Town of Coventry Home Rule Charter, the Zoning Ordinance of the Town is hereby amended to read as follows:

110 - Purpose:

111 The regulations set forth in this Ordinance adopted December 19, 1994(See Ord.# 3-94-0196), as amended, are made in accordance with the Comprehensive Plan of the Town of Coventry, adopted on July 27, 1992 for the following purposes:

- A. To promote the health, safety, morals and general welfare of the public;
- B. To provide for a range of uses and intensities of uses appropriate to the character of the Town and reflecting current and expected future needs;
- C. To provide for orderly growth and development which recognizes:
 - 1. The goals and patterns of land use contained in the Comprehensive Plan of the Town adopted on July 27, 1992;
 - 2. The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;

3. The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 4. The values of unique or valuable natural resources and features;
 5. The availability and capacity of existing and planned public and/or private services and facilities;
 6. The need to shape and balance urban and rural development; and
 7. The use of innovative development regulations and techniques.
- D. To provide for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation;
- E. To provide for the protection of the natural, historic, cultural, and scenic character of the Town and/or areas therein;
- F. To provide for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space;
- G. To provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements;
- H. To promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing;
- I. To provide opportunities for the establishment of low and moderate income housing;
- J. To promote safety from fire, flood, and other natural or man-made disasters;

- K. To promote a high level of quality in design in the development of private and public facilities;
- L. To promote implementation of the Coventry Comprehensive Plan;
- M. To provide for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond Town boundaries or have a direct impact on the Town;
- N. To provide for efficient review of development proposals, to clarify and expedite the zoning approval process; and
- O. To provide for procedures for the administration of this Ordinance, including, but not limited to, variances, special-use permits, and administrative variances.

112

In the instance of uncertainty in the construction or application of any section of this Ordinance, the Ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of the Comprehensive Plan.

120 - Regulation:

121

The use of any land or the erection, modification, enlargement or use of any building, structure or sign shall conform to all applicable provisions of this Ordinance. Every building, structure or sign hereafter erected and every use hereafter initiated shall be located on a lot as defined by this Ordinance.

ARTICLE 2 - DEFINITIONS

SECTION

200 - Standard Interpretations:

- 201 For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:
- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
 - B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 - C. The word "shall" is mandatory, the word "may" is permissive.
 - D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
 - E. The word "lot" includes the words "plot or parcel."
 - F. The word "land" includes the words "water and marsh," unless otherwise designated herein.
 - G. The word "structure" includes the word "building."
- 202 Where used in this Ordinance, words and terms defined in Rhode Island General Law Title 45, Chapter 22.2, Section 4 shall have the meanings ascribed therein, unless otherwise defined by this Ordinance.

Where used in the Ordinance, the specific definition of words and terms listed in this Article shall be interpreted as stated and shall have the meaning ascribed to them.

210 - Specific Definitions:

(1) *Abandonment.* To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving a facility, or during normal periods of vacation or seasonal closure. See Section 831.

(2) *Abutter.* One whose property abuts, that is, adjoins at a border, boundary, or point with no intervening land.

(3) *Accessory Family Dwelling Unit.* A dwelling unit that is separate from and not attached to the principal dwelling unit on the same lot.

(4) *Accessory Living Quarters/In-Law Apartments.* An accessory dwelling unit for the sole use of one (1) or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress and egress.

(5) *Accessory Use.* A use of land or of a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure. An accessory use shall be restricted to the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related.

(6) *Administrative Variance.* Permission granted and administered by the Building Inspector or the Zoning Enforcement Officer of Coventry, and pursuant to the provisions of this Ordinance contained herein, to grant a dimensional variance other than lot area requirements from this Ordinance, but not to exceed twenty-five percent (25%) of each of the applicable dimensional requirements.

(7) *Aggrieved Party.* An aggrieved party, for purposes of this Ordinance, shall be:

- (a) Any person who can demonstrate that their property will be injured by a decision of any official, board or agency responsible for administering this

Ordinance; or

- (b) Anyone requiring notice pursuant to this Ordinance or Rhode Island General Law, Title 45, Chapter 24.

(8) *Agricultural Land.* "Agricultural land," as defined in Rhode Island General Law Section 45-22.2-4. Land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. Agricultural land includes that defined as prime farm land or additional farm land of statewide importance for Rhode Island by the Soil Conservation Service of the United State Department of Agriculture.

(9) *Alteration.* Any change, addition, or modification in construction or occupancy of an existing structure.

(10) *Applicant.* An owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency.

(11) *Application.* The completed form or forms and all accompanying documents, exhibits and plans, if any, required of an applicant by an approving authority for development review, approval, or permitting purposes. In the case of any application relating to a Business Park District or a Land Development Project in a Business Park District, infrastructure inspection fees may be waived at the discretion of the Town Council.

(11A) *Arterial Road.* A high-capacity urban road. The primary function of an arterial road is to deliver traffic from collector roads to freeways, and between collector roads and urban centers. Arterial Roads are depicted in the Circulation element of the Comprehensive Community Plan Adopted on August 14, 1992 as Amended June 19, 2000.

(12) *Auto Sales.* The sale of more than three used or new vehicles on any property or parcel per year.

(13) *Basement.* That portion of a building that is partly or completely below grade.

(14) *Bed and Breakfast Inn.* An owner-occupied dwelling where short-term lodging rooms and meals are provided for a fee.

(15) *Berm.* An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

(16) *Board.* The Zoning Board of Review.

(17) *Buffer.* Land which is maintained in either a natural or landscaped state, and is used to screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-way.

(18) *Buffer, perimeter landscape.* A continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental, aesthetic, and other impacts of one type of land use upon another.

(19) *Building.* Any structure used or intended for supporting or sheltering any use or occupancy.

(20) *Building Envelope.* The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk; by other regulations; and/or any combination thereof.

(21) *Building Height.* The vertical distance from grade, as determined by the town, to the top of the highest point of the roof or structure. The distance shall exclude spires, chimneys, flag poles, and the like.

(22) *Building Height in a Business Park.* The vertical distance from grade, as determined by the location of the main entrance to the structure, to the top of the highest point of the roof or structure. The distance shall exclude spires, chimneys, flag poles and the like.

(23) *Business Park or Planned Business Park.* The purpose of this district is to denote major commercial and employment centers for the town. Land uses in this district include all commercial uses other than heavy industrial and certain other uses specifically prohibited. Business Parks and development plans, therefor, and Land development Projects in Business Park Districts, shall be approved, upon review and recommendation by the Planning Commission, administered and developed by the Town Council under the provisions of Article 14 of this Ordinance, to the extent such provisions are deemed necessary and appropriate by the Council.

(24) *Campgrounds.* One (1) or more lots used for seasonal overnight residential occupancy in permanent or semi-permanent structures, such as cabins, tents with tent platforms, or similar shelters. Such campgrounds may include any necessary permanent structures accessory to the principal use.

(25) *Capacity or land capacity.* The suitability of the land, as defined by geology, soil conditions, topography, and water resources, to support its development for uses such as residential, commercial, industrial, open space, or recreation. Land capacity may be modified by provision of facilities and services.

(26) *Cluster.* A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures.

(27) *Commercial Agriculture.* The raising and breeding of more than two animal units for commercial enterprise, commercial greenhouses, and plant nurseries or other farm products for the sale of commodities on or off the premises. Assessor uses shall include sale of craft and perishable items produced from materials cultivated on the property.

(28) *Commercial Composting.* A operation in which solid waste, excluding animal renderings and fish wastes, undergoes a process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can safely be used. Such a product is then sold either wholesale or retail to the general public. Note that consultation with the Rhode Island Department of Environmental Management is required for such an operation.

(29) *Common Ownership.* Either:

- (a) Ownership by one (1) or more persons in any form of ownership of two (2) or more contiguous lots; or
- (b) Ownership by any association (such ownership may also include a municipality) of one (1) or more lots under specific development techniques.

(30) *Community Residence.* A home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses or substance abuse treatment facilities. This shall include, but not be limited to the following:

- (a) Whenever six (6) or fewer mentally handicapped children or adults reside in any type of residence in the community, as licensed by the state pursuant to Rhode Island General Law Title 40.1, Chapter 24. All requirements pertaining to local zoning are waived for these community residences;

- (b) A group home providing care or supervision, or both, to not more than eight (8) mentally disabled or mentally handicapped or physically handicapped persons, and licensed by the state pursuant to Rhode Island General Law Title 40.1, Chapter 24;
- (c) A residence for children providing care or supervision, or both, to not more than eight (8) children including those of the care giver and licensed by the state pursuant to Rhode Island General Law Title 42, Chapter 72.1;
- (d) A community transitional residence providing care or assistance, or both, to no more than six (6) unrelated persons or no more than three (3) families, not to exceed a total of eight (8) persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than sixty (60) days nor more than two (2) years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

(31) *Comprehensive Plan.* The comprehensive community plan adopted by the Town of Coventry and approved pursuant to Rhode Island General Law Title 45, Chapter 22.2.

(32) *Commission.* The Planning Commission for the Town of Coventry.

(33) *Convenience Store.* Any retail establishment offering for sale prepackaged food products, household items, and any other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.

(34) *Customary Home Occupation.* Any occupation, profession, activity, or use that is clearly a customary, incidental, and accessory use of a residential dwelling unit carried out for gain by a resident, and which does not alter the exterior of the property or affect the residential character of the neighborhood.

(35) *Day Care - Day Care Center.* Any other day care center which is not a family day care home.

(36) *Day Care - Family Day Care Home.* Any home other than the individual's home in which day care in lieu of parental care or supervision is offered at the same time to six (6) or

less individuals who are not relatives of the care giver, but may not contain more than a total of eight (8) individuals receiving day care.

(37) *Days*. Calendar days.

(38) *Daytime*. The hours between 7 a.m. and 9 p.m.

(39) *Density, Residential*. The number of dwelling units per unit of land.

(40) *Development*. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; any change in use, or alteration or extension of the use of land.

(41) *Development Plan Review*. The process whereby authorized local officials review the site plans, maps, and other documentation of a development to determine compliance with the stated purposes and standards of this Ordinance.

(42) *District*. See "Zoning Use District."

(43) *Dormitory*. A structure used for housing by persons generally unrelated to each other by blood or marriage, but associated by reason or participation in the activities of a medical, religious, or educational organization. Such institutional dormitories are characterized by the provision of sleeping accommodations and common kitchen, dining or recreation facilities.

(44) *Drainage System*. A system for the removal of water from land by drains, grading, or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving surface and ground waters, and the prevention and/or alleviation of flooding.

(45) *Drive-in Facility*. An establishment that encourages or permits customers to receive a service or obtain a product, including food and drink, while in an automobile on the premises, or after briefly parking the automobile. See also "Fast-food Restaurant."

(46) *Duplex*. Two single dwelling units each with separate entrances divided by a common party wall.

(47) *Dwelling*. A building or portion thereof designed exclusively for residential occupancy, but not including hotels, motels, lodging houses, trailers, or structures solely for

transient or overnight occupancy.

(48) *Dwelling, Single-Family*. A building used exclusively for occupancy by one (1) family.

(49) *Dwelling, Two-Family*. A building used exclusively for occupancy by two (2) families living independently of each other.

(50) *Dwelling, Multi-Family*. A dwelling containing more than two (2) dwelling units for occupancy of families living independently of each other including apartment houses, apartment hotels, and flats.

(51) *Dwelling Unit*. A structure or portion thereof providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

(52) *Earth Removal*. The extraction of minerals and mining of materials from the ground to include quarrying, milling, crushing, screening, washing, and flotation of earthen materials, and other preparation customarily done at the extraction site or as a part of the extractive activity.

(53) *Excavation, Extraction, or Mining*. The mechanical removal of rock, sand, gravel, clay, and similar materials for commercial purposes.

(54) *Family*. A person or persons related by blood, marriage, or other legal means. See also "Household."

(55) *Fast-food Restaurant*. An establishment that serves food and beverages inside or outside the structure, generally in disposable containers, and where such food and beverages may be removed from the premises for consumption.

(56) *Federally Insured or Assisted Housing*. Federally insured or assisted housing means:

- (a) low-income housing units insured or assisted under Sections 221 (d)(3) and 236 of the National Housing Act [12 U.S.C. §§ 1701 et seq.].
- (b) low income housing units produced with assistance under Section 8 of the U.S. Housing Act of 1937 [42 U.S.C. §§ 1401 et seq.]; and

- (c) rural low income housing financed under Section 515 of the Housing Act of 1949 [12 U.S.C. § 1715Z].

(57) *Floating Zone*. An unmapped zoning district adopted within the Ordinance which is established on the zoning map only when an application for development, meeting the zone requirements, is approved.

(58) *Floodplains, or Flood Hazard Area*. As defined in Rhode Island General Law Section 45-22.2-4. An area that has a one (1) percent or greater chance of inundation in any given year, as delineated by the Federal Emergency Management Agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448) [42 U.S.C. 4011 et seq.].

(59) *Frontage*. The length of any one (1) property line of a premises, which property line abuts a legally accessible right-of-way, not burdened by access easement, across which access is legally and physically available for pedestrians and vehicles; or in the case of a corner lot, all sides of a lot adjacent to street rights-of-way shall be considered frontage.

(60) *Garage*. A building or structure, or part thereof, used or intended to be used for the storage of vehicles.

(61) *Grade*. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the structure and the property line.

(62) *Grocery Store*. A commercial establishment that sells food, food kindred products, and household goods, and that has a gross floor area of ten thousand (10,000) square feet or less.

(63) *Gross Floor Area*. The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of the exterior walls, but shall not include floor space that provides less than six (6) feet of structural headroom, interior parking spaces, or loading areas for motor vehicles.

(64) *Groundwater*. "Groundwater" and associated terms, as defined in Rhode Island General Law Section 46-13.1-3.

(65) *Halfway Houses*. A residential facility for adults or children who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to a functional member of society.

(66) *Hardship*. A set of unique characteristics of land or structures that result in an inability to conform with the standards and requirements of this Ordinance. Hardship shall not include consideration of the characteristics of surrounding land, or physical or economic disability of an applicant.

(67) *Hazardous Waste*. A waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (b) pose a substantial present or potential hazard to human health or the environment; or such wastes which include, but are not limited to, those which are toxic, corrosive, flammable, irritants, strong sensitizers, substances which are assimilated or concentrated in and are detrimental to tissue, or which generate pressure through decomposition or chemical reaction.

(68) *Historic District, or Historic Site*. As defined in Rhode Island General Law Section 45-22.2-4. "Historic district" means one (1) or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites, and has been registered, or is deemed eligible to be included, on the state register of historical places pursuant to Rhode Island General Law Section 42-45-5. "Historic site" means any real property, man-made structure, natural object, or configuration or any portion or group of the foregoing which has been registered, or is deemed eligible to be included, on the state register of historic places pursuant to Rhode Island General Law Section 42-45-5.

(69) *Household*. One (1) or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

- (a) A family, which may also include servants and employees living with the family; or

(b) A person or group of no more than five (5) unrelated persons living together.

(70) *Impervious Surface.* A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including surfaces such as compacted sand, gravel, or clay, as well as most conventionally surfaced streets, sidewalks, parking lots, and other similar structures.

(71) *Impulsive Noise.* Sound of short duration, usually less than one (1) second, with an abrupt onset and a rapid decay. Examples of impulsive noise include explosions and the discharge of firearms.

(72) *Incompatibility of Land Uses.* An issue arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, and similar environmental conditions.

(73) *Industrial Arts.* Craft products created through the use of tools or machinery for retail sale.

(74) *Infrastructure.* Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

(75) *Junkyard.* a lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of three or more unregistered, inoperable motor vehicles or other materials (This shall also refer to auto salvage yards).

(76) *Kennel.* An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

(77) *Land Development Project.* A project in which one (1) or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as provided for in this Ordinance.

(78) *Landscaping.* Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch walls, fences, or decorative paving materials).

(79) *Lodging House.* A building with more than two (2) but not more than ten (10) guest rooms where lodging, with or without meals, is provided for compensation.

(80) *Lot.* Either:

- (a) The basic development unit for determination of lot area, depth, and other dimensional regulations; or
- (b) A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

(81) *Lot Area.* The total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet.

(82) *Lot Coverage.* That portion of the lot that is or may be covered by buildings, accessory buildings and impervious surfaces.

(83) *Lot Depth.* The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

(84) *Lot Line.* A line of record, bounding a lot, which divides one lot from another lot or from a public or private street or any other public or private space and shall include:

- (a) *Front:* the lot line separating a lot from a street right-of-way.
- (b) *Rear:* the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line; and
- (c) *Side:* any lot line other than a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

(85) *Lot, Through.* A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

(86) *Lot Width.* The horizontal distance between the side lines of a lot measured at right

angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

(87) *Mixed Use*. A combination of residential, business, commercial, or industrial land uses within a single development, building, or tract.

(88) *Mobile Home*. A transportable, single-family dwelling unit suitable for year-round occupancy and having a water supply and waste disposal system similar to immobile housing. A mobile home is designed to be transported on the streets and highways on its own wheels and arrive at the site where it is to be occupied as a dwelling unit complete and ready for occupancy. Removal of wheels and/or axles shall not change its status as a mobile home.

(89) *Mobile Home Lot*. A lot located in a mobile home park used for the placement of a single mobile home and the exclusive use of its occupants.

(90) *Mobile Home Park*. A site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for residents.

(91) *Nighttime*. The hours between 9 p.m. and 7 a.m.

(92) *Nonconformance*. A building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of this Ordinance and not in conformity with the provisions of such Ordinance or amendment. Nonconformance shall be of only two (2) types:

- (a) Nonconforming by use: a lawfully established use of land, building, or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of this Ordinance shall be nonconforming by use; or
- (b) Nonconforming by dimension: a building, structure, or parcel of land not in compliance with the dimensional regulations of this Ordinance. Dimensional regulations include all regulations of this Ordinance, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of this Ordinance shall be nonconforming by use; a building or structure containing a permitted number of dwelling units by the use regulations of this Ordinance, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by

dimension.

(93) *Open Space*. Any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that the area may be improved with only those buildings, structures, streets, and off-street parks and other improvements that are designated to be incidental to the natural openness of the land.

(94) *Ornamental Tree*. A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

(95) *Overlay District*. A district established that is superimposed on one (1) or more districts or parts of districts and that imposes specified requirements in addition to, but not less, than those otherwise applicable for the underlying zone.

(96) *Owner*. Any person who alone, jointly, or severally with others shall have legal or record title to any property; or shall have charge, care, or control of any property as agent, executor, trustee, or guardian.

(97) *Performance Standards*. A set of criteria or limits relating to elements which a particular use or process either must meet or may not exceed.

(98) *Periodic Noise*. Sound which is not continuous, is of intermittent character, and may be cyclical in nature.

(99) *Permitted Use*. A use by right which is specifically authorized in a particular zoning district.

(100) *Planned Unit Development (PUD)*. A "land development project," as defined herein, and developed according to plan as a single entity and containing one (1) or more structures and/or uses with appurtenant common areas.

(101) *Preapplication Conference*. A review meeting of a proposed development held between applicants and reviewing agencies as permitted by law and this Ordinance, before formal submission of an application for a permit or for development approval.

(102) *Recreational, Hobby, Education Farm Animal Raising*. The raising of farm animals for appropriate 4-H activities, personal and household use or pleasure rather than for commercial enterprise.

(103) *Repair Garage*. A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work.

(104) *Restoration*. The reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area including surface and ground waters.

(105) *Screen*. A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements such as plants, berms, fences, walls, or any appropriate combination thereof.

(106) *Service Station*. Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

(107) *Setback Line or Lines*. A line or lines parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

(108) *Shade Tree*. Usually a deciduous tree planted primarily for its high crown of foliage or overhead canopy.

(109) *Shopping Center*. A group of three (3) or more contiguous commercial establishments, planned, developed, owned, and managed as a single unit with off-street parking provided on the same lot.

(110) *Shrub*. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground which can be either deciduous or evergreen.

(111) *Sign*. A structure or device designed or intended to convey information to the public in written or pictorial form.

(112) *Site Plan*. The development plan for one (1) or more lots on which is shown the existing and/or the proposed conditions of the lot.

(113) *Special Use*. A regulated use which is permitted pursuant to the special-use permit

issued by the Coventry Zoning Board of Review. Formerly referred to as a special exception.

(114) *Story*. That portion of a building between the surface of any floor and the surface of the floor next above it or if there is no floor above it, then the space between the highest floor and the top of the roof beams. A basement shall be counted as a story.

(115) *Structure*. A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water.

(116) *Substandard Lot of Record*. Any lot lawfully existing at the time of adoption or amendment of this Ordinance and not in conformance with the dimensional and/or area provisions of the Ordinance.

(117) *Supermarket*. A commercial establishment that sells food, food kindred products, and household goods, and that has a gross floor area in excess of ten thousand (10,000) square feet. Such an establishment shall also be considered a supermarket if it sells items not customarily associated with grocery stores, regardless of size.

(118) *Top Soil*. A presumed fertile soil or soil material that responds to fertilization, ordinarily rich in organic matter.

(119) *Trailer*. Any vehicle or any portable structure designed and constructed so as to permit the occupancy thereof as a dwelling by one (1) or more persons and so designed and constructed that it is or may be mounted on wheels and used as a conveyance on a street or highway, propelled or drawn by its own or other motive power.

(120) *Unstable Soils*. Any soil, as defined by the United States Geological Survey, the U.S. Department of Agriculture, or the Soil Conservation Service, that is prone to cause erosion or sedimentation, or that is incapable of supporting structures due to engineering concerns.

(121) *Upland*. Land which is not a wetland as defined in Rhode Island General Law Section 2-1-20.

(122) *Use*. The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

(123) *Variance*. Permission to depart from the literal requirements of this Ordinance. An authorization for the construction or maintenance of a building or structure, or for the

establishment or maintenance of a use of land, which is prohibited by this Ordinance. There shall be only two (2) categories of variance, a use variance or a dimensional variance.

- (a) *Use Variance.* Permission to depart from the use requirements of this Ordinance where the applicant for the requested variance has shown, by evidence upon the record, that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this Ordinance.
- (b) *Dimensional Variance.* Permission to depart from the dimensional requirements of this Ordinance, where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations.

However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

(124) *Waters.* As defined in Rhode Island General Law Section 46-12-1(b).

(125) *Wetland, Freshwater.* As defined in Rhode Island General Law Section 2-1-20. A marsh, swamp, bog, pond, river, river or stream flood plain or bank, area subject to flooding or storm flowage; emergent or submergent plant community in any body of fresh water; or area within fifty (50) feet of the edge of a bog, marsh, swamp, or pond, as defined in Rhode Island General Law Section 2-1-20.

(126) *Woodlands.* Existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

(127) *Yard.* A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground up, except as otherwise provided in this Ordinance.

(128) *Yard, Front.* The area between a street line and a line parallel thereto, drawn through the nearest point of a main structure, extending between side lot lines. On a corner lot, there shall be only one (1) front yard, the other potential front yard shall be considered a corner side yard.

(129) *Yard, Side.* The area between the main building and the side lot line, extended from

the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest point of the main building.

(130) *Yard, Rear.* An area extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

(131) *Zoning Certificate.* A document signed by the Zoning Enforcement Officer, as required by this Ordinance, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of this Ordinance or is an authorized variance, special-use permit or administrative variance therefrom.

(132) *Zoning Enforcement Officer.* The person charged with enforcing this Ordinance.

(133) *Zoning Map.* The map or maps which are a part of this Ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the Town of Coventry.

(134) *Zoning Use Districts.* The basic unit in zoning to which a uniform set of regulations applies, or a uniform set of regulations for a specified use.

ARTICLE 3 - ADMINISTRATION AND ENFORCEMENT

SECTION

300 - Building Inspector and Zoning Enforcement Officer:

301 It shall be the duty of the Building Inspector and the Zoning Enforcement Officer to administer and enforce the provisions of this Ordinance.

310 - Duties of the Building Inspector and Zoning Enforcement Officer:

311 The Building Inspector and the Zoning Enforcement Officer shall have the authority to:

- A. Order the correction of any violation of this Ordinance;
- B. Order discontinuance of illegal uses of land, buildings or structures;
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations;
- D. Order discontinuance of any illegal work being done;
- E. Take other action authorized by this Ordinance to ensure compliance with or to prevent violation(s) of this Ordinance. This may include the issuance of and action on building permits, Zoning and Occupancy Certificates and similar administrative duties as are permitted;
- F. Collect required fees and fines for violations;
- G. Keep records showing the compliance of uses of land;
- H. Inspect suspected violations; and
- I. Perform other duties and exercise other powers as are authorized by this Ordinance.

320 - Zoning Certificate Required:

- 321 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 Ordinance, 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 as provided by this Ordinance.
- 322 Any change of use or tenant in a commercial or industrial building structure or land shall require the issuance of a Zoning Certificate.

330 - Zoning Certificates:

- 331 An application for a Zoning Certificate shall be accompanied by:
- A. a site plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon;
 - B. the exact location and size of all existing buildings and structures and all buildings or structures to be erected, constructed, reconstructed, altered or enlarged;
 - C. the location of all zoning district boundary lines as they may affect the lot or premises;
 - D. the location and size of off-street parking and loading facilities where required; and
 - E. such other information as may be necessary to provide for the enforcement of this Ordinance. The Zoning Certificate shall be issued on the basis of the application and accompanying plans and shall authorize only the use, arrangement and construction set forth in approved plans and applications. Any use, arrangement or construction at variance with that authorized under this Ordinance shall be deemed in violation of this Ordinance. No site plan shall be required with an application for a Zoning Certificate involving only alterations of an existing building where the use and exterior surfaces of such buildings are not changed or enlarged in any manner and the use is not affected by any other section of this Ordinance. A record of all applications, plans and certificates shall be kept on file in the office of the Building Inspector and shall

be available for public inspection during regular office hours. One (1) copy of the plans shall be returned to the applicant by the Building Inspector after each copy is marked as either as approved or disapproved and attested to by the signature of the Building Inspector on such copy. The original, similarly marked, shall be retained by the Building Inspector as a Town record.

332 The Building Inspector, or the Zoning Enforcement Officer, or an assistant shall have the right of entry to such building or structure for the proper performance of his/her duties.

333 The Building Inspector or Zoning Enforcement Officer shall not issue a building permit until a Zoning Certificate has been issued.

340 - Publication of Zoning Certificates:

341 The Building Inspector shall publish weekly a list of all Zoning Certificates issued in a newspaper of general circulation in the Town. Such list shall show the Zoning Certificates issued during the proceeding week, and shall specify the applicant, assessor's plat and lot, street name and proposed use.

350 - Zoning Certificate - Relationship to Other Codes, Regulations and Ordinances:

351 The issuance of a Zoning Certificate shall in no way relieve the applicant of the responsibility of obtaining such permits or approvals as may be required under the provisions of other codes, regulations and ordinances, whether Federal, State or Town, relating to the use, erection, alteration or modification of a building or structure or to the use or subdivision of land. However, all other permits or approvals shall conform to this Ordinance.

360 - Expiration of a Zoning Certificate:

361 A Zoning Certificate shall be valid for the duration of the use which was the subject of the original application and issuance, and shall expire upon the termination of that use.

370 - Work Previously Authorized:

371 Nothing in this Ordinance shall prevent the completion of any development for which a valid building permit has been issued except that such development shall be initiated within three (3) months after the adoption of this Ordinance and shall be completed within two (2) years after such adoption. Where such a valid building permit exists, no Zoning Certificate shall be required.

380 - Vested Rights:

381 Applications for development that are substantially complete and have been submitted for approval to the Building Inspector or the Board prior to the effective date of this Ordinance shall be reviewed according to the Zoning Ordinance in force at the time the application was submitted.

382 For purposes of this Section, an application shall be considered substantially complete when signatures of approval have been obtained from the Town Engineer, the Zoning Enforcement Officer, the Fire District, and the Building Inspector.

383 If an application for development under the provisions of this Section is approved, development shall be initiated within six (6) months of the date of approval, and shall be substantially completed within two (2) years of the date of approval.

390 - Administrative Variances:

391 The Building Inspector or Zoning Enforcement Officer may allow an administrative variance from the literal dimensional requirements of this Ordinance in the instance of the construction, alteration, or structural modification variance of a structure or lot of record. The modification shall not exceed twenty-five (25) percent of any of the dimensional requirements specified in this Ordinance. In no instance shall an administrative variance permit the moving of lot lines. Within ten (10) days of receipt of a request for an administrative variance, the Building Inspector or Zoning Enforcement Officer shall make a decision as to the suitability of the requested administrative variance based on the following determinations:

- A. The administrative variance requested is reasonably necessary for the full enjoyment of the permitted use;
- B. If the administrative variance is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;

- C. The administrative variance requested is in harmony with the purposes and intent of the Comprehensive Plan and this Ordinance; and
- D. The administrative variance requested does not require a variance of a flood hazard requirement.

392 The Building Inspector or Zoning Enforcement Officer shall consider, but not necessarily be bound by, an advisory opinion of the planning department on an administrative variance in question, provided that such opinion is delivered in writing within ten (10) days of receipt of the request for administrative variance.

393 Upon an affirmative determination, the Building Inspector or Zoning Enforcement Officer shall notify, by registered or certified mail, all property owners abutting the property which is the subject of the administrative variance request, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of general circulation within the Town that the administrative variance will be granted unless written objection is received within thirty (30) days of the public notice. Costs of any notice required under this subsection shall be borne by the applicant requesting the administrative variance. If written objection is received within thirty (30) days, the request for a administrative variance shall be denied. In that case the changes requested will be considered a request for a variance and may only be issued by the Board following the standard procedures for variances. If no written objections are received within thirty (30) days, the Building Inspector or Zoning Enforcement Officer shall grant the administrative variance.

394 The Building Inspector or Zoning Enforcement Officer may apply such special conditions to the permit as may, in the opinion of the Building Inspector or Zoning Enforcement Officer be required to conform to the intent and purposes of this Ordinance.

395 The Building Inspector or Zoning Enforcement Officer shall keep public records of all requests for administrative variances, and of findings, determinations, special conditions, and any objections received.

396 A request for an administrative variance shall require an administrative fee paid to the Town of one hundred forty five (145) dollars.

3100 - Penalty for Violations:

- 3101 The erection, construction, enlargement, intensification, conversion, moving or maintenance of any building or structure and the use of any land or building or structure which is continued, operated or maintained, contrary to any of the provisions of this Ordinance, is a violation of this Ordinance and unlawful.
- 3102 Any person, whether as principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance, shall be fined an amount reasonably related to the seriousness of the offense, and in any case not more than five hundred (500) dollars for each offense. Fines collected shall go into the general fund of the Town.
- 3103 Each day of the existence of any such violation shall be deemed a separate offense.
- 3104 Upon finding that any of the provisions of this Ordinance are being violated, the Building Inspector or Zoning Enforcement Officer shall notify in writing the person responsible for such violation(s), indicating the nature of the violations, and ordering the action necessary to correct it. Such notice shall contain a date for compliance with said order. The Building Inspector or Zoning Enforcement Officer shall establish the compliance date based upon the amount of time reasonably required to so comply, subject to the following:
- A. The maximum time allowed shall be thirty (30) days.
 - B. The minimum time to be allowed shall be five (5) days unless the Building Inspector or Zoning Enforcement Officer finds as a fact that the violation constitutes an immediate hazard to the public health, safety, morals and welfare, in which case the minimum time to be allowed shall be twenty-four (24) hours. If compliance has not been made within the stipulated time period, the Building Inspector or Zoning Enforcement Officer shall notify the Town Solicitor, or other such legal counsel of the Town of the violation of this Ordinance. Immediately upon notification of any violation, the Town Solicitor shall institute appropriate action to prevent, enjoin, abate or remove such violation. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

3105 The Town may bring suit in the supreme court, the superior court, or any municipal court, including a municipal housing court having jurisdiction, in the name of the Town, to restrain the violation of, or to compel compliance with, the provisions of this Ordinance. The Town may consolidate an action for injunctive relief and/or fines under the Ordinance in the Kent County Superior Court.

3110 - Appeal from a Decision of the Building Inspector/Zoning Enforcement Officer:

3111 Any person aggrieved by a decision of the Building Inspector or Zoning Enforcement Officer concerning this Ordinance, may file an appeal in accordance with the provisions of Section 412 of this Ordinance.

3120 - Maintenance of Ordinance:

3121 The Director of the Department of Planning and Development shall be responsible for the maintenance and update of the text and zoning map comprising this Ordinance. Changes which impact the Zoning Map shall be depicted on the Map within ninety (90) days of the authorized change.

3130 - Filing Fees:

3131 The following fee schedule shall apply for applications filed with the appropriate reviewing authority:

TABLE 3-1

Type of Project	Fees
A. Variances and Special-use Permits Applied for:	
1. Residential Additions or Alterations under 250 s.f.	\$145
2. Residential Additions or Alterations over 250 s.f. or Application for Residential Structure (other than types listed below)	\$200
3. Application for Duplex or In-Law	\$350
4. Application for Multi-family Units and Condominium Projects	\$400 +\$20/unit over 3
5. Commercial and Industrial Building up to five thousand (5,000) square feet (Including additions or alterations)	\$500
6. Commercial and Industrial Buildings over five thousand (5,000) square feet	\$750
7. Administrative Variance	\$145
8. Each appeal pursuant to Section 412	\$200
9. Zoning Amendment	\$250
B. Application for Telecommunications Tower Facility	\$1,500
C. Additional fees may be required to pay for the following studies as deemed appropriate by the Town Council to ascertain potential impact to the environment and adjacent land uses. These studies shall be performed by outside consultants on behalf of the Town.	
1. Traffic	\$1,500
2. Hydrogeologic	\$1,500
3. Hazardous Materials	\$2,500
4. Power Plant Siting	\$2,500
5. Air Quality	\$1,500
D. Development Plan Review	
1. Up to fifteen thousand (15,000) square feet under development	\$150
2. Fifteen thousand (15,000) square feet to one (1) acre under development	\$350
3. Each additional acre or portion thereof under development	\$100
E. Appeal from Planning Commission decision	\$200

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ARTICLE 4 - ZONING BOARD OF REVIEW

SECTION

400 - Organization:

- 401 There is hereby created a Zoning Board of Review, hereafter called the Board. The Board shall consist of five (5) members, each to hold office for the term of five (5) years; provided, however, that the original appointments shall be made for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively. The Board shall also include two (2) alternates to be designated as the first and second alternate members, each for one (1) year terms. Alternate members shall sit and may actively participate in hearings. The first alternate shall vote if a member of the Board is unable to serve at a hearing and the second shall vote if two (2) members of the Board are unable to serve at a hearing. In the absence of the first alternate member, the second alternate member shall serve in the position of the first alternate. No member or alternate may vote on any matter before the Board unless they have attended all hearings concerning that matter.
- 402 Members and alternates of the Board shall be legal residents of the Town of Coventry.
- 403 The Board shall, in May of each year, elect a Chairman, Vice-Chairman and a Secretary from its membership and may adopt rules to be used in the conduct of its business.
- 404 The Board as constituted at the time of the adoption of this Ordinance shall be continued, and all members shall hold office for the remainder of their respective terms.
- 405 Members of the Board serving on the effective date of adoption of this Ordinance shall be exempt from provisions of this Ordinance respecting terms of originally appointed members until the expiration of their current terms.
- 406 If a vacancy occurs on the Board, for whatever reason at any time, the Town Council shall appoint a new member for the unexpired term. The following shall constitute termination of membership: voluntary resignation; non-reappointment; or failure to maintain qualifications of membership.

407 Members of the Board may be removed from office for cause by a majority vote of the Town Council upon written charges and after a public hearing, if requested.

410 - Powers and Duties of the Board:

411 The Board shall have the following powers and duties:

- A. 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 Ordinance;
- B. 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;
- C. To authorize, upon application, in specific cases of hardship, variances in the application of the terms of this Ordinance;
- D. To authorize, upon application, in specific cases, special-use permits;
- E. 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;
- F. To provide for issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one (1) 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 within a specified time period;
- G. To promulgate rules and regulations to enforce this Ordinance;
- H. To provide for the payment of reasonable fees, in an amount not to exceed actual costs incurred, to be paid by the appellant or applicant for the adequate review and hearing of applications, the issuance of zoning certificates, and for the recording of the decisions thereon; and
- I. To hear and decide other matters, according to the terms of

this Ordinance or other statutes, and upon which the Board may be authorized to pass under this Ordinance or other statutes.

412 An appeal to the Board from a decision of the Building Inspector or the Zoning Enforcement Officer in the enforcement of this Ordinance may be taken by any person, officer, department or board of the Town or State aggrieved or affected by such decision or other action. Such appeal shall be taken within thirty (30) days of the recording of the decision or action by the Building Inspector or the Zoning Enforcement Officer by filing a notice of appeal with the Zoning Board of Review Clerk specifying the grounds therefor. The Building Inspector or the Zoning Enforcement Officer shall transmit to the Board all the records upon which the decision or action was based. An appeal shall stay all proceedings in furtherance of the decision or action appealed from, unless the Building Inspector or Zoning Enforcement Officer certifies to the Board that a stay would cause imminent peril to life or property. In such a case, proceedings shall not be stayed other than by a restraining order granted by a court of competent jurisdiction.

413 In exercising its powers the Board may reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make such orders, requirements, decisions, or determinations as ought to be made, and to that end shall have the powers of the officer from whom the appeal was taken. All decisions and records of the Board respecting appeals shall conform to the provisions of Section 425.

420 - Procedure of the Board:

421 Meetings of the Board shall be held at the call of the chairperson, by vote of the membership, or by written request signed by three (3) members of the Board and filed with the Town Clerk. The Chairperson or in his absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses.

422 When transacting business, conducting a public hearing, or arriving at a decision, the Board shall at all times consist of at least five (5) participating members. As soon as a conflict of interest occurs for a member, that member shall recuse himself or herself, shall not sit as an active member, and take no part in the conduct of the hearing. Only five (5) active members shall be entitled to vote on any issue. The concurring vote of three (3) of the five (5) members of the Board shall be necessary to reverse or modify any order, requirement, decision or determination of the Building Inspector or the Zoning

Enforcement Officer and the concurring vote of four (4) of the five (5) members of the Board sitting at a hearing shall be required to decide in favor of the applicant on the matter of a variance, special-use permit, or any other matter upon which the Board is authorized to pass.

423 The Board shall hold a public hearing on all appeals and on applications for special-use permits or variances. Such hearing shall not be held later than forty-five (45) days after receipt, in proper form, of an appeal or application. Public notice thereof shall be given at least fourteen (14) days prior to the date of hearing in a newspaper of general circulation in the Town. In addition, the applicant shall give written notice by certified mail, ten (10) days before such hearing, to all property owners of record of land within two hundred (200) feet of the perimeter of the subject property excluding road right-of-ways including owners of real property in an adjacent city or town. Notice shall be sent to the Clerk of the adjacent city or town whose boundary lies within two hundred (200) feet of the subject property. A list of the names and addresses of these persons shall be determined from public record. Proof of such mailing shall be established by the applicant's filing an affidavit of such notice with the Town Clerk. The Board shall render a decision on any matters before it within forty-five (45) days after the termination of the public hearing.

424 The Board shall include in its decision all findings of fact and conditions, showing the vote of each member participating thereon, and the absence of a member or his or her failure to vote. Decisions shall be recorded and filed in the office of the Board within thirty (30) working days from the date when the decision was rendered, and shall be a public record. The Board shall keep written minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations, findings of fact, and other official actions, all of which shall be recorded and filed in the Office of the Town Clerk in an expeditious manner upon completion of the proceeding. A copy of the Board's decision shall also be recorded in the Land Evidence Records of the Town. For any proceeding in which the right of appeal lies to the superior or supreme court, the Board shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device.

425 Any decision by the Board, including any special conditions attached thereto, shall be mailed to the appellant or applicant, the Town Clerk, the Building Inspector or the Zoning Enforcement Officer, the Town Planner and the Commission, and to the Associate Director of the Division of Planning of the Rhode Island Department of

Administration. Any decision evidencing the granting of a variance, modification, or special-use shall also be recorded in the land evidence records of the Town.

- 426 Where the Board denies a request for variance or special-use permit, an application requesting an identical action may not be considered for a period of one (1) year from the date of such denial unless the Board in its discretion votes affirmatively to reconsider the request.
- 427 Copies of all applications to the Board shall be forwarded to the Planning Commission for advisory review and recommendation.

430 - Special-Use Permits:

- 431 The Board shall have the power to grant a special-use permit for the uses so designated in Article 6.
- 432 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:
- A. 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;
 - B. Off-street parking and loading areas where required (see Article 12), with particular attention to the items in Subsection A above, and to the economic, noise, glare or odor effects of the special-use permit on adjoining lots;
 - C. Trash, storage and delivery areas with particular reference to the items in Subsection A and B above;
 - D. Utilities, with reference to locations, availability and compatibility;
 - E. Screening and buffering with reference to type, dimensions and character (see Article 17);
 - F. 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 15);
 - G. Required yards and other open space;
 - H. General compatibility with lots in the same or abutting zoning

districts;

- I. The use will not result in or create conditions that will exceed the Industrial Performance Standards in Article 7;
- J. General compatibility with the Coventry Comprehensive Plan; and
- K. That the granting will not result in conditions inimical to the public health, safety, morals and welfare.

433 The Board shall hold a public hearing on any application for a special-use permit in an expeditious manner, after receipt, in proper form, of an application, and shall give notice thereof at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation in the Town. Notice of hearing shall be sent by certified mail to the applicant and to at least all those who would require notice under Section 423 of this Ordinance. The notice shall also include the street address of the subject property. The posting shall be for informational purposes only and shall not constitute required notice of a public hearing. The cost of notification shall be borne by the applicant.

434 Approval of an application for a special-use permit shall expire one (1) year from the date recorded in the Town Clerk's Office unless the applicant exercises the permission granted or receives a building permit to do so and begins the construction and diligently pursues it until completed. The disregarding of any conditions made part of the special-use permit shall be deemed a violation of this Ordinance and shall negate the granted special-use permit. The Board may grant a six (6) month extension of the special-use permit if the applicant can show just cause.

440 - Extension of Special-Use Permits:

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

450 - Variances:

451 The Board shall have the power to:

- A. Grant a variance from the literal requirements of this Ordinance relating to density, dimensions or other site

requirements, but not involving the actual use or activity; and

- B. Grant a variance from the use regulations or requirements of this Ordinance where application is made for reinstatement of a nonconforming use.

452 An application for relief from the literal requirements of this Ordinance because of hardship may be made by any person by filing with the Zoning Board of Review Clerk an application in accordance with Section 470. The Zoning Board of Review Clerk shall immediately transmit each application received to the Board and shall transmit a copy of each application to the Planning Commission.

453 The Board, immediately upon receipt of an application for a variance in the application of the literal terms of this Ordinance, may request that the Commission and/or planning staff shall report its findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan in writing to the Board within thirty (30) days of receipt of the application from that Board. The Board shall hold a public hearing on any application for variance in an expeditious manner, after receipt, in proper form, of an application, and shall give public notice thereof at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation in the Town. Notice of hearing shall be given by the applicant by certified mail to at least all those who would require notice under Section 423 of this Ordinance. The notice shall also include the street address of the subject property. The cost of notification shall be borne by the applicant.

454 In granting a variance, the Board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

- A. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant;
- B. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;
- C. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Coventry Comprehensive

Plan; and

- D. That the relief to be granted is the least relief necessary.
- E. When the zoning enforcement officer of the Town of Coventry has recorded a notice of violation in the Coventry Land Evidence records which is, in his opinion, a violation of any of the use or dimensional regulation of the Coventry Zoning Ordinance, then the Board shall be prohibited from granting a variance regarding said use or dimensional regulation until such time as the applicant has corrected said violation to the satisfaction of the zoning enforcement officer.

455 The Board shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:

- A. in granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this Ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and
- B. in granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property.

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

456 The Board shall consider any application for variance in the light of the Comprehensive Plan and shall consider the effect of the variance on the future development of the Town.

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

458 Approval of the application for a variance shall expire one (1) year from the date recorded in the Town Clerk's Office unless the applicant exercise the permission granted by obtaining a building permit and begins construction and diligently pursues it until completed. The Board may grant a six (6) month extension of the

variance upon a showing of just cause by the applicant.

460 - Special Conditions:

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

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

470 - Application Procedure: Special-Use Permits and Variances:

471 An application for a special-use permit or variance may be made by any person desiring such action by filing with the Zoning Board of Review Clerk the prescribed application which shall describe the request and contain such information as may be required by this Ordinance and by the rules of the Board. All applications shall be accompanied at the time of filing by a plot plan drawn to scale showing the location of all lot and street lines, existing and proposed structures, utilities, wells, sewage disposal systems of the property which is the subject of the appeal or application. Additional application requirements may be found in Article 16 (Development

Plan Review). All applications shall be accompanied by a plat map showing lot and street lines and approximate location of structures on premises adjacent to the property which is the subject of the application. All applications shall be filed with the Zoning Board of Review Clerk at least twenty (20) days prior to the next scheduled public hearing date, and shall be accompanied by the fees required.

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

480 - Participation in Zoning Hearing:

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

490 - Appeals to Superior Court:

491

An aggrieved party may appeal a decision of the Board to the Superior Court for Kent County in accordance with Rhode Island General Law 45-24-69 by filing a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the office of the Town Clerk. The decision shall be posted in a location visible to the public in the town hall for a period of twenty (20) days following the recording of the decision. The Board shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the members of the Board shall be made parties to the proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

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ARTICLE 5 - ZONING DISTRICTS AND ZONING DISTRICT MAP

500 - Zoning Districts:

501 For the purpose of this Ordinance, the Town of Coventry is hereby divided into the following districts:

A. Residential:

1. RR5 - Rural Residential District. These are rural areas which are not served by public facilities, and in which intensive development should not occur. These areas are characterized by very low density development, large estates, agricultural uses and certain low intensity non-residential activities incidental to a rural environment. This district is designed to preserve the rural character of the Town and to preserve and protect environmentally sensitive land. The minimum lot size for development is five (5) acres.

2. RR3 - Rural Residential District. These are rural areas which public water or sewer facilities are not available and in which municipal police, fire, school and recreation opportunities and facilities are limited. This district is designed to minimize intensive development in order to protect surface and groundwater reserves and to promote orderly development in a manner that appropriately reflects the surrounding land use and capacity of the town to service the resultant development. These areas are characterized by low density residential development, large estates, and certain low intensity non-residential activities incidental to a rural environment. The minimum lot size for development is three (3) acres.

3. RR2 - Rural Residential District. These are rural areas in which public water or sewer facilities are generally not available. These areas are characterized by low density single family residential development, large estates, and certain low intensity non-residential activities incidental to a rural environment. The minimum lot size for development is two (2) acres.

4. R20 - Residential District. These are quiet, higher density residential areas of the Town, plus certain undeveloped areas where similar residential development will likely occur in the future. Public water is generally available and public sewers are planned. Public facilities and a wide range of services are available. The minimum lot size for development is twenty thousand (20,000) square feet.
5. RMH - Residential Mobile Home District. These are districts limited to mobile home parks and created in accordance with the provisions of Article 11 of this Ordinance.

B. Business:

1. VRC - Village Rural Commercial District. These districts are defined primarily as traditional mixed use village nodes in central and western Coventry that support a variety of land uses, including retail, service, light industrial, office, and residential uses. Special development standards are required for the preservation and enhancement of the visual, traditional and historic character of the vicinity.
2. VMC - Village Main Street Commercial. These districts are defined primarily as traditional mixed use village nodes in eastern Coventry that support a variety of uses including retail, service, office, and residential. Special development standards are required for the preservation and enhancement of the visual, traditional and historic character of the vicinity.
3. GB / GB-1 General Business District. These districts are composed of certain land and structures to provide for the retailing of commodities and the furnishing of services which depend primarily on vehicular traffic. GB-1 requires a minimum of one (1) acre for development.
4. BP - Planned Business Park. This is a floating zone, the purpose of which is to denote major commercial,

office and industrial centers for the town as identified in the Comprehensive Community Plan. Proposals shall ensure a coordinated development plan where uses, traffic controls, open space needs, buffering and site appropriateness can be evaluated. Land uses in this district include all commercial uses other than heavy industrial and certain other uses specifically prohibited. Business Park Districts shall be approved as a Land Development Project through the provisions of Article 14 of this Ordinance.

C. Industrial:

1. I 1 - These districts are primarily large tracts of land suitable for industrial development in conformance with development standards enumerated in this Ordinance.
1. I 2 - These districts are older industrial mill complexes in the Town in existence prior to the original enactment of this Ordinance which may have existing buildings over thirty five (35) feet in height.

D. Planned Development/Planned Unit Development:

1. These are floating zones composed of a variety of land uses, including mixed use, commercial, industrial, and multi-family projects that are created in conformance with Article 14 of this Ordinance.

E. SPD- Special Planning Overlay District:

1. This is a design overlay district to provide for the establishment of a design review by the Planning Commission which shall take into consideration the special impact the development will have on this visually prominent location. There shall be a strong emphasis on aesthetics, including design and building layout. Strip development is strongly discouraged. Buffering, access, landscaping, lighting and signage must be oriented to accommodate pedestrian traffic within the site. The uses and dimensions of the

underlying zone shall remain in effect.

510 - Zoning Map:

511 The boundaries of the above zoning districts are hereby established as shown on a map filed in the Office of the Town Clerk, entitled ZONING MAP - COVENTRY, RHODE ISLAND, 1"=1200' DATED JUNE 26, 2000 as amended and hereafter known as the AZoning Map. Prior to June 26, 2000, the Coventry Zoning Map was composed of 61 separate maps numbered 1 to 61 and filed in the Office of the Town Clerk. The Coventry Zoning Map is hereby amended and adopted on June 26, 2000 and made part of this Ordinance.

520 - Interpretation of Zoning District Boundaries:

521 Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of a highway street, alley, railroad, water course or body of water shall be construed to the center line, or middle thereof, or where such boundaries indicated as approximately following Town limits shall be construed as following such Town limits;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board may permit, as a special-use permit, the extension of the regulations for either portion of the lot not to exceed thirty (30) feet beyond the district line in the remainder of the lot;
- D. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line;
- E. Boundaries indicated as parallel to or extensions of features indicated in the above subsection C shall be so construed. Distances not specifically indicated on the Zoning Map shall

be determined by the scale of the map;

- F. Where physical or cultural features existing on the ground are at variance with these shown on the Zoning Map, or in other circumstances not covered by the above subsections, the Board shall interpret the district boundaries.

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530 - SPD-Special Planning Overlay District/Special Management District for Route 3 and Sandy Bottom Road

531 Conformity with the Comprehensive Plan. All development along the Tiogue Avenue/Nooseneck Hill Road (Route 3) and Sandy Bottom Road corridors shall conform to the policies and guidelines as set forth in the Town's Comprehensive Community Plan. In order to demonstrate such conformity, the owners, applicants or developers, as applicable, must provide appropriate landscape, streetscape, on-site lighting, building and redevelopment activities and improvements to comport with the goals and intents of said Plan.

532 Purpose. The purpose of this 'Special Management District' is to revitalize and develop Tiogue Avenue/Nooseneck Hill Road and Sandy Bottom Road so as to dramatically improve the functioning and appearance of this arterial corridor, create redevelopment opportunities and create jobs as well as enhance the Town's economic tax base.

533 Applicability. This section shall apply to all real estate and buildings thereon situated on or adjacent to Tiogue Avenue and Nooseneck Hill Road and Sandy Bottom Road that are in a General Business (GB) Zoning District.

534 Procedure for approval. All new commercial uses, changes in commercial uses or expansion of commercial uses shall be subject to the provisions of this Article in addition to any other applicable Zoning Ordinance, Subdivision & Land Use Regulations. Such uses shall be reviewed by the Planning Department and/or Planning Commission as appropriate.

535 Architectural Standards.

A. General. The architectural design of buildings, structures and site layout shall be visually compatible with the traditional historic character of Coventry and the surrounding area, including building materials, scale and roof line.

B. Specific. New buildings shall be designed with traditional roof forms that are compatible with other traditional New England towns such as gabled, lipped, and pitched roofs. Flat Roofs shall be avoided.

Architectural elements to include dormers, columns, facades, awnings, canopies, etc. shall be in proportion with the dimensions and design of the

overall building. Exaggerated or excessively large architectural elements shall be avoided.

Traditional building materials such as shingles, wood clapboards, stucco, brick and stone should be used for the exterior sheathing of additions and new construction.

The construction of buildings which are designed primarily according to themes or architectural styles associated with chain stores or restaurants shall be reviewed by the Planning Commission and may be modified or prohibited if found inconsistent with the Town's Comprehensive Community Plan or this Ordinance.

For new retail or commercial establishments which will exceed 10,000 gross square feet of floor area or additions which will increase their floor area in excess of 50% the following minimum standards shall apply:

1. There shall be no blank, windowless uninterrupted façade in excess of 60 feet in length. Lengthy facades shall be interrupted by recesses, projections, windows, awnings or similar measures.
2. Smaller retail stores that are a portion of a larger store or principal building shall have display windows and separate outside entrances.
3. Roof lines shall be varied so as to break up lengthy, monotonous facades and exteriors.

536 Colors and Materials. To ensure higher quality development, new or renovated buildings in the special management district shall meet the following 'colors and materials' standards:

1. Exterior materials shall be of high quality such as wood, brick, stucco, sandstone, or nature stone;
2. Façade colors shall be low reflective, subtle, neutral or earth-tone colors;
3. High-intensity or metallic colors on the exterior of buildings are prohibited;
4. Neon tubing as an accent material is prohibited.

537 Relationship to Surrounding Community. To ensure that all buildings with 10,000 square feet or more of gross floor area are compatible with surrounding streets, commercial and residential uses all new buildings in excess of 10,000 square feet gross floor area or existing buildings which propose to increase their gross floor area in excess of 50% shall:

1. Install or provide all façades that are visible from adjoining properties and/or public streets which encourage community integration by featuring

characteristics of the front façade;

2. All sides of a principal building which directly faces abutting streets shall include at least one (1) customer entrance;
3. Evergreen trees must be installed on all sides of a building which abuts or faces a residential zoning district;
4. Landscape features shall be incorporated into all plans which shield loading docks, trash collection, and outdoor storage from public view;
5. Every effort shall be made to incorporate community and public spaces such as water fountains, water features, clock towers, and/or patio seating areas in plans.

538

General Business Design Guidelines. Those techniques and measures set forth in the ‘Town of Coventry, Special Management District, General Business Guidelines’ prepared by the Town of Coventry Planning Department and dated July, 2007 are incorporated herein (*street lighting should be coordinated through the local fire district).

ARTICLE 6 - ZONING DISTRICT USE AND DIMENSIONAL REGULATIONS

SECTION

600 - Schedule of Zoning District Use Regulations:

- 601 The following schedule (Table 6-1) of uses is designed to regulate the uses in the various zoning districts in the Town. Specific uses are listed for each zoning district.
- 602 Uses not specifically listed in Table 6-1 shall be deemed to be prohibited by this Ordinance. Only those uses specifically listed shall be allowed either as of right or by special-use permit, as designated in Table 6-1. The Board shall have the authority to review a proposed use not listed in the schedule pursuant to the following procedures:
- A. The proposed use shall be subject to a special-use permit pursuant to Article 4 and development plan review, subject to Article 16.
 - B. The Board shall find that the proposed use is compatible with all existing or potential future uses. To substantiate these findings the Board may require a traffic impact analysis; special architectural or landscaping treatments; special conditions for signage, lighting, parking, surface drainage, fencing, screening; or any other special conditions that are necessary to ensure development compatibility with existing or future uses.
 - C. Denial of unlisted permitted uses or refusal of the applicant to accept the conditions required by the Board shall be final, except that the applicant may request official public hearings with the Board and Town Council to have his/her proposed use officially added to the permitted use list by amending the Zoning Ordinance text, in accordance with Article 19.
- 603 The following uses are permitted only in the zoning district marked with a "P". Uses permitted in the zoning district as a special-use permit under the provisions of Article 4 of this Ordinance are marked with an "S". Where the letter "N" appears, the uses are prohibited. Note that Article 12 (Parking), Article 16 (Development Plan Review), and Article 17 (Landscaping), will likely apply to some residential and agricultural uses, as well as most commercial and industrial uses.

TABLE 6-1

A. RESIDENTIAL

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	Comments
01	Single Family Detached Dwelling	P	P	P	P	S	S	N	N	N	N	
02	Accessory Living Quarters/In-law apartments	S	S	S	S	S	S	N	N	N	N	
03	Accessory Family Dwelling Unit	S	S	S	S	S	S	N	N	N	N	Lot must have 20 acres.
04	Two Family Dwelling	N	N	N	S	S	S	N	N	N	N	
05	Multi-Family Dwelling Project	N	N	N	S	S	S	N	N	N	N	See Article 14.
06	Taking of Boarders or the renting of rooms by a resident family (up to two boarders)	P	P	P	S	P	P	N	N	N	N	
07	Taking of Boarders or the renting of rooms by a resident family (3 or 4 roomers or boarders)	S	S	S	N	P	P	S	N	N	N	
08	Taking of Boarders or the renting of rooms by a resident family (5 to 12 roomers or boarders)	N	N	N	N	S	S	S	N	N	N	

RESIDENTIAL (CON'T)

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	Comments
09	Bed & Breakfast Inn	S	S	S	S	S	S	S	N	N	N	
10	Motel and Hotel	N	N	N	N	N	N	S	P	N	N	See Section 936- hotel only in BP zone
11	Mobile Home Park	N	N	N	N	N	N	N	N	N	N	See Article 11 and Chapter 9 of the Code of Ordinances
12	Community Residence	S	S	S	S	S	N	N	N	N	N	See Definitions- Residences with six (6) or fewer individuals are exempt from zoning
13	Family Day Care	P	P	P	P	P	P	P	P	P	P	See Definitions
14	Multi-Family 1 & 2 Bedroom Apartment above commercial uses	N	N	N	N	S	S	S	S	N	N	Development must have double the sq/ft of commercial floor area compared to residential floor area.

Note: Conversion of residential dwellings into additional dwelling units requires Development Plan Review pursuant to Article 16.

B. AGRICULTURAL:

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Veterinarian & Animal Hospital	S	N	N	N	P	P	P	P	N	N	
02	Horticultural Nursery & Greenhouses. Includes onsite sale of produce and items associated with gardening and plant landscaping.	S	S	S	S	P	P	P	P	N	N	See Table 6-4, 6-5, 6-6
03	Fish Hatcheries	P	P	P	N	N	N	N	S	S	S	
04	Commercial Raising, Breeding of Animals or Fowl, excluding Swine. For domestic animals, see Kennels in Table E-2-06 below.	P	P	P	S	N	N	N	N	S	N	Requires 5 acres and structures located 85' from property line. Use not to exceed 15% lot coverage, not including wetlands. See Article 9 Section 951. Fenced animal area 30' ft from property line.
05	Commercial Boarding of Horses or other Livestock	P	S	S	N	N	N	N	N	N	N	See Agricultural dimensional requirements of B-04 and Article 9 Section 951
06	Recreational, hobby, educational raising of farm animals, incidental to a household use, roosters or geese due to their tendency to create a noise nuisance to abutting properties must be kept at least 300ft from any property line	P	P	P	P	P	P	P	N	P	P	Farm animals such as cows, goats, horses, and sheep shall require 2 acres, limited to 2 animals, with one additional animal for every additional acre housed at a minimum of 50 feet from the property line. Other farm animals such as chickens, rabbits, and ducks shall be limited to 6 animals, if property contains less than 1 acre. If property is greater than 1 acre limited to 25 small farm animals. All small farm animals must be housed at a minimum of 25 feet from any property line.
07	Sale of fruit, vegetables, meat & animal products raised on the premises. No slaughtering will be done on site.	P	P	P	P	P	P	P	N	P	P	Signs no larger than 12 sq/ft
08	Compassion Centers and Cooperative Cultivation Facilities as Defined in RIGL Title 21, Chapter 21-28.6	N	N	N	N	N	N	N	N	N	N	
09	Marijuana Cultivation by not more than	P	P	P	P	P	P	N	N	N	N	

	two patients cardholders ad Defined in RIGL Title 21, Chapter 21-28.6 Within their residential dwelling for personal, medical use only and not for sale or distributions											
10	Marijuana Cultivation other than for personal medical use as set forth in section 09	N	N	N	N	N	N	N	N	N	N	

C. INDUSTRY

1. EXTRACTIVE INDUSTRY

	USE	RR5	RR-3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Earth Removal	N	N	N	N	N	N	N	N	S	N	See Article 10

2. INDUSTRIAL NON-MANUFACTURING

	USE	RR5	RR-3	RR2	R20	VRC	VMC	GB	BP	I-1	I-2	COMMENTS
01	Metal Fabrication or Machine Shop	N	N	N	N	S	S	S	P	P	P	
02	Screened Outdoor or Indoor Storage & Wrecking of Junk or Salvage Material; Automobile Junk Yards (includes sales of material)	N	N	N	N	N	N	N	S	S	N	See Chapter 8, Article II of the Code of Ordinances
03	Screened Open Lot Storage of Building Material & Machinery, etc.	N	N	N	N	S	S	P	P	P	N	Accessory to principal use of sales or manufacturing
04	Open Storage of Solid Fuel, Sand or Gravel	N	N	N	N	N	N	N	S	S	S	
05	Storage of Flammable or Explosive Materials Above Ground & Underground	N	N	N	N	N	N	N	S	S	S	Limited to Liquid Natural Gas in a BP Zone
06	Commercial Woodlots & Firewood Storage & Sales	S	S	S	N	S	N	S	N	S	S	See Article 17
07	Equipment garage for the commercial storage of construction vehicles and heavy equipment over 4 ton carrying capacity.	S	N	N	N	P	S	P	P	P	P	See Article 16 - Development Plan Review

08	Recycling of Solid Waste (not to include agricultural or fish waste)	N	N	N	N	N	N	N	S	S	S	See Chapter 18, Article II of the Code of Ordinances (individual business needs for source separation is allowed)
09	Commercial Composting	N	N	N	N	N	N	N	N	S	N	See Section 938 and Article 16; consult with DEM; see also Chapter 18, Article II of the Code of Ordinance

Note: See Article 7 - Industrial Performance Standards and Chapter 18, Article IV of the Code of Ordinances

3. INDUSTRIAL MANUFACTURING

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Food & Food Kindred Products (processing) Including Canneries	N	N	N	N	N	N	N	N	S	N	
02	Manufacture of Textile Products & Apparel;	N	N	N	N	N	N	N	P	P	P	
03	Production of Bakery Goods	N	N	N	N	S	S	P	P	P	P	
04	Manufacture of Wood Products & Furniture	N	N	N	N	P	S	N	P	P	P	
05	Sawmill & Planing Mills	S	S	N	N	S	N	N	N	P	P	To include sales of wood products produced on the property
06	Printing, Publishing & Allied Industries	N	N	N	N	N	N	N	P	P	P	

07	Manufacture of Pharmaceuticals	N	N	N	N	N	N	N	P	P	P	
08	Manufacture of Chemicals & Allied Products	N	N	N	N	N	N	N	S	P	P	
09	Manufacture of Rubber & Plastic Products	N	N	N	N	N	N	N	S	P	P	
10	Manufacture of Leather & Leather Products	N	N	N	N	N	N	N	S	P	P	
11	Manufacture of Glass Products	N	N	N	N	N	N	N	P	P	P	
12	Manufacture of Concrete Products	N	N	N	N	N	N	N	S	S	N	
13	Primary Metal Industries	N	N	N	N	N	N	N	S	P	S	

INDUSTRIAL MANUFACTURING (CON'T)

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
14	Manufacture of Fabricated Metals, Machinery	N	N	N	N	S	S	N	P	P	P	
15	Manufacture of Electrical Machinery, Machinery Equipment, & Supplies	N	N	N	N	N	N	N	P	P	P	
16	Manufacture of Transportation Equipment	N	N	N	N	S	N	N	P	P	P	
17	Manufacture of Professional, Scientific & Controlling Instruments; Photographic & Optical Goods; Watches & Clocks	N	N	N	N	S	N	S	P	P	P	
18	Arts and Crafts Manufacturing, Manual Assembly of Jewelry Parts, Production of Folk Art (i.e., leather, glass, soap, wood, pottery, stone or metal workshop) including Retail Trade	S	S	N	N	P	P	P	P	P	P	
19	Biological Technologies and Associated Laboratories and Research Facilities.	N	N	N	N	N	N	S	P	P	P	
20	Manufacture or Assembly of Electronic Parts	N	N	N	N	S	N	S	P	P	P	
21	Assembly of Prefabricated Metal Products.	N	N	N	N	S	S	P	P	P	P	
22	Manufacture of Ordnances	N	N	N	N	N	N	N	S	S	S	

Note: See Article 7 - Industrial Performance Standards and Chapter 18, Article IV of the Code of Ordinances

4. TRANSPORTATION, COMMUNICATIONS & UTILITIES

	USE	RR-5	RR-3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Taxi Stand (off-street parking)	N	N	N	N	P	P	P	P	P	P	No Development Plan review required(If parking lot already exists)
02	School Bus Parking & Storage	N	N	N	N	N	N	S	S	P	N	
03	Bus Terminal	N	N	N	N	N	N	P	S	P	P	
04	Motor Freight Terminal	N	N	N	N	N	N	N	P	P	P	
05	Private Airstrip	S	S	N	N	N	N	N	S	N	N	Parcel must have a minimum of 25 acres in area or be part of a land development project which sets aside adequate area for an airstrip
06	Telephone Exchange Substation (Provided no business activity is conducted therein)	S	S	S	S	S	S	S	P	S	S	Article 16 applies
07	Radio or TV Studios	N	N	N	N	S	S	P	P	S	N	
08	Transmitters & Tower for private use.	S	S	N	N	S	S	S	S	S	N	See Section 911(1)
09	Power Generating Station	N	N	N	N	N	N	N	S	P	P	
10	Power Generating Station -Hydro	S	S	S	S	S	S	S	S	S	P	
11	Water Towers	S	S	S	S	S	S	S	S	S	S	See Article 17
12	Sewage Treatment Facilities	S	S	S	S	S	S	S	S	S	P	

13	Sewage Pumping Facilities	P	P	P	P	P	P	P	P	P	P	
14	Utility Substation	S	S	S	S	S	S	S	S	S	S	
15	Windmills, Wind Turbines Subject to additional regulations as set forth in Article 20 of the Zoning Ordinance. The requirements set forth in such Article shall be in addition to the requirements of this ordinance pertaining to special use permits.*	S	S	S	S	N	N	N	N	N	N	Allowed by right on all Municipally owned Properties. Applicant must demonstrate that the light "flicker" caused by the turbine will not negatively affect nearby homes.
16	(a) Solar Power Generators – Major Installation	S	S	S	S	S	N	S	S	S	S	Allowed by right on all Municipally owned Properties.
	(b) Solar Power Generators – Minor Installation Subject to additional regulations as set forth in Article 21 of the Zoning Ordinance. The requirements set forth in such Article shall be in addition to the requirements of this ordinance pertaining to special use permits.**	P	P	P	P	P	P	P	P	P	P	

* See Article 20

** See Article 21

TRANSPORTATION, COMMUNICATIONS & UTILITIES (Con't)

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
17	Telecommunications Antennas and Towers (New or Principal)	N	N	N	N	S	N	N	P	P	S	Communications Towers are

	Structures) Except small repeater antennas mounted on utility pole which will be allow in all zones											permitted on municipally-owned property (see Article 9)
18	Telecommunications Antennas and Towers (Accessory Use)	N	N	N	N	S	N	N	P	P	P	Communication Towers are allowed on municipally-owned property (see Article 9)
19	Cable TV and Telephone Equipment	N	N	N	N	N	N	N	P	P	P	Cable TV and telephone equipment is allowed on municipally-owned property.

NOTE: See Article 9, Section 970

Note: See Article 7, 16, 17 and Chapter 18, Article IV of the Code of Ordinances

D. COMMERCIAL

1. WHOLESALE

	USE	RR5	RR-3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Wholesale Distribution Establishments, the principal activity of which is sale of merchandise to individuals & corporations for resale to the public (no retail sales)	N	N	N	N	P*	P*	S	P	P	P	* Special Use Permit required for uses greater than 2000 sf

2. RETAIL TRADE: BUILDING MATERIALS, HARDWARE & FARM EQUIPMENT

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Sale of Lumber & Other Building Materials	N	N	N	N	P	S	P	P	P	S	
02	Sale of Heating, Plumbing & Electrical Supply & Service	N	N	N	N	P	P	P	P	P	S	
03	Sale of Paint, Glass, Floorcovering & Wallpaper	N	N	N	N	P	P	P	P	N	S	
04	Sale of Hardware	S	N	N	N	P	P	P	P	N	S	
05	Sale of Farm Equipment & Heavy Equipment, including rental	S	N	N	N	P	S	P	P	P	S	

3. RETAIL TRADE: FOOD

	USE	RR 5	RR-3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Supermarkets	N	N	N	N	N	N	P	P	N	N	See Definitions
02	Grocery Stores, Delicatessens, Meat & Fish Markets, Retail Sale of Baked Goods and Dairy Products; Permanent Fruit & Vegetable Markets	N	N	N	N	P*	P*	P	P	N	N	*Less Than 10,000 sf GFA See Definitions
03	Convenience Stores	N	N	N	N	P	P	P	P	N	N	

4. RETAIL TRADE: MOTOR VEHICLES

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Motor Vehicle, Motorcycle or Trailer Dealers - new and used (including repairs conducted only within a building)	N	N	N	N	N	N	S	P	P	N	See Section 932
02	Tire, Battery & Accessory Dealers - no service (Auto Parts Store)	N	N	N	N	P	P	P	P	P	N	
03	Gasoline Service (Full or Self) Station (minor repairs only, may be combined with convenience store)	N	N	N	N	S	S	S	S	N	N	See Section 931
04	Storage, Repair & Sales of Boats	N	N	N	N	N	N	S	P	P	N	See Section 933

5. RETAIL TRADE: APPAREL AND APPAREL ACCESSORIES

	USE	RR 5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Shoe Store	N	N	N	N	P	P	P	P	N	N	
02	Tailor or Dressmaker	S	S	S	S	P	P	P	P	N	N	
03	Sale of Miscellaneous Apparel and Accessories including yarn, fabric, sewing shop, leather shops	N	N	N	N	P	P	P	P	N	N	

6. RETAIL TRADE: FURNITURE, FURNISHING AND EQUIPMENT

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Sale and repair of Furniture, Floor Covering, Home Furnishings & Accessories Stores	N	N	N	N	P	P	P	P	S	S	
02	Sale and repair of Appliances	N	N	N	N	P	P	P	P	P	N	
03	Sale and repair of Radio, Television, Musical Instruments, Record, CD, and Tape Shops	N	N	N	N	P	P	P	P	P	N	
04	Rental service stores (light equipment)	N	N	N	N	P	P	P	P	N	N	
05	Camping, fishing or hunting equipment store (retail or rental)	N	N	N	N	P	P	P	P	N	N	

7. RETAIL TRADE: EATING AND DRINKING PLACES

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Lunchroom or Restaurant (no alcoholic beverage)	N	N	N	S	P	P	P	P	S	S	
02	Tavern, Cafe, Club, Bar or Lounge (alcoholic beverage)	N	N	N	N	S	S	P	P	S	N	
03	Lunchroom or Restaurant (alcoholic beverage)	N	N	N	N	S	S	P	P	N	N	
04	Drive-In and Fast-food Restaurants (no alcoholic beverages)	N	N	N	N	N	N	P	S	N	N	See Section 931

8. RETAIL TRADE: MISCELLANEOUS RETAIL STORES

	USE	RR 5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Drugstores, Video Rental, Office Equipment, Sporting Goods and Gun Stores	N	N	N	N	P	P	P	S	N	N	
02	Packaged Liquor Stores	N	N	N	N	P	P	P	S	N	N	
03	Second Hand Stores	N	N	N	N	P	P	P	S	N	N	Limited to 100 square feet outside display area.
04	Antique Shops	S	S	N	N	P	P	P	S	N	N	Limited to 100 square feet outside display area.
05	Flea market - outdoors/indoors	N	N	N	N	N	N	S	N	S	S	

Miscellaneous Retail Stores (Con't)

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
07	Lawn and Garden Supply Stores	S	N	N	N	P	P	P	P	N	N	Not to include landscape supply in bulk.
08	Swimming Pool Sales	N	N	N	N	N	N	P	P	N	N	
09	Fuel Dealers, Oil & Bottled Gas Sale & Service only	N	N	N	N	S	N	N	S	S	N	Refers to retail sales of bottled gas to individuals for home use.
10	Sale of General Merchandise, Department Store (including storage up to 30% of GFA)	N	N	N	N	P*	P*	P	P	N	N	*Limited to 10,000 s.f. building
11	Landscape Supply (In bulk)	S	N	N	N	S	N	P	P	P	N	See Article 16; outdoor storage of aggregate materials including sand, stone, bark, mulch, and loam in excess of 4 cubic yards, not to exceed 12 feet height, and not to exceed the lot coverage percentages designated in Tables 6-3 and 6-4

9. STORAGE FACILITIES

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	General Warehousing & Storage Facilities (Non flammable & non-explosive within a building)	N	N	N	N	N	N	N	P	P	P	
02	Self Storage Facilities	N	N	N	N	N	N	S	P	P	P	See Article 2 Definitions

E. PERSONAL, BUSINESS & PROFESSIONAL SERVICES

1. PROFESSIONAL OFFICES

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	General Commercial Offices, Bank or Financial Institution	N	N	N	N	P	P	P	P	P	P	
02	Temporary Real Estate Office and/or Model Home	P	P	P	P	N	N	N	P	N	N	To be located only in an approved subdivision, for one year only, in a model home
03	Customary Home Occupation	P	P	P	P	P	P	P	N	P	P	Up to 100 square feet, no employees, no parking - See Section 937
04	Office (for use by the resident of the premises, up to one employee in addition to resident)	S	S	S	S	P	P	P	P	P	P	
05	Physical Therapy and other Health Related Services	S	S	N	S	P	P	P	P	N	N	Allowed in R-20 only if on Arterial Road
06	Medical and Dental Offices and Laboratories, Legal, Engineering and Design, and other Professional Offices	S	N	N	S	P	P	P	P	N	N	Allowed in R-20 only if on Arterial Road

2. PERSONAL SERVICES

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Laundry or Dry Cleaners (Pick-up) and Self-Service Laundromat	N	N	N	N	S	S	S	S	N	N	In BP Zone, these uses allowed only in multi-occupant structures.
02	Photo Studio, Taxidermist & Similar Specialty Shops	S	S	S	N	P	P	P	S	N	N	See comments under 01
03	Beautician and Barber Shops, Shoe Repair, Tattoo Shop & Similar Specialty Shops	N	N	N	N	P	P	P	S	N	N	See comments under 01
04	Mortuary or Funeral Home	N	N	N	S	S	S	P	N	N	N	See comments under 01
05	Caterer	S	S	S	S	P	P	P	S	N	N	See comments under 01
06	Kennels, or the Boarding of Animals (including retail sales)	S	S	S	N	S	N	N	N	S	N	Annual Kennel License Required from Town Council
07	Travel Agency, Newspaper Office (no printing)	N	N	N	N	P	P	P	S	N	N	See comments under 01

3. AUTOMOTIVE REPAIR, SERVICES & GARAGES

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Paid Off-Street Parking Lot or Structure	N	N	N	N	N	N	S	P	S	N	See Article 12
02	General Automotive Repair, Automobile Body Shop, Vehicle Washing Shop,	N	N	N	N	S	S	S	N	P	S	See Sections 931 & 933

4. MISCELLANEOUS REPAIR SERVICES

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Small Engines and Appliance and Miscellaneous Repair Services	S	S	S	N	P	P	P	S	P	P	

F. GOVERNMENTAL, EDUCATION & INSTITUTIONAL

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Government-owned Building (except garage or utility)	S	S	S	S	P	P	P	P	P	N	
02	Garage or Utility (government-owned building)	S	S	S	N	S	N	N	S	P	S	
03	Fire or Police Station, and Municipal Schools	P	P	P	P	P	P	P	P	P	P	In BP, school use requires approval of Fire and Police chief
04	Private Day Care, Kindergarten, Elementary or Secondary School, Junior College, College or University	S	S	S	S	P	S	S	P	N	N	Up to six children allowed in family day care (See Definitions and Table 6-1, Use A-14) Also Comments 03
05	Trade or Professional School	N	N	N	N	P	P	P	P	P	P	
06	Individual Instruction	P	P	P	P	P	P	P	P	N	S	
07	Group Instruction	S	S	S	S	P	P	P	P	P	P	Up to six (6) individuals in Residential Zones
08	Library or Museum	P	P	P	P	P	P	P	P	N	N	
09	Churches	S	S	S	S	S	S	S	N	N	N	
10	Religious Services (regularly held, not in churches)	S	S	S	S	S	S	S	N	N	N	
11	Cemetery	S	S	S	S	N	N	N	N	N	N	See Section 934
12	Hospitals	S	N	N	N	N	N	P	S	N	N	
13	Walk in Medical Clinic or Treatment Center	N	N	N	N	P	S	P	P	P	S	
14	Rest, Retirement, Convalescent or Nursing Homes	S	S	S	N	S	N	N	P	N	N	

G. RECREATION

1. COMMERCIAL OUTDOOR RECREATION

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Camps and Campgrounds	S	S	S	N	N	N	N	N	N	N	Town Council Permit Required
02	Riding Academies & Riding Schools (may include accessory indoor rink)	S	S	S	N	N	N	N	N	N	N	Excludes outside lighting for night use
03	Roller or Ice Skating Rink	N	N	N	N	N	N	P	P	P	N	Includes lighting for night use
04	Bow & Gun Range (or similar amusement services) includes trap skeet or bow	S	S	N	N	N	N	S	N	N	N	Includes unlighted & lighted for night use
05	Golf course	S	S	S	S	N	N	N	P	N	N	Excludes lighted for night use
06	Golf Practice Range, Pitch & Putt, Golf Driving Range, Miniature Golf Course	N	N	N	N	N	N	P	P	P	N	
07	Tennis Courts, General Athletic Field and Swimming Pools	S	S	S	N	N	N	P	P	P	N	Includes unlighted & lighted for night use
08	Paint Ball, Air Soft & Laser Tag Arena	N	N	N	N	S	S	P	P	S	S	
09	Hayride, Corn Maze or similar activity	S	S	S	N	S	N	N	N	N	N	

2. COMMERCIAL OUTDOOR WATER-BASED RECREATION

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Boat Liveries (small, non motorized boat rentals)	S	S	N	S	P	N	N	S	N	N	

3. COMMERCIAL INDOOR RECREATION

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Arena or Recreation Hall	N	N	N	N	S	S	P	P	P	P	
02	Roller or Ice Skating Rink	N	N	N	N	S	N	P	P	P	N	
03	Tennis Courts or Other Indoor Courts Games	N	N	N	N	S	S	P	P	P	N	
04	Indoor Riding School or Academy	S	S	S	N	N	N	N	N	N	N	
05	Indoor Athletic Fields	S	S	S	S	S	S	P	P	P	N	

4. OPEN LANDS

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Conservation Lands, Wildlife Areas, Nature Preserves	P	P	P	P	P	P	P	S	P	P	
02	Open Lands Operated as Commercial Picnic Groves	S	S	S	N	S	P	N	N	N	N	

5. OUTDOOR RECREATION OPERATED BY NON-PROFIT ORGANIZATIONS

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Private Parks, including Subdivision Parks	P	P	P	P	P	P	S	S	P	P	
02	Indoor and/or Outdoor Private Non-Profit Recreation not elsewhere classified	S	S	S	N	S	S	S	S	N	N	
03	Indoor and/or Outdoor Private Non-Profit Recreation Facilities Owned & Operated by a Non-Profit Neighborhood Association	S	S	S	S	S	S	S	N	S	S	

6. INDOOR COMMERCIAL AMUSEMENT OR RECREATION SERVICES

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
01	Studios & schools for musical instruments, dance, singing etc.	S	S	N	N	P	P	P	P	S	P	
02	Bowling Alleys, Billiard & Pool, Motion Picture Theater, Exercise Center, Gymnasium, Sauna or Turkish Bath	N	N	N	N	P	P	P	P	N	N	
03	Video or Pinball Arcades	N	N	N	N	S	N	P	P	N	N	
04	Paint Ball, Air Soft & Laser Tag Arena	N	N	N	N	P	P	P	P	S	S	

610 - Dimensional Regulations:

NOTE: All dimensions are measured in feet unless otherwise noted.

TABLE 6-2 - Dimensional Regulations

ZONING DISTRICT	Minimum Lot		Minimum Setback Dimension:			
	Area (sq. ft.)	Frontage	Front	Corner Side	Side	Rear
Village Rural Commercial	40,000	125	20	20	15	25
Village Main Street Commercial	7,500	80	10	10	10	20
General Business	15,000	125	10	10	10	30
General Business - 1	43,560	200	10	10	10	40
Business Park	As required depending on type of use and coverage density	* As required depending on type of use and coverage density	As required depending on type of use and coverage density	As required depending on type of use and coverage density	As required depending on type of use and coverage density	As required depending on type of use and coverage density
Industrial 1	60,000	150	50	50	30	50
Industrial 2	NA	NA	50	50	30	50

NOTE: Building height in an I-1 zone may be increased to 60 feet by special-use permit

*** 300 feet of frontage if building is sited on an arterial road.**

In a situation that a required buffer is greater than the setback the buffer must be maintained.

TABLE 6-3

ZONING DISTRICT	Maximum Building Height		Maximum Coverage		Accessory Building Located in Rear of Main Structure		Minimum Distance of Structure from Residential Zone Building
	Principal	Accessory	Building	Lot	Side	Rear	
Rural Village Commercial	35	19	-	55	10	10	40
Main Street Village Commercial	35	15	-	60	10	10	40
General Business	35	15	-	60	10	10	40
General Business - 1	35	15	-	60	10	10	40
Business Park	60-100*	30-50*	-	80-100**	20	20	see Table 14.1
Industrial 1	35	15	-	60	20	20	100
Industrial 2	100	15	-	70	20	20	100

* The maximum height limitation shall initially be 60 feet but can be increased up to one hundred (100) feet depending upon the type of structure to be built, the type of use for the structure, and the topography of the land on which it is to be built.

** The maximum lot coverage, including impervious surfaces shall, initially, be 80% but may be increased to 100% depending on the type of structure to be built, the type of use for the structure, and the topography of the land on which it is to be built.

TABLE 6-4 - RR 5 Dimensional Regulations

RURAL RESIDENTIAL RR5	Minimum Lot		Minimum Setback			Maximum Lot Coverage
	Area	Frontage	Front	Side	Rear	
Single Family Dwelling	5 acres	300	100	85	150	15%
Nursery, Greenhouse	5 acres	300	100	85	150	10%
Other permitted uses	5 acres	300	100	85	150	15%

Note: Accessory Structures in a RR-5 zone shall be located 50 feet from any lot line except as otherwise permitted in Article 9 Section 920.

TABLE 6-5 RR-3 Dimensional Regulations

RURAL RESIDENTIAL RR3	Minimum Lot		Minimum Setback			Maximum Lot Coverage
	Area	Frontage	Front	Side	Rear	
Single Family Dwelling	3 acres	225	50	50	90	15%
Nursery, Greenhouse	5 acres	225	100	50	90	10%
Other permitted uses	3 acres	225	100	50	90	15%

TABLE 6-6 RR-2 Dimensional Regulations

RURAL RESIDENTIAL RR2	Minimum Lot		Minimum Setback			Maximum Lot Coverage
	Area	Frontage	Front	Side	Rear	
Single Family Dwelling	2 acres	225	45	50	90	15%
Nursery, Greenhouse	5 acres	225	45	50	90	10%
Other permitted uses	2 acres	225	45	50	90	15%

TABLE 6-7 - R-20 Dimensional Regulations

RESIDENTIAL R20	Minimum Lot		Minimum Setback			Maximum Lot Coverage
	Area	Frontage	Front	Side	Rear	
Single Family Dwelling	20,000	120	35	20	40	20%
Single Family Dwelling (No Public Water)	43,560 (1 acre)	150	40	40	60	20%
Commercial Nursery or Greenhouse	5 acres	175	45	50	90	10%
Other permitted uses	20,000	120	35	20	40	20%
Two Family Dwelling	30,000	175	35	20	40	20%
Two Family Dwelling (No Public Water)	60,000	175	40	50	70	15%

NOTE: Maximum building height for all R districts shall be thirty five (35) feet.

TABLE 6-8 - Cluster Development Dimensional Regulations with Water or Sewer

	Minimum Lot Size	Minimum Lot Width Frontage	Minimum Yard			Maximum Lot Coverage	Maximum Building Height
			Front ft	Side ft	Rear ft		
Single Family	15,000	100	25	15	30	25	35
Two Family	20,000	125	25	15	30	25	35

TABLE 6-9 - Cluster Development Dimensional Regulations with no Water or Sewer

	Minimum Lot Size	Minimum Lot Width Frontage	Minimum Yard			Maximum Lot Coverage	Maximum Building Height
			Front ft	Side ft	Rear ft		
Single Family	43,560	150	25	35	40	25	35
Two Family	60,000	175	40	50	60	25	35

* With the exception of minimum frontage requirements and the allowance of Multi-Family units in areas with water or sewer, Conservation Design will follow the standards as Cluster Development. For example the minimum opens space requirements and the number of total dwelling units will be determined in the same manner.

* Conservation Design will only be allowed at the discretion of the Planning Commission.

TABLE 6-10 – Conservation Design Dimensional Regulation with Water or Sewer

	Minimum Lot Size	Minimum Lot Width Measured at Building Setback	Minimum Yard			Maximum Lot Coverage	Maximum Building Height	Minimum Frontage
			Front ft	Side ft	Rear ft			
Single Family	15,000	100	25	15	30	25	35	40
Multi- Family	20,000	125	40	25	40	25	35	40

TABLE 6-11 - Conservation Design Dimensional Regulation with No Water or Sewer

	Minimum Lot Size	Minimum Lot Width Measured at Building Setback	Minimum Yard			Maximum Lot Coverage	Maximum Building Height	Minimum Frontage
			Front ft	Side ft	Rear ft			
Single Family	43,560	150	25	35	40	25	35	40
Two Family	60,000	175	40	50	60	25	35	40

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ARTICLE 7 - INDUSTRIAL PERFORMANCE STANDARDS

SECTION

700 - Purpose:

- 701 The purpose of this Article is to provide performance standards for the control of industrial uses. These standards are designed to prevent public health and safety hazards, public nuisances and harmful environmental impacts; to permit potential industrial nuisances to be measured factually and objectively; and to ensure that all industrial uses will provide methods to protect the Town from hazard which can be prevented by processes of control and elimination.

710 - Application of Standards:

- 711 The provisions of this Article shall apply to any industrial uses located within the I1 and I2 Industrial zoning districts in Coventry or those pre-existing non-conforming uses in any other zoning district. If any existing use, process, building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is modified in any way, these performance standards shall become applicable.
- 712 Performance standards shall be measured at the lot line at a point nearest the use or process being measured.
- 713 Industrial uses shall comply with all applicable zoning requirements. Property and buildings shall be designed and laid out to minimize adverse impacts on adjacent property by establishing adequate buffers and screening the use through such features as landscaping, fences, and plantings; suitably located points of traffic ingress/egress; and areas for loading and parking, which shall be screened and landscaped. (See Articles 12 and 17).
- 714 If any local standards differ from state or federal standards, the more stringent or restrictive standards shall apply.

720 - Administration of Performance Standards:

- 721 Before issuing a building permit for an industrial use, the Building Inspector or Zoning Enforcement Officer shall certify any proposed use, alteration or change to an existing use, compliance of an existing use, whether permitted or non-conforming, for compliance with this Article. Before certifying compliance, the Building Inspector or Zoning Enforcement Officer may consult with the Town Engineer, Planner, or Fire Chief.
- 722 Issuance of a building permit shall constitute certification of

compliance with the performance standards of this Article. Any modifications or alterations of the industrial use as permitted shall be reviewed by the Building Inspector or Zoning Enforcement Officer.

730 - Plans and Specifications:

- 731 In order to determine the probable compliance of a proposed use with this Article, the Building Inspector or Zoning Enforcement Officer shall require the applicant to submit:
- A. Plans of existing or proposed construction and development;
 - B. Descriptions of existing or proposed machinery and products;
 - C. Specifications for the mechanisms and techniques used or proposed to be used to adhere to these standards;
 - D. Measurements of the amount or rate of emissions of the items referred to in these standards for existing industrial uses of the applicant;
 - E. Certification by a registered professional engineer that the proposed use shall comply with these standards;
 - F. An affidavit from the applicant acknowledging an understanding of these standards and a continuing agreement to comply with them.
 - G. Demonstration of compliance with all other applicable Articles of this Ordinance.
- 732 The applicant shall also submit a copy of the Development Plan Review application and plans to the Building Inspector or Zoning Enforcement Officer.
- 733 Failure to submit any data required by the Building Inspector or Zoning Enforcement Officer shall constitute grounds for denying a permit.

740 - Report by Expert Consultants:

- 741 In the investigation of the compliance with these standards by any existing or proposed use, the Building Inspector or Zoning Enforcement Officer may require the owner or operator to provide a study and report by an expert consultant as to the compliance with these standards and, if necessary, advise as to how such

existing or proposed use can be brought into compliance with these standards.

750 - Required Alterations:

- 751 The Building Inspector or Zoning Enforcement Officer may require modifications or alterations in the existing or proposed construction or the operational procedures to ensure that compliance with the performance standards will be maintained. The owner or operator shall be given a reasonable length of time to effect any changes prescribed by the Building Inspector or Zoning Enforcement Officer for the purpose of securing compliance with the performance standards.

760 - Continued Enforcement:

- 761 The Building Inspector or Zoning Enforcement Officer shall investigate any purported violation of these standards and, for such investigation, may request that qualified experts be employed if a violation is found to occur or exist. The owner or operator of the industrial use shall be notified of a violation of these standards by certified mail. The notice shall direct the owner or operator to bring the violating facility or industrial use into compliance with these standards within a stated time period determined by the Building Inspector or Zoning Enforcement Officer. The notice shall state that upon continuation of the violation beyond the stated time period, any costs associated with monitoring the operation, including the costs of hiring qualified experts, shall be paid by the violator.

770 - Cancellation of Permits:

- 771 If, after receipt of notice of violation pursuant to Section 761, and after the expiration of time provided to bring the violating industry into compliance with these performance standards, the Building Inspector or Zoning Enforcement Officer finds that the violation persists, any permits previously issued shall be void and the owner or operator shall be required to cease operation until such time as the Building Inspector or Zoning Enforcement Officer determines that the violation is remedied and these performance standards are met.

780 - Appeals:

- 781 Appeals of the decisions of the Building Inspector or Zoning Enforcement Officer concerning the performance standards shall be made according to Section 412 of this Ordinance.

790 - Performance Standards for Noise:

- 791 Existing and proposed industrial uses shall not create noise in excess of the sound pressure levels specified by Sections 794 - 797.
- 792 Sound pressure levels shall be measured with a sound-level meter that conforms with the American Standards Specifications for Sound Level Meters for measurement of Noise and Other Sounds, and with an Octave Bank Filter and Analyzer that conforms to the American Standard Specifications for an Octave Bank Filter Set for the Analysis of Noise and Other Sounds, Z 24.10-1953.
- 793 Traffic, aircraft, and other background noises shall not be considered in measuring noise levels except when the background noise is part of the noise being measured.
- 794 Maximum Permissible Sound-Pressure Levels, Nighttime Operation.

TABLE 7-1

Pre-1960 Octave Band Frequency (Cycles per Second) Decibels	Preferred Frequency Octave Band Center Frequency (Cycles per Second) Decibels		
0-75	72	21.5	76
75-100	67	63	71
150-300	59	125	65
300-600	52	250	57
600-1200	46	500	50
1200-2400	40	1000	45
2400-4800	34	2000	39
Above 4800	32	4000	34

TABLE 7-2

Pre-1960 Octave Bands Octave Frequency (Cycles per Second) Decibels	Preferred Frequency Octave Bands Octave Band Center Frequency (Cycles per Second) Decibels		
0-75	77	21.5	81
75-150	72	63	76
150-300	64	125	70
300-600	57	250	62
600-1200	51	500	55
1200-2400	45	1000	50
2400-4800	39	2000	44
Above 4800	37	4000	39

TABLE 7-3

Pre-1960 Octave Bands Octave Band Frequency (Cycles per Second) Decibels	Preferred Frequency Octave Bands Octave Band Center Frequency (cycles per Second) Decibels		
0-75	67	21.5	71
75-150	62	63	66
150-300	54	125	60
300-600	47	250	52
600-1200	41	500	45
1200-2400	35	1000	40
2400-4800	29	2000	34
Above 4800	27	4000	29

- 797 Maximum Permitted Sound-Pressure Levels, Non-Continuous Operation. For non-continuous operation of noise sources, the following adjustments shall be made to the decibel levels specified in Sections 7114 - 7116 to determine the appropriate Maximum Permissible Sound-Pressure Level.
- A. For noise sources operated less than 20% of any one (1) hour period, add five (5) decibels.
 - B. For noise sources operated less than 5% of any one (1) hour period, add ten (10) decibels.
 - C. For noise sources operated less than 1% of any one (1) hour period, add fifteen (15) decibels.

7100 - Performance Standards for Vibrations:

- 7101 Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three mutually perpendicular directions. The maximum vector resultant shall be less than the vibration displacement permitted. Particle velocity may be measured directly or computed from the following formula:

$$\text{displacement} \times \text{frequency} = \frac{\text{Particle Velocity}}{6.28} \quad (\text{inches per second}) \quad (\text{inches}) \quad (\text{Hertz})$$

- 7102 Vibration shall be measured at any adjacent lot line or zone boundary.
- 7103 Steady-state vibrations are continuous vibrations or discrete vibrations which have greater than sixty (60) impulses per minute.
- 7104 Impact vibrations are non-continuous vibrations with fewer than sixty (60) impulses per minute.
- 7105 The maximum permissible particle velocity of the ground measured at a residential zone boundary shall be:
- A. 0.02 inches per second for steady state vibrations, and
 - B. 0.04 inches per second for impact vibrations.
- 7106 The maximum permissible particle velocity of the ground measured at a lot line shall be:
- A. 0.01 inches per second for steady state vibrations, and

B. 0.02 inches per second for impact vibrations.

7107 No vibration discernible to human senses shall occur:

A. For three (3) minutes or longer in any one (1) hour between 7 a.m. and 7 p.m.; or

B. For thirty (30) seconds or longer in any one (1) hour between 7 a.m. and 7 p.m.

7110 - Performance Standards for Smoke and Particulate Matter:

7111 All existing and proposed industrial uses emitting smoke or particulate matter shall comply with the standards established by the Rhode Island Department of Environmental Management.

7120 - Performance Standards for Odorous Matter:

7121 Existing and proposed industrial uses shall not emit odor in a concentration readily detectable above ambient levels at lot lines without instruments.

7130 - Performance Standards for Glare:

7131 Existing and proposed industrial uses shall not produce direct or indirect glare so as to cause illumination in excess of 0.50 foot-candles when measured from an adjacent residential district or public highway.

7140 - Performance Standards for Heat:

7141 Existing and proposed industrial uses shall not emit heat in quantities discernible above ambient levels at the lot lines without instruments.

7150 - Performance Standards for Airborne Toxics, Gases, and Fumes:

7151 No industrial use for any period of time shall discharge across the boundaries of the lot wherein it is located toxic matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

7152 Existing and proposed industrial uses shall comply with the ambient air quality standards governing the release of airborne

toxics, gases and fumes for the State of Rhode Island as set forth by the Rhode Island Clean Air Act, Rhode Island General Law, Title 23, Chapter 23, and by regulations of the Rhode Island Department of Environmental Management.

- 7153 Airborne toxics shall be measured at the lot line at ground level or at habitable elevations, and shall be the average of any twenty four (24) hour sampling period.

7160 - Performance Standards for Sewage and Water-borne Wastes:

- 7161 No discharge shall occur at any point into any public or private sewage disposal systems or streams, or into the ground, of any liquid or solid materials, except in accordance with the regulations of the Rhode Island Department of Environmental Management, and the U.S. Environmental Protection Agency.
- 7162 For subsurface wastewater disposal systems, existing and proposed industrial uses shall receive the approval of the Rhode Island Department of Environmental Management for the design, installation and operation of all subsurface wastewater disposal systems prior to receiving a building permit.
- 7163 For surface water body discharges, existing and proposed industrial uses shall obtain a National Pollutant Discharge Elimination System (NPDES) permit from the U.S. Environmental Protection Agency or the Rhode Island Department of Environmental Management prior to receiving a building permit.
- 7164 All industrial uses shall provide information to the Planning Commission pursuant to Article 16 concerning the management of wastewater, sewage, and stormwater.
- 7165 All industrial uses shall develop a Stormwater Management Plan which is approved by the Planning Commission prior to receiving a building permit. The Management Plan shall specify how the industrial use will prevent the mixing of industrial wastes, oils, and greases with stormwater runoff; low stormwater runoff from parking lots will be arranged; and low stormwater runoff will be collected and discharged.

7170 - Performance Standards for Radioactive Materials:

- 7171 Industrial uses shall comply with the regulations of the U.S. Nuclear Regulatory Commission and the Rhode Island Department

of Environmental Health governing the handling of radioactive materials, the discharge of radioactive materials to air or water, and the disposal of radioactive waste.

7180 - Performance Standards for Fire and Explosive Hazards:

- 7181 The use, storage, and manufacture of flammable or explosive materials shall receive the approval of the Rhode Island State Fire Marshall prior to receiving a building permit. Adequate safety, fire-fighting and fire suppression devices shall be provided according to standard industry practices.

7190 - Performance Standards for Hazardous Materials:

- 7191 All hazardous materials used, created, stored above or below ground, processed, disposed of by processing, diluting, burying or containment, leaching or any other manner, or transported (including piping) in the Town shall be used, stored or transported in accord with all applicable federal, state, and local regulations, and shall be subject to a special-use permit granted in accordance with Section 430.
- 7192 If any hazardous material is used, stored, transported or disposed of at the site, the following standards shall apply:
- A. Facilities with a capacity in excess of one thousand (1000) gallons shall be located more than five hundred (500) feet from all abutting property lines and more than one hundred (100) feet from any building or structure.
 - B. Facilities with a capacity of one thousand (1000) gallons or less shall be located more than two hundred (200) feet from all abutting property lines and more than one hundred (100) feet from any building or structure.
 - C. Any underground storage for a nonresidential, nonfarming use shall be by a vaulted tank or tanks.
 - D. Prior to granting a special-use permit for such an industrial use, the Commission shall find that the use of the site will not endanger the safety of residential or other properties in the area, that vehicular access to the facility will be provided from major thoroughfares and will not require the use of minor residential access streets for access to the site.

- E. An Emergency Plan shall be prepared by the applicant detailing procedures, techniques, and equipment for fire fighting; location, type, and volume of hazardous materials found on-site; evacuation and warning in case of emergency; and shall be submitted to the Building Inspector, and the local Fire Chief, along with site plans and building plans prior to the negotiation of a siting agreement.
- F. Siting standards for such facilities shall be complied with as stated in Section 935.

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ARTICLE 8 - NONCONFORMING DEVELOPMENT

SECTION

800 - Purpose and Applicability:

801 Nonconforming uses are incompatible with and detrimental to permitted uses in the zoning districts in which they are located, cause disruption of the comprehensive land use pattern of the town, inhibit present and future development of nearby properties and confer upon their owners and uses a position of unfair advantage. It is a fundamental principle of this Article that nonconformities may be continued as allowed by this Ordinance. It is also the intent of this Ordinance that existing nonconformities shall not be a reason for authorizing uses prohibited in the same zoning district.

802 This Article shall apply to the following nonconformances in any zoning district:

- A. Nonconforming Use. Any use of land or of a structure which was lawfully in existence at the time of the adoption of this Ordinance or any amendments thereto, but which is not a permitted use or a use permitted by special-use permit by the district regulations of this Ordinance or any amendments thereto in the zoning district in which such use is located.
- B. Nonconforming Structure. Any structure which was lawfully in existence at the time of the adoption of this Ordinance or any amendments thereto, but which does not comply with the dimensional regulations or the supplementary regulations or any other regulations concerning structures set forth in this Ordinance or any amendment thereto for the zoning district in which such structure is located.
- C. Nonconforming Lot of Record. A lot of record that when recorded was in full compliance with this Ordinance in effect at the time of recording or which was legally recorded prior to May 4, 1981 and which cannot conform to the area and dimensional regulations of this Ordinance.

810 - Completion of Construction:

811 Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or authorized use of any structure for which a building permit was lawfully issued prior to the effective date of the adoption or amendment of this Ordinance.

820 - Prior Illegal Establishment:

821 Any nonconforming development illegally established prior to the effective date of this Ordinance shall not become legally established by virtue of such enactment or subsequent amendment.

830 - Abandonment:

831 Abandonment of a nonconforming use shall consist of some overt act, or failure to act, which would lead one to believe that the owner of the nonconforming use neither claims nor retains any interest in continuing the nonconforming use unless the owner can demonstrate an intent not to abandon the use. An involuntary interruption of a nonconforming use, such as by fire and natural catastrophe, does not establish the intent to abandon the nonconforming use, although the owner may be limited with respect to the repair or rebuilding of such a use in accordance with Section 846. However, if any nonconforming use is halted for a period of one year, the owner of the nonconforming use will be presumed to have abandoned the nonconforming use, unless that presumption is rebutted by the presentation of sufficient evidence of intent not to abandon the use.

840 - Restrictions on Nonconforming Development:

841 A nonconforming use may be continued so long as it remains otherwise lawful, and does not cause any adverse impacts to surrounding uses, subject to the restrictions of this Section.

842 A nonconforming use shall not be enlarged or extended, unless with a special-use permit in accordance with Section 860 of this Article.

843 A nonconforming use may occupy any parts of a structure which were designed for such use at the time of the adoption of this Ordinance.

844 A nonconforming use shall not be moved in whole or in part to any

portion of the land other than that occupied by such use at the time of adoption of this Ordinance.

- 845 A nonconforming use which has been abandoned in accordance with Section 831 for a period of more than one year shall not be resumed unless it conforms with the provisions of this Ordinance.
- 846 Any structure, containing a nonconforming use, which is destroyed or damaged in any manner or from any cause whatsoever to the extent of seventy-five (75) percent of its current market value, at the time of such damage, as determined by the Building Inspector, shall not be repaired or rebuilt except in conformity with the provisions of this Ordinance. In determining restoration cost, the cost of the land or factors other than the cost of the structure itself shall not be included.
- 847 A nonconforming use shall not be changed to another nonconforming use.
- 848 If a nonconforming use is changed to a conforming use, it shall not thereafter be changed back to a nonconforming use.
- 849 Any structure containing a nonconforming use shall be properly maintained in good repair provided that such work does not enlarge or extend any nonconforming use.

850 - Restrictions on Nonconforming Structures:

- 851 A nonconforming structure may be continued provided that it conforms to the requirements of this Section.
- 852 Nonconforming structures in commercial or industrial zones shall not be enlarged, extended or altered to increase their nonconformity except with a special-use permit in accordance with Section 860.
- 853 A nonconforming residential structure in a residential zone shall not be enlarged, extended or altered to increase its nonconformity unless with a special-use permit in accordance with Section 860.
- 854 Any nonconforming structure may be altered to decrease its nonconformity.
- 855 A nonconforming structure which is demolished or removed in whole or in part by the voluntary and lawful action of the owner or other

authorized party shall not be rebuilt or replaced unless it conforms with this Ordinance.

856 Any nonconforming structure shall not be moved in whole or in part unless such structure conforms to the requirements of the district in which it is to be located.

857 Any nonconforming structure located in an industrial or commercial zone which is damaged by any manner or cause whatsoever in excess of seventy-five (75) percent of its current market value, shall not be repaired or replaced except in conformity with this Ordinance. The Building Inspector or Zoning Enforcement Officer shall determine the restoration cost of the damaged structure. In determining this cost, only the cost of the structure itself shall be considered. If the extent of damage is less than seventy-five (75) percent the structure may be repaired and rebuilt provided that such repair or reconstruction does not occupy a larger footprint than the damaged structure unless it can do so in conformance with the dimensional regulations in Section 610.

858 Any nonconforming residential structure located in a residential district which is damaged or destroyed by other than the voluntary and lawful action of the owner or other authorized party may be repaired or rebuilt provided that such repair or reconstruction does not occupy a larger footprint than the damaged structure unless it can do so in conformance with the dimensional regulations in Section 610.

860 - Special-use Permits:

861 The expansion, extension or alteration of non-conforming uses so as to increase their nonconformity shall require a special-use permit from the Board. Application for a special-use permit shall be made to the Board according to the provisions of Article 4.

870 - Single Nonconforming Lots of Record:

871 A lot or parcel of land having a lot width or area which is less than required by Article 6 may be considered buildable for single family residential purposes regardless of the lot width or area, provided such lot or parcel of land was duly recorded prior to the effective date of this Ordinance, and further provided that at the time of the recording said lot or parcel of land so created conformed in all respects to the minimum requirements of the Zoning Ordinance in effect at the time of such recording, and did not adjoin other land of the same owner on the effective date of this Ordinance or at any time after such lot or parcel of land was rendered substandard by the provisions of any prior Zoning Ordinance. Any lot meeting the requirements of a single non-conforming lot of record for single family purposes shall be governed by the requirements of Section 890 for determination of setbacks for principle structures.

872 Nothing in this Section shall be construed as exempting single nonconforming lots of record from complying with the maximum percentage of lot coverage of principal and accessory buildings, maximum building height and accessory building setback requirements, as required by Section 610.

880 - Adjacent Nonconforming Lots of Record Under the Same Ownership:

881 Generally
If two or more adjacent nonconforming lots of record or parcels of land are under the same ownership on the effective date of this Ordinance, such lots shall be considered to be an undivided parcel of land for the purpose of this Ordinance, and no single lot or portion thereof shall be used in violation of the requirements of Section 610 as to lot width and area. If the total lot width or lot area of such adjacent merged lots of record is less than required by Section 610, such lots may be considered as a single nonconforming lot of record for single family residential purposes and shall be governed by the provisions of Section 870.

882 Adjacent Non-Conforming Lots of Record under Common Ownership
in a Rural Residential Zone: Exemption from Merger Provision

Two or more adjacent non-conforming lots of record or parcels of land under the same ownership on the effective date of this Amendment, June 26, 2000, in an RR-2, RR-3, or RR-5 zone shall not be merged for the purpose of this Ordinance pursuant to Section 881, provided that the adjacent non-conforming lots of record or parcels of land conformed to the minimum two-acre dimensional requirements in effect after May 4, 1981 and provided that they were lawfully created and recorded.

883 Nothing in this Section shall be construed as exempting such adjacent nonconforming lots of record from complying with the maximum percentage of lot coverage of principal and accessory buildings, maximum building height and accessory building setback requirements, as required in Section 610 for the zoning district in which such lot is located. Any lots meeting those requirements shall be considered as a conforming lot of record for single family residential purposes.

890 - Nonconforming Lots of Record, Building Setback Requirements in Residential Zones:

TABLE 8-1

Minimum Depth of Lot	Minimum Front Yard Setback			Minimum Rear Yard Setback		
	RR5	RR3, RR2	R20	RR5	RR3, RR2	R20
Up to 125	25	25	25	30	30	30
126 - 150	35	35	35	40	40	40
151 - 175	40	40	35	50	50	40
176 - 200	40	40	35	90	70	40
201 - 275	45	45	35	90	90	40
276 - 300	45	45	35	90	90	40
301 and up	45	45	35	90	90	40

TABLE 8-2

Lot Width Measured at Building Setback Line Not Less Than (feet)	Minimum Side Yard for : RR5, RR3, RR2, R20
50	10
60	11
70	12
80	13
90	14
100	15
120	20
130	22
140	26
150	30
160	35
170	40
180	45
190	50
200 +	50

ARTICLE 9 - SUPPLEMENTARY REGULATIONS

SECTION

900 - Purpose:

- 901 The purpose of supplementary regulations is to set specific conditions for various uses and to set standards for land use types that require special attention due to their nature or potential impacts to surrounding neighborhoods.

910 - Exceptions to Dimensional Requirements:

911 Exceptions to Height Regulations.

- A. The following structures or parts of structures may be erected above the specified height limitation in Article 6 provided that such vertical element shall be set back from any lot line one (1) additional foot for each foot by which it exceeds the prescribed height limit for the district: church spire, church tower or church belfry; flagpole; radio or television antenna; chimney; elevator; penthouse; silo; municipal water supply structures; windmills; or wind generators.

912 Authorized Departures from Yard Regulations.

The following describes special circumstances in which deviation from the stated yard restrictions in Article 6 may be waived. This section also defines the yard setbacks for odd-shaped lots.

- A. Waiver of Front Yard Restrictions. Where lots on both sides of a vacant lot have main buildings which are located in the established front yard and have been so maintained since this Ordinance became effective, the front yard requirement for the vacant lot may be the average of the front yards of the adjacent lots. In no case shall a front yard be less than fifteen (15) feet.
- B. Architectural Projections. Open or semi-enclosed structures such as porches, canopies, balconies, platforms, garages, carports, covered patios, decks and similar architectural projections when attached to a principal building shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side or rear yard. When such structures are not attached to the principal building, they shall be considered accessory buildings and

shall be governed by the provisions of Section 921.

- C. Waiver of Yard Restrictions in General. Yards required in this Ordinance and the space above them shall be unobstructed by buildings except as permitted by this Article.
1. Ordinary projections of window sills, cornices, and other structural features may extend not more than twelve (12) inches into the space above required yards;
 2. Signs as permitted in Article 15 may be located in front yards; and
 3. Outdoor telephone booths in a Commercial District may be located in front yards, provided that they do not obstruct visibility for proper traffic circulation.
- D. Three Sided Lot. In the event that a lot contains only three (3) sides, the width of the lot shall be considered to be the distance between side lot lines, measured at the required front yard depth. The rear yard shall be measured from a line ten (10) feet in length entirely within the lot parallel to the front lot line.
- E. Irregular Lot. In the event the front yard of a lot abuts a curve, a cul-de-sac or a junction of two (2) streets that form an interior angle approximating ninety (90) degrees, the width of the lot shall be considered to be the distance between the two (2) side lot lines, measured at the required front yard depth.
- F. Reduction of Street Frontage. In any Residential District, street frontage may be reduced to not less than sixty (60) feet for those lots fronting entirely on turnarounds or cul-de-sacs. In such instances, the required frontage shall be measured at the building line.
- G. Corner Lot. On a corner lot, both yards fronting on intersecting streets shall meet the front yard setbacks.
- H. Front Yards or Through Lots. At each end of a through lot the front yard setbacks for the district shall be adhered to.

913 Different Use Districts Abutting One Another.

Minimum landscaped buffer requirements are established in Section 1730 to protect residents against the impacts of potentially incompatible abutting land uses. These buffers shall be complied with when residential and non-residential land uses abut one another.

914 Buffer Between Residential Dwellings and Earth Removal Operations.

There shall be a minimum buffer of six hundred (600) feet between occupied and new residential dwellings and the limit of operation for any earth removal operation. See Section 1041 Subsection C.

920 - General Development Regulations:

921 Accessory Structures.

A. Generally

A permitted accessory structure in any residential zone shall be placed in the rear yard, except that accessory buildings may be placed in the side yard where the side yard setback requirement for the principle structure can be maintained. For example: a detached garage in an R-20 zone may be permitted in the side yard if a side yard setback of 20 feet can be maintained.

B. Dimensional Regulations for Detached Accessory Structures

R20: The height for a detached accessory structure shall not be greater than fifteen (15) feet, or the height of the principal structure, whichever is lower. Accessory structures shall be placed no closer than ten (10) feet to the property line. Residential tool, garden or storage sheds up to a maximum of 120 square feet may be permitted up to five (5) feet to a property line.

RR2: The height for a detached accessory structure shall not be greater than nineteen (19) feet. Accessory structures over 120 square feet shall be placed no closer than ten (10) feet to the property line. Residential tool, garden or storage sheds up to a maximum of 120 square feet may be permitted up to five (5) feet to a property line.

RR5: The maximum height for a detached accessory structure may be permitted up to twenty-two (22) feet where the property meets the minimum lot size requirement. Otherwise, the maximum height limitation shall be nineteen (19) feet. The location of accessory structures shall be at least fifty (50) feet from the property line, except for non-conforming lots of record which shall have an accessory structure setback of twenty-five (25) feet to the property line, unless as otherwise stated in this ordinance. Residential tool, garden or storage sheds up to a maximum of 120 square feet may be permitted up to ten (10) feet to a property line.

C. Accessory Buildings Incidental and Subordinate to Farming or Agricultural uses

Accessory buildings incidental and subordinate to farming or agricultural uses may have a height greater than fifteen (15) feet, provided that farming is the principal use of the land. In no instance shall the height of such accessory buildings be greater than thirty-five (35) feet as stipulated by Section 610. The accessory building shall be used for storage of materials incidental to farm or agricultural uses, and not for habitation (i.e., apartments, efficiency units, dwelling units, etc.).

D. Attached Structures

An accessory garage attached to the principal structure becomes part of the principal structure and therefore must meet the yard requirements of the applicable zoning district.

922 Fences and Walls.

Fences and walls not exceeding ten (10) feet may be placed in any yard area in an Industrial District. In any other Commercial District fences will be limited to eight (8) feet in height. In any other Residential District fences and walls may be constructed in side and rear yards up to six (6) feet in height. In front yards, the maximum height of walls and fences shall be four (4) feet. All fences are subject to the vision requirements in Section 923.

923 Vision Clearance at Corners.

At street intersections or corners of streets no structure shall be erected and no vegetation shall be planted or maintained in such a manner as to materially impede vision between the heights of two (2) feet and ten (10) feet above the triangle formed by the two (2) street lines and a third line joining points on the street lines thirty (30) feet from the intersection.

924 Swimming Pools.

No private swimming pool capable of containing a depth of twenty-four (24) inches shall be allowed in any district except as an accessory use and must comply with the following requirements:

- A. The pool must be intended and used principally for the enjoyment of the property occupants.
- B. It shall not be located in the front yard and shall be no closer than ten (10) feet to a side or rear property line.
- C. The pool, or the property on which it is located, shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. Said fence or wall shall not be less than five (5) feet in height, shall be maintained in good condition with a gate and lock, and must prohibit the passage of any object exceeding four (4) inches in diameter.
- D. Inground pools shall have an apron inside the fence no less than four (4) feet in width.

925 Water Bodies.

- A. No disposal trench or bed, cesspool, seepage pit or other facility shall be located:
 - 1. Within seventy-five (75) feet of a fresh water wetland, stream, river, pond or lake as defined in Rhode Island General Law, Title 2, Chapter 1, as amended, except that the required set backs shall not be considered.
 - 2. Within seventy-five (75) feet of the flood water source if such facility is located on a "Flood Plain" as defined in Rhode Island General Law, Title 2, Chapter 1.

- B. No structure may be erected within fifty (50) feet of any fresh water wetland, stream, river, pond or lake except sheds, for the storage of boats and accessories, piers and similar structures.
- C. No fresh water wetland, stream, river, pond, or lake as defined in Rhode Island General Law, Title 2, Chapter 1 shall be excavated, drained, filled or altered in any way except in conformance State and Federal law.

926 Temporary Structures.

Temporary structures including, but not limited to truck bodies; container boxes; and plastic, metal, or wood-sheathed structures without plumbing and electricity shall be prohibited.

930 - Supplemental Regulations for Specific Land Uses:

931 Gasoline Service Stations, Automotive Repair and Drive In Restaurants.

Gasoline Stations, Service Stations, Drive-In Restaurants, Car Washes, Automotive Repair Shops and similar highway oriented "drive-in" uses shall be designed to conform with the following requirements, in addition to other applicable provisions of this Ordinance.

- A. The minimum lot area shall be twenty thousand (20,000) square feet with a minimum street frontage of not less than one hundred fifty (150) feet.
- B. Suitable separation shall be made between the pedestrian sidewalk and the vehicular parking or moving area with the use of appropriate bumper, wheel guards, or traffic islands in accordance with Article 12. Where the portion of the property used for vehicular traffic abuts a street, such portion shall be separated from the street line by a concrete curb at least six (6) inches high.
- C. The entire area used for vehicle service shall be paved, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
- D. The construction standards for all drive access openings (curb cuts) shall be in accordance with Section 1233.

- E. The distance of any driveway from any property line shall be at least ten (10) feet.
- F. The distance between curb cuts serving the same lot or adjacent lots shall be no less than forty (40) feet.
- G. The distance between a street intersection and a curb cut shall be in accordance with Section 1234.
- H. Buffer landscaping and screening shall be done in accordance with Article 17.
- J. No vehicles shall be stored on site for salvage or dismantling.
- K. Hydraulic hoists, pits, lubricating, greasing, washing and repair equipment shall be entirely enclosed within a building. Tire and battery service and automotive repair, excluding automobile body repair and painting may be carried out within the premises.

932

Automotive Dealerships/New and Used.

All car and truck dealerships shall conform to the following requirements, in addition to the other provisions of this Ordinance:

- A. The minimum lot area shall be forty thousand (40,000) square feet with a minimum street frontage of not less than two hundred (200) feet.
- B. The requirements of Section 931 Subsections B through J.
- C. The number of vehicles to be displayed and stored on site shall be limited as follows:
 - 1. The lot exclusive of building, landscape areas and drives shall be laid out as a parking lot with travel lanes and back up areas and with each space being a minimum of eight and one half (8.5) feet by eighteen (18) feet. The number of required parking spaces shall be deducted from the total number of spaces on the lot. The remaining spaces dictate the number of cars that can legally be displayed at the dealership.
 - 2. Spaces shall be set back five (5) feet from side and rear property lines and five (5) feet from sidewalk areas or ten (10)

feet from street lines. This set back shall be marked by some type of curb stop.

- D. Any building permit or zoning certificate issued for an automotive dealership shall note the number of vehicles that can legally be displayed on the lot.

933 Auto Body Repair Shops/Repair and Sale of Boats, Motors, Marine Equipment.

Auto body repair shops shall conform to the following requirements, in addition to other applicable provisions of this Ordinance:

- A. All auto body repair shall take place within a building.
- B. Storage of vehicles, boats or marine equipment to be repaired shall be located in the rear and/or side of the repair building and such storage area shall be enclosed with a six (6) foot high fence which shall effectively screen the area from view. Where the storage area is visible from the road or adjacent uses, four (4) foot high evergreens shall be planted along the fence.
- C. No junk vehicles, boats or marine equipment shall be stored on site. No vehicles, boats or marine equipment shall be kept on site for the cannibalization of parts.
- D. The requirements of Section 931 Subsections A through J.

934 Cemeteries.

Where a cemetery exists on a lot the following rules shall apply:

- A. Buildings shall be set back from the cemetery by fifty (50) feet. Accessory buildings shall be set back twenty (20) feet.
- B. If parking is located around or near the cemetery, the cemetery shall be fenced and curb stops installed to prohibit vehicles from driving over the area.
- C. The cemetery shall not be altered in any way.

935 Hazardous Waste Management Facilities.

- A. Any application for the siting of a Hazardous Waste Management Facility in accordance with Rhode Island General Law, Title 23, Chapter 19.7 shall conform with the following requirements in addition to the Industrial Performance Standards of this Ordinance (Article 7 and Section 720 in particular):
1. The disposal of hazardous waste in the Town by the means of discharge, deposit, injection, dumping, spilling, leaching, placing, or landfilling into or on any land or water, shall not be permitted in any zone.
 2. A development site for a hazardous waste management facility shall be located a minimum distance of one thousand (1,000) feet from contiguous residential uses or residentially zoned districts.
 3. A development site for a hazardous waste management facility shall be located at least one thousand (1,000) feet from schools, nursing homes, and other centers of institutional population.
 4. A development site for a Hazardous Waste Management Facility shall be located at least one thousand (1,000) feet from a public recreational facility.
 5. Hazardous Waste Management Facilities shall be prohibited in environmentally sensitive areas. These areas include areas of steep slope (10% or greater); fresh water wetlands (as defined by Rhode Island General Law, Title 2, Chapter 1; areas in the 100-year flood zone (as defined in the Flood Zone Maps prepared by the Department of Housing and Urban Development for the Town of Coventry effective September 1, 1978); areas with soils that are unstable, highly permeable, excessively drained, wet and have a high water table; areas which are adjacent to or are over an aquifer or a major water source.
 6. There shall be no open storage of hazardous waste at a Hazardous Waste Management Facility.
 7. The following lot requirements shall apply for Hazardous Waste Management Facilities:

Minimum Lot Area	200,000 square feet
Minimum Front Yard	150 feet
Minimum Rear Yard	150 feet
Minimum Side Yard	150 feet
Maximum Lot Coverage (%)	40%

- B. For the purposes of enforcement of these provisions, a Hazardous Waste Management Facility does not include firms which treat their own hazardous waste as an incidental process, subordinate to the main use of the land and principal structures and which is located on the same or adjoining lot.

936

Motels and Hotels.

- A. The Board may permit hotels and motels by special-use permit and development plan review by the Commission (Article 16) in a General Business District, provided that the following conditions are met:
1. The lot shall consist of not less than one hundred sixty (160,000) square feet of land area and shall have a minimum width of two (200) hundred feet.
 2. The suitability of the soil within the lot shall provide for the safe and proper operation of individual sewage disposal systems, if such are required. No portion of the lot shall be under water or in wetlands. The lot shall be well drained, and so graded that pools of stagnant water shall not be allowed to collect. Where public sewers exist, the hotel or motel facility shall be connected to such sewers.
 3. The permanent structures of motels or hotels shall not occupy more than twenty-five (25) percent of the total lot area. Additional lot coverage not to exceed ten (10) percent of the total lot area is authorized for recreational facilities.
 4. No individual motel unit or hotel room shall be erected or altered so as to have a floor area of less than two hundred and forty (240) square feet, including bathroom and closet space.
 5. No part of a motel or hotel structure, accessory structure (except a sign), parking lot or utility area shall be within fifty

(50) feet of any lot line or closer than one hundred (100) feet to the right-of-way of any public street. A landscaped or natural buffer zone shall be provided within said fifty (50) foot setback from any lot line and within said one hundred (100) foot setback from any public street, and shall be established in accordance with Article 17.

6. Accessory uses may include necessary office, recreation, parking and maintenance areas, lunch room, restaurant, cocktail lounge or gift shop.
7. No principal building shall exceed thirty-five (35) feet in height; no accessory building or other structure shall exceed twenty (20) feet in height.
8. Minimum off-street parking and drive access shall be provided and maintained in accordance with Article 12.

937

Customary Home Occupation.

As set forth in Article 2, Definition 31, any customary home occupation shall be customarily conducted in a dwelling unit by a member of the family residing in said unit. No persons residing outside the home shall be employed. The use shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.

- A. All customary home occupations shall conform to the following conditions:
 1. The home occupation shall be performed by the resident and using no more than one hundred (100) square feet of floor area and such activity shall not be visible from a lot line.
 2. There shall be no patrons or customers for the sale of products at the premises.
 3. There shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
 4. No vibration, smoke, dust, odors, heat or glare or offensive noise shall be produced.

5. No traffic shall be generated by such home occupation.
6. No dealing or selling of firearms or related products shall be permitted.

938 Commercial Composting.

- A. All commercial composting operations shall conform to the following conditions:
 1. No animal renderings or fish wastes shall be used to accelerate the decomposition of waste.
 2. A commercial composting operation shall be no smaller than five (5) acres in size and no larger than ten (10) acres.

940 - Leased Land/Seasonal Housing:

- 941 On the effective date of this Ordinance, the Tax Assessor shall make a determination as to the status of the housing on leased land as to whether it is year round or seasonal.
- 942 No new housing units shall be constructed on leased land.
- 943 Seasonal units shall not be converted to year round units. Seasonal or year round units shall not be enlarged or added onto and no accessory structures requiring the issuance of a building permit shall be built unless they receive a special use permit pursuant to Article 4 and receive all required state permits including, but not limited to, wetland and individual sewage disposal system permits from the Rhode Island Department of Environmental Management, and any other necessary permits. However, unenclosed decks totaling up to 120 square feet shall be permitted (without a special use permit). Structures damaged by fire must adhere to the requirements of Article 8.
- 944 All owners of leased land parcels who propose to subdivide their property shall apply for and obtain approval for such subdivision pursuant to the Town of Coventry Subdivision Regulations.
- 945 The minimum lot size permitted in Section 610 shall apply to all new construction or alteration of existing leased land or seasonal housing

parcels. If existing structures are too close together to meet the minimum lot size, the development may be proposed as a Cluster Development, pursuant to Article 13.

946 Nothing in Section 940 shall permit the creation of new housing developments on leased land except described in Section 941-945.

950 - Keeping of Horses:

951 Keeping of horses in residential districts may be permitted under the following conditions:

- A. There shall be no more than one (1) horse per seven thousand five hundred (7,500) square feet of fenced area. The fenced area must be for the horse or horses and shall be set back a minimum of ten (10) feet from any property line or residential building. For purposes, of keeping horses for recreational purposes the minimum street frontage requirements of Section 610 shall not pertain.

960 - Utilities:

961 All utilities installed through the provisions of this Ordinance or any other Town ordinance governing utility installations shall, in developments and/or subdivisions, be installed underground unless specifically waived by the Commission.

Section 970 - Telecommunication Towers

1. PURPOSE

The intent of this Article is to regulate the placement of new telecommunication towers, telephone and cable television equipment and related equipment and addition of communication equipment to existing structures. The regulations serve to establish a procedure for application and variance from the regulations; establish development standards and locational requirements and to encourage the co-location of equipment onto existing structures.

- a. The purpose of this Article is to establish general guidelines for the siting of communication towers and antennas. The goals of this Article are to:
 - (I) encourage the location of towers for telecommunication equipment and cable television equipment in non-residential areas and minimize the total number of towers throughout the community;
 - (ii) strongly encourage the joint use of new and existing tower sites;
 - (iii) encourage users of towers and antennas to locate them, to the greatest extent possible, in areas where any adverse impacts on the community are minimized;
 - (iv) encourage applicants and users of towers, antennas and equipment to configure them in a way that minimizes the adverse visual impact of the towers, antennas and equipment;
 - (v) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

2. DEFINITIONS

As used in this Article, the following terms shall have the meanings indicated:

- a. ***Alternative tower structure*** shall mean man made trees, clock towers, bell steeples, light poles and similar alterative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- b. ***Accessory Structure:*** Addition(s) to existing tower(s) or non-residential structure including the mechanical building, mounting equipment or additional antenna not to exceed twenty (20) feet above the original structure.

- c. **Antenna** shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
- d. **FAA** shall mean the Federal Aviation Administration.
- e. **FCC** shall mean the Federal Communications Commission
- f. **Governing Authority** shall mean either the Buildings Official or the Zoning Board of Review.
- g. **Pre-existing towers and antennas** shall have the meaning set forth in Section 3 (c) of this Article.
- h. **Height** shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- I. **Public Officer** shall mean the Zoning Enforcement Officer or Building Official of the Town of Coventry.
- j. **Related Equipment** shall mean equipment and/or structures which is/are an integral part of the system or any structures used to house such equipment.
- k. **Tower** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

3. **APPLICABILITY**

- a. **New Towers and Facilities.** The requirements set forth in this Article shall govern the location of all new towers, facilities and related equipment that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
- b. **Amateur Radio; Receive-Only Antennas.** This Article shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

- c. ***Pre-Existing Towers and Antennas.*** Any tower or antenna for which a permit has been properly issued prior to the effective date of this Article shall not be required to meet the requirements of this Article, other than the requirements of Sections 4 (c) and 4 (d) Any such towers or antennas shall be referred to in this Article as APre-existing towers" or APre-existing antennas".

4. **GENERAL GUIDELINES AND REQUIREMENTS.**

- a. ***Principal or Accessory Use.*** Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure. Towers and base facilities may not take away required parking spaces of an existing building.
- b. ***Inventory of Existing Sites.*** Each applicant for an antenna and or tower shall provide to the Building Department an inventory of its existing towers that are either within the Town of Coventry and within ten (10) miles of the border thereof, including specific information about the location, height, design and capacity of each tower. The Building Department may share such information with other applicants applying for administrative approvals or special use permits under this Article or other organizations seeking to locate antennas within the Town, provided, however that the Building Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- c. ***Federal Requirements.*** All towers must meet or exceed, current standards and regulations of the RI State Building Code, FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners expense.
- d. ***Building Codes: Safety Standards.*** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the State Building Codes as amended from time to time. If upon inspection, the Building Official concludes that a tower fails to

comply with such codes and standards; and constitutes a danger to persons or property, then the Building Official shall proceed in accordance with Chapter 27.3 of Title 23 of the RIGL entitled State Building Code.

- e. **Notification.** All applicants shall send certified mail announcements to all other users locating in Coventry, declaring their sharing capabilities and siting needs. Except in cases where mechanical, structural or regulatory factors prevent them from sharing, applicants cannot be denied or deny space on a tower.
- f. **ANSI Standards.** Upon completion of construction, the applicant shall submit an annual report to the Town Engineer which provides quantified electromagnetic field (EMF) measurements and compares these measurements to current Federal and American National Standards Institute (ANSI) standards or subsequent standards. If the project does not meet Federal and ANSI standards, the permit may be modified or revoked.

5. PROCEDURES

a. **General**

- (1) A preapplication conference with the Planning Department is required before any Building Permit is sought. The conference will serve to familiarize the applicant with the town=s regulations. The Planning Department shall approve the site plan prior to the issuance of any building permit.
- (2) Building permits are required for all telecommunications towers, related equipment and similar facilities.
- (3) Each applicant for such building permit shall apply to the Building Department, providing the information set forth in sub-section 7 (b) below.
- (4) The Building Department shall respond to each such application within thirty (30) days after receiving it by either approving or denying the application. If the Building Department fails to respond to the applicant within said thirty (30) days, then the application shall be deemed to be approved.
- (5) In connection with any such administrative approval, the Zoning

Enforcement Officer may, in order to encourage shared use, administratively waive any zoning district setback requirement by up to ten percent (10%).

- (6) If an administrative approval is denied, the applicant may appeal said denial in accordance with the provisions of the zoning article concerning appeals of administrative decisions.

6. PERMITTED USES

- a. **General.** The uses listed in this sub-section are deemed to be permitted uses and shall not require a special use permit. Nevertheless, all such uses shall comply with sub-sections 4.c, and 4.d above, and Section 8 of this Article and all other applicable statutes and articles.
- b. **Specific Permitted Uses.** The following uses are specifically permitted:
 - (1) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in an I 1 Industrial or Business Park zoning district; provided however, that such tower shall be set back from any existing off-site residence a distance equal to the height of the tower or in the case of an unoccupied lot, setback a distance equal to the height of the tower less the residential yard setback for the adjacent residential lot;
 - (2) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and
 - (3) Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower provided, however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.
 - (4) Location of communication towers, cable television equipment and related equipment on municipal property, i.e., town or school property, shall be allowed by-right, provided that a site plan, approved by the Director of Planning, is provided before a building permit may be issued.

7. SPECIAL USE PERMITS

- a. **General.** The following conditions shall require the issuance of special use permits:
- (1) If the tower or antenna is not a permitted use under Section 6 of this Article or permitted to be approved administratively pursuant to Section 5 of this Article, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
 - (2) In granting a special use permit, the Zoning Board of Review may impose conditions, to the extent the Board concludes such conditions are necessary, to minimize any adverse effect of the proposed tower on adjoining properties.
 - (3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
- b. **Information Required.** Each applicant requesting a special use permit under this Article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, buffering/landscaping, adjacent uses, and other information deemed by the Zoning Board of Review to be necessary to assess compliance with this Article.
- c. **Factors Considered in Granting Special Use Permits.** The Zoning Board shall consider the following factors in determining whether to issue a special use permit, although the Board may waive or reduce the burden on the applicant of one or more of these criteria if they find that the goals of this Article are better served thereby.
- (1) Height of the proposed tower;
 - (2) Proximity of the tower to residential structures and residential district boundaries;
 - (3) Nature of uses on adjacent and nearby properties;

- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (7) Proposed ingress and egress; and
- (8) Availability of suitable existing towers and other structures as discussed in section 6.d. of this Article.

d. ***Availability of Suitable Existing Towers or Other Structures.*** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Board that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- (1) No existing towers or structures are located within the geographic area required to meet applicants engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (4) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (5) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

8. **DESIGN STANDARDS**

The following design standards shall apply to all towers and antennas approved by right or for which a special use permit is required; provided, however, that the Zoning Officer or the Zoning Board of Review, as is applicable, may reduce the standard setbacks and separation requirements if the goals of this Article would be better served thereby.

a. ***Setbacks and Separation***

- (1) Towers must be set back a distance equal to the height of the tower from any residential structure or lot line, whichever is closer.
- (2) Guys, and accessory facilities must satisfy the minimum zoning district setback requirements for accessory structures.
- (3) In zoning districts other than Industrial or Business Park zoning districts, towers over ninety (90) feet in height shall not be located within one-quarter of a mile from any existing tower that is over ninety (90) feet in height.

b. ***Aesthetics: Lighting***

- (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
- (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities into the natural setting and built environment.
- (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the appropriate governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

c. ***Landscaping***

- (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip which incorporates such measures as to adequately protect adjacent properties, i.e., berming, shrub and tree plantings or a

combination of these measures, at least six (6) feet wide outside the perimeter of the compound shall be provided. A site plan approval from the Director of Planning and Development is required before a building permit may be issued.

- (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

d. ***Security Fencing***

- (1) Towers and equipment shall be enclosed by security fencing not less than six (6) feet in height, with appropriate anti-climbing devices.
- (2) Towers and fencing shall also be equipped with the appropriate measures to ensure security of the equipment and tower.

9. **REMOVAL OF ABANDONED ANTENNAS AND TOWERS**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Building Official notifying the owner of such abandonment. The applicant/owner shall post a bond which shall be reevaluated every two years, to cover the cost of removal. If such antenna or tower is not removed within said ninety (90) days, the Town may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

- Amended 5/19/97 by Ord. # 6-97-0209

Section 980-Mill Conversion District

1. Findings and Purpose:

It is determined that throughout the Town there are a number of historic and industrial mill structures that have experienced high vacancy rates and physical deterioration. It is further determined that the Town’s Comprehensive Plan encourages infill housing in existing medium and high density areas, including industrially-zoned areas.

The purpose of this Article is to create a Mill Conversion District as a floating zone to allow for the conversion of historic mills while preserving the character of nearby residential and commercial neighborhoods; to encourage the preservation, reuse and renovation of historic mill properties and to promote diversified housing opportunities as Mill Conversion Projects.

2. Definitions:

A Mill Conversion Project shall mean the conversion of an existing mill, or portion thereof, to multi-family dwellings, assisted living facility, single-family dwelling units or studio units.

For the purposes of this Section, an eligible mill is a mill structure that was in existence before 1950.

3. Uses:

A Mill Conversion Project is governed by the Zoning Use Regulations in Article 6, Section 600, which such Mill Conversion Project shall be implemented as a Floating Zone, allowing conversion to residential use no matter the underlying zoning district, and further subject to regulation pursuant to Article 16, Development Plan Review.

4. Procedure:

A Mill Conversion District shall be considered a floating zone, requiring a zoning map amendment. Application for a Mill Conversion District shall be filed with the Town Clerk in accordance with the requirements and procedures of Article 18 of this Ordinance to amend the zoning ordinance map, including those provisions for fees, notice, and application requirements. If the zoning map amendment to establish the Mill Conversion District is approved by the Town Council, then any Mill Conversion Project shall adhere to the regulations for Development Plan Review set forth in the Coventry Zoning Ordinance at Article 16. The Floating Zone district map amendment shall not become finalized until final Development Plan Approval is received. Conditional approval of a Mill Conversion District as a floating zone map amendment by the Town Council shall not bind the Planning Commission to approving a specific Mill Conversion Project under Article 16.

The filing of a Mill Conversion Floating Zone map amendment petition does not imply its acceptance in whole or in part by the Town Council. The approval of a Mill Conversion Floating Zone, including any modifications, conditions, or restrictions thereto, represents a legally binding commitment by the applicant to carry out the Mill Conversion Project as represented to the Town Council and as it may be approved.

5. Intensity Regulations and Standards for Development:

Any Mill Conversion Project that includes residential units shall have a minimum average of one thousand (1000) square feet of living space for each unit in the subject mill. No unit shall have less than seven hundred twenty (720) square feet of living space. The Planning Commission may approve a plan for development and determine the appropriate dimensional requirements based on each specific and unique Mill Conversion Project.

No additions shall be allowed to the mills for the purpose of gaining additional multi-family units. The Planning Commission shall have the authority to grant permission for additions for essential non-residential uses.

The applicant shall be required to provide a minimum of two (2) off street parking spaces per residential unit on or immediately adjacent to the site. If a unit exceeds two thousand square feet but has two or fewer bedrooms, the Planning Commission, in its sole discretion, may reduce the number of parking spaces for each unit. In no event shall the parking be reduced to less than one (1) space.

If it deems appropriate, the Planning Commission may require the applicant to submit a Phase I Environmental Site Assessment or similar environmental review of the subject parcel.

All other general standards for review and development by the Planning Commission set forth in Article 16 Development Plan Review shall apply. Any applicant for a Mill Conversion Project shall strive to renovate the mill structure(s) in a manner consistent with their original style.

* Amended 7/24/2006 by Ordinance #04-06-250

ARTICLE 10 - EARTH REMOVAL/SAND AND GRAVEL EXTRACTION

SECTION

1000 - Purpose:

- 1001 The purpose of this Article is to protect the environment and the health, safety, and welfare of the public by controlling those activities involving the removal or mining of earth, sand, and gravel for commercial purposes. The requirements set forth in this Article are necessary to prevent and minimize adverse impacts and risks during operations, and to ensure proper restoration of affected sites upon completion.

1010 - Applicability:

- 1011 A permit is required from the Town Council for the following uses and activities, including both new and existing facilities:
- A. mining, quarrying, and the commercial extraction of rock, sand, gravel, earth, clay, and similar materials;
 - B. storage, stockpiling, distribution, and sale of rock, sand, gravel, earth, clay and other similar materials;
 - C. the installation and operation of plants or apparatus for rock crushing and appurtenant screening, blending, washing, loading, and conveyor facilities; and
 - D. offices and any other uses necessary or incidental to mining operations on the site.
- 1012 The following uses and activities are exempt from this permit requirement:
- A. excavation in conjunction with utility installation, which is to be backfilled;
 - B. excavation in conjunction with road construction within approved residential, commercial, or industrial subdivisions; and
 - C. excavation which by nature is of limited duration and area, such as for the installation of septic tanks, swimming pools, the

construction of a house, etc.

- 1013 A permit issued by the Town Council pursuant to this Article shall remain in effect for two (2) years. Said permit may be renewed for an additional two (2) year period after review of the permit application and the compliance history of the applicant. The Town Council may ask the applicant for additional information as needed. Any application for repermitting shall include site plans showing excavation and extraction activities to date, new areas where such activities will take place, and site restoration plans.

1020 - Permit Application:

- 1021 Before a landowner or operator may extract earth, sand, or gravel or other materials from his/her property for commercial purposes, a permit must be applied for and obtained from the Town Council. Owners of a similar existing facility must apply for a permit pursuant to this Article within six (6) months of the effective date of this Ordinance.

The application for this permit must include six (6) copies of both a site plan and an informational report, to provide the Town Council with a sufficient basis for reaching a determination on the permit application. An additional copy of the permit application shall be submitted to the Commission, the Planning and Development Department, and the Town Engineer, all of whom shall make a recommendation to the Town Council.

- 1022 The site plan submitted as part of the permit application must show the following information, and be supported by sufficient explanatory narrative where necessary:
- A. The extent of the area to be excavated on the site and how it will be phased pursuant to Section 1039.
 - B. Contours shown at no greater than two foot intervals.
 - C. Access and egress to roads outside the site, for both employee and material transport.
 - D. Location, identification, and dimensions of all property lines, two hundred (200) feet in all directions therefrom, and public and private easements.

- E. Location of all structures on the property.
- F. Location and description of the floodplain, surface water bodies, groundwater resources, wetlands, and other environmentally sensitive resources.
- G. Direction of groundwater flow, rate of groundwater flow and maximum high groundwater elevation.
- H. Significant natural features such as large trees, vegetative groupings and rock outcroppings.
- I. Complete adjacent land use information including the names of the record owners of all abutting properties, a description of all land uses, identification of water resources on adjacent properties, and information regarding private wells on adjacent properties, if applicable.
- J. Existing elevations of the property to be excavated and the estimated excavation depth.
- K. Existing and proposed excavation areas shown by operational phases, sequence, thicknesses of overburden, and estimated seasonal high and low water table elevations.
- L. Typical cross sections showing information requested in Section 1022 Subsection K above and maximum slopes and restoration cover thicknesses.
- M. Processing, equipment, and storage areas.
- N. Proposed fencing, gates, parking, and signs.
- O. Areas to be used for the storage of top soil and other overburdened material including volume calculations and method of stabilization.
- P. Locations of test borings and monitoring wells.
- Q. Location of roads to be used for transportation of extracted materials.
- R. Erosion controls.
- S. Location of any proposed burial areas for stumps, boulders, etc.

- 1023 The informational report to be submitted as part of the permit application shall provide a description of the following aspects of the facility operations:
- A. The approximate date of operational commencement and the anticipated duration of the operation.
 - B. Proposed daily operational times.
 - C. Estimated type and volume of the excavation.
 - D. The nature of the material to be extracted for commercial purposes.
 - E. Methods to be utilized for extracting and processing the material.
 - F. The equipment to be used on site and number of vehicle trips per day during hauling.
 - G. Measures to be utilized for mitigating potential noise, dust, soil erosion, air pollution, and water pollution emanating from the site.
 - H. Methods to be utilized for dewatering or discharge in impounding areas.
 - I. Method to be used for disposal of toxic substances or wastes, if present or generated on the site.
 - J. A definitive restoration plan outlining measures to be used to restore the site once material extraction operations have ceased. While this description does not represent the comprehensive restoration plan which is required to be submitted to the Town Council for review prior to operational shut-down in accordance with Section 1050 below, it must be consistent with the standards set forth therein. The submission of this plan shall become the basis for posting of the performance bond pursuant to Section 1050.
 - K. Statement indicating whether the applicant has submitted applications for or secured any other required local, state, or federal permits.
- 1024 A filing fee of one thousand (1,000) dollars shall be paid to the Town with the submission of the permit application. The Council may require the

payment of a reasonable fee for the review of the application.

- 1025 The Commission and the Town Council shall determine within thirty (30) days whether to deem the application complete. If the application is found to be incomplete, the applicant shall be required to submit the necessary information.
- 1026 Within thirty (30) days after receipt of a complete application, the Town Council shall conduct a public hearing to obtain input and commentary from other local boards and agencies and the public. The Planning Commission shall conclude its review and submit an advisory opinion to the Town Council within thirty (30) days after the close of the public hearing.
- 1027 Within thirty (30) of the close of the public hearing, the Town Council shall render its decision on the application. It may choose to approve the project, approve it subject to conditions, or deny it.

1030 - Operational Requirements:

- 1031 The area of excavation shall be set back in accordance with Section 1041. This buffer zone shall be vegetated, maintaining naturally existing vegetation to the maximum extent possible, to screen the site from visual, noise, and dust impacts on neighboring uses. Rock crushing equipment and other apparatus shall be set back a minimum of six hundred (600) feet from the property line. Noise control berms may be appropriate to reduce potential impacts on adjacent properties and landowners. Where no natural vegetation exists, plantings or a fence shall be installed.
- 1032 Erosion control measures shall be employed throughout the development and operational phases of the extraction project. These may include the use of quick growing vegetation, mulching, screening, stabilization, siltation fences, or other means as deemed necessary by the Town Council. The maximum unvegetated areas shall be five (5) acres. For safety reasons during excavation, the slope shall be no greater than two (2) feet horizontal to one (1) foot vertical, (2:1).
- 1033 Site restoration shall commence immediately upon the cessation of extraction operations and shall be completed successfully within one (1) year, in accordance with the restoration plan required and described in Section 1050. As sections of the extraction operation are completed, temporary site restoration shall proceed to minimize erosion until the comprehensive restoration plan is implemented.

- 1034 Equipment storage shall be for on-site use only, and solely for the duration of the permitted earth removal operations.
- 1035 There shall be at least a four (4) foot separation between the lowest elevation of excavated material and the maximum high groundwater elevation.
- 1036 All work shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 12:00 noon on Saturdays. No work shall take place on Sundays and legal holidays. The Town Council may modify these hours on a case by case basis.
- 1037 All roads accessing and within the site shall be treated only with water to minimize dust conditions.
- 1038 In the permit areas, ledge shall not be left exposed above the approved grade, and all cleared trees, stumps and brush shall be removed or completely buried. If buried, a plan showing the location of all such buried trees, stumps or other materials subject to subsequent compacting by decay shall be filed with the Building Inspector. However, no trees, stumps, or other material subject to decay shall be buried at an elevation within four (4) feet of the maximum high groundwater elevation.
- 1039 Earth removal operations shall be limited to five (5) acres at any given time. Additional acreage may not be disturbed until site restoration has commenced on previously excavated areas. Said phasing of the operations shall be part of the Town Council approval.

1040 - Buffers and Setbacks:

- 1041 The following buffer areas are to be left in their natural state during the life of the permit:
- A. Three hundred (300) feet from any street line.
 - B. Two hundred (200) feet from any other boundary line.
 - C. Six hundred (600) feet from any occupied dwelling.
- 1042 The entrance to the facility shall be landscaped in accordance with Article 17.

1050 - Site Restoration:

- 1051 A comprehensive restoration plan shall be submitted for Town Council review no later than nine (9) months prior to the anticipated date of cessation of extraction activities. The purpose of this plan is to show in detail how the site will be restored once all the materials have been extracted. The Town Council shall certify that the plan requirements are met.
- 1052 The restoration plan shall include a complete landscape plan indicating the existing natural features and proposed final topography, plant list, phasing of the restoration, and final use for the site. The plan to be submitted shall demonstrate compliance with the following standards:
- A. A minimum depth of four (4) feet shall be maintained between the lowest elevation from which material is extracted to the maximum high groundwater elevation.
 - B. Existing topsoil shall be redistributed on-site to provide adequate growing conditions for revegetation of the site. Where needed, additional soil shall be brought in of an equal to or better quality than that of the previously existing topsoil and shall be free from refuse or toxic contaminants. Final soil depths and types shall be appropriate for the expected reuse of the site, but at a minimum shall be six (6) inches, unless it is demonstrated that less than six (6) inches existed prior to excavation.
 - C. The final grading of the site shall be appropriate for the expected reuse of the site.
 - D. All final site drainage shall be designed, sloped, revegetated, or shall employ other measures so that erosion and siltation of water courses and ponds are avoided.
 - E. The site shall be revegetated to control dust, erosion, and to restore natural features to the site. The soil shall be stabilized by planting, seeding, or sodding so as to create a complete ground cover. The landowner or facility operator shall maintain the vegetation for at least two (2) full growing seasons after its initial planting.
 - F. No sharp declines, pits, depressions, or debris accumulation shall remain after the restoration. All banks shall be restored so that no slope is greater than three (3) feet horizontal to one (1) foot vertical, (3:1).

- G. Stormwater drainage from the site shall not be altered so as to adversely affect public roads or neighboring uses. Natural drainage patterns shall be restored to the maximum extent possible. No increase in drainage rate and volume leaving the site shall be permitted.
- H. All stumps, boulders, and other debris resulting from the extraction operations or its related activities shall be removed from the site and disposed of by approved methods.
- I. The site shall be graded so that no stagnant water or water pockets will be allowed to develop.
- J. Processing plants, buildings, structures, and equipment shall be entirely removed from the pit within one (1) year after completion of the extraction operations.

1060 - Security/Performance Bond:

- 1061 A performance bond, letter of credit or other form of surety shall be posted in an amount to be determined by the Town Council to ensure proper operation of the facility and that the restoration requirements are adequately met. After evidence of nonconformance or nonperformance of the applicant, the Commission shall recommend to the Town Council that the bond be defaulted and measures taken to accomplish necessary work in fulfillment of the intent of the regulations. Upon satisfactory completion of the restoration plan and compliance with the regulations in Sections 1030, 1040, and 1050 as certified by the Commission, the Town Council shall issue a written certification that the above requirements have been met. The performance bond, letter of credit or other surety shall be released to the landowner upon receipt of the written certification from the Town Council.

1070 - Duration of Permits:

- 1071 All permits for new and existing earth removal operations shall be effective for two (2) years. Permits shall be renewed in accordance with this Article.

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ARTICLE 11 - RESIDENTIAL MOBILE HOME DISTRICTS (RMD)

SECTION

1100 - Purpose:

1101 The purpose of this Article is to permit the creation of Residential Mobile Home Districts (RMD) and to establish the procedures for their creation. It is the intent of this Article to regulate the location and design of RMD's in such a manner as to create neighborhoods designed for long-term occupancy, to ensure compatibility with surrounding areas and with the natural environment, and to provide safe, sanitary and attractive living conditions for occupants of mobile homes located in such parks. No Mobile Home Park shall be created or extended in the Town of Coventry after this Article is adopted except in conformance with this Article.

1102 Residential Mobile Home District. A district limited to Mobile Home Parks and accessory uses as permitted by this Ordinance, created in accordance with this Ordinance and based on an approved comprehensive site plan as set forth below. The minimum gross land area, excluding swamps, ponds, streams, unsuitable soils and other unusable land under single ownership shall be ten (10) acres. All RMD's shall adhere to the regulations of this Article and Chapter 11 of the Code of Ordinances of the Town.

1110 - Establishment of Residential Mobile Home Districts:

1111 RMD's may be established in the Town by amendment of this Ordinance and accompanying maps in accordance with the requirements and procedures of this Article.

1112 Procedures. Notwithstanding any other provisions of this Ordinance or any other provisions of the Ordinances of the Town, the following procedures shall apply:

- A. Application for amendment to the Zoning Map to create a RMD shall be made according to Article 18 of this Ordinance. However, the fee for such application shall be five hundred (500) dollars plus advertising costs. In addition to the plat requirements, a site plan, prepared by a Registered Architect or Engineer, shall be required that, as

a minimum, shows the following, together with appropriate dimensions and descriptive material as necessary:

1. Items A through R of Section 1622 of this Ordinance;
2. Proposed location of riser pipes;
3. Refuse disposal facilities;
4. Location of electrical system;
5. Location and details of underground gas and oil systems;
6. Plans and specifications of all buildings constructed in the park;
7. Number, location, dimensions and size of all lots;
8. Evidence that other local, state, or federal permits have been applied for or obtained;
9. An impact analysis of the proposed development which shall contain detailed economic, social, physical studies of the area and a proposed population analysis. The Commission may request additional information if desired;
10. Type and size of home to be used in Development; and
11. Applicable Rules and Regulations for the Development.

1120 - Planning Commission Review:

1121 All applications for a RMD shall be referred to the Commission by the Town Council. The Commission shall have sixty (60) days to respond to the Council. This sixty (60) day period shall begin upon the receipt of two (2) copies of all plans and the application in the Planning Department from the Town Clerk's Office after referral by the Council. The Commission may request an extension of this time period if additional time is required to complete the review of the proposed RMD rezoning. The Council

may act if the Commission fails to respond within the allotted time.

1122 The applicant shall show to the satisfaction of the Commission that:

- A. the granting of approval will not result in conditions inimical to the public health, safety, morals and welfare;
- B. the granting of such approval will not substantially or permanently injure the appropriate use of property in the surrounding area or district;
- C. the plans for such project comply with all of the requirements of this Ordinance; and
- D. the plans for such project are in conformance with the Coventry Comprehensive Plan.

1123 In recommending an action to the Town Council, the Commission shall enumerate its reasons for approval or denial and any stipulations that the Commission would like imposed.

1124 After receipt of the Commission's recommendations, the Council shall hold a public hearing in accordance with Article 18 of this Ordinance and shall act on the amendment within forty-five (45) days of the hearing and may attach conditions to ensure the public health, safety, morals and welfare. Approval of the amendment requires that the final development shall conform to the plans as approved by the Council. Any changes to the plan will require a resubmittal of the application for the rezoning following all procedures of this Article.

1125 The approved site plan with any conditions stipulated in the rezoning shall be recorded in the Town Clerk's Office within fourteen (14) days of the Zoning Approval. The Town Planner and Town Engineer shall review the site plan for conformity with the approved rezoning and shall certify to the Town Clerk the conformance of the plan prior to its recording. If the plan does not conform to the approved rezoning, it shall not be recorded and the applicant shall have fourteen (14) days to correct the plan and resubmit for review and recording.

1126 There shall be written on the plan the following note: "Failure to act on this rezoning in one (1) year shall cause this plan to become null and void."

1130 - Permitted Uses:

1131 In a RMD, the following uses shall be permitted:

- A. Principal Uses. Mobile homes as defined in Article 2;
- B. Accessory Uses. Uses directly accessory to a mobile home including parking areas, carport, patios and semi-enclosed outdoor living areas not intended for overnight occupancy. Service buildings as required in Section 1150, recreation areas and facilities for the exclusive use of occupants of the mobile home park and as further provided in Section 1131; offices intended for management and/or service to the mobile home park; and central laundry facilities designed for residents.
- C. Garages shall not be allowed. The addition to or expansion of a mobile home so as to make it a permanent structure shall not be allowed.

1132 Site Standards.

- A. Lot Coverage. Maximum lot coverage by a mobile home in an individual mobile home lot shall not exceed twenty (20) percent of the gross area of the lot.
- B. Width and Depth. For portions of the tract used for general vehicular entrances and exits only, the lot width shall be a minimum of fifty (50) feet; for portions containing mobile home lots and buildings open generally to occupants, the width of the lot shall be a minimum of two hundred and fifty (250) feet. The ratio of width to depth shall not exceed one to five (1:5).
- C. Landscaping and Buffering. Along all exterior property lines of a mobile home park, a landscaped buffer strip shall be maintained. Such buffer strip shall be no less than one hundred (100) feet wide along all property lines. Such buffer strip shall be planted, screened, or otherwise maintained in a natural condition in order to provide year round visual obstruction of the mobile home lots from

abutting land and streets. The provisions of Article 17 shall be met for all landscaping in a Mobile Home Park. Such buffer strip may be used for recreation of a non-intensive character provided, however, that no structure be located thereon.

- D. Recreation and Open Space. At least ten (10) percent of the gross land area of the mobile home park shall be reserved for recreational and open space uses. Such recreation and open space shall be located outside the required buffer strip. However, this figure is in addition to any other open areas required by yard provisions or other sections of this Ordinance. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.
- E. Access. All mobile home parks shall have a minimum lot frontage of fifty (50) feet on a public street.
- F. All mobile homes shall be a minimum distance of seventy-five (75) feet from any park boundary line abutting a public street.

1133

Lot Requirements. Individual mobile home lots in a RMD shall conform to the following requirements:

- A. Lot Size. Each individual mobile home lot shall contain a minimum area of six thousand (6,000) square feet. Lot size shall be increased by five (5) square feet for each square foot that the mobile home and accessory buildings exceed the allowable size of twelve hundred (1,200) square feet.
- B. Lot Width. The minimum lot width shall be fifty (50) feet.

- C. Required Separation Between Mobile Homes. Mobile homes shall be separated from each other and from other buildings and structure by at least thirty (30) feet. Any accessory structure which has a horizontal area exceeding twenty-five square (25) feet, is attached to a mobile home or located within ten (10) feet of its window, and has an opaque top or roof that is higher than the nearest window shall, for purposes of all separation requirements, be considered to be part of the mobile home.
- D. Setbacks. No mobile home shall be located closer than fifteen (15) feet to a lot line abutting an internal street, common parking area or other common areas.
- E. Frontage. Each mobile home lot shall have frontage on an internal street.

1134 Streets. All streets shall be constructed in accordance with the requirements of Chapter 11 of the Code of Ordinances of the Town. Storm drainage plans must be provided and approved by the Town Engineer and shall result in no net increase of runoff.

1135 Density Requirements.

- A. Maximum density requirements for a Residential Mobile Home District shall be two (2) mobile homes per acre. Density shall be computed by dividing the total number of mobile homes by total useable acreage of the development.
- B. There shall be a maximum of two hundred (200) mobile homes per RMD.

1140 - Occupancy:

1141 No lot shall be rented for residential use in a RMD except for periods of thirty (30) days or more, and no mobile home shall be admitted to any park unless it can be demonstrated that it meets the requirements of the BOCA Basic Building Code, as amended.

1142 No lot shall be rented for residential use unless a license has been obtained in conformance with Chapter 11 of the Code of Ordinances of the Town.

1150 - Service Building:

1151 All mobile home parks shall be provided with a service building consolidating all sanitary, laundry, management and other service facilities. The floor area of such service building shall not exceed twenty-five hundred (2,500) square feet.

1160 - Sale of Mobile Homes:

1161 No mobile home shall be sold in a RMD unless it is located on a mobile home stand and connected to pertinent utilities.

1170 - Change of Lot Size:

1171 The size of mobile homes in an approved park shall not be changed to a larger home unless the size of the mobile home lot is increased according to Section 1132 Subsection B. Prior to any change in a RMD, the proposed changes shall be submitted to the Commission for review. The Commission may approve the changes if they adhere to this Ordinance.

ARTICLE 12 - STANDARDS FOR PARKING LOTS AND LOADING FACILITIES

SECTION

1200 - General Requirements:

- 1201 No structure shall be erected, substantially altered or its use changed, unless off-street parking and loading spaces have been provided in accordance with this Ordinance.
- 1201 Submission. Plans and specifications for the required parking, loading facility and access drives shall be submitted at the time of application for the building permit for the principal use and must be approved by the Town Engineer, Town Planner, and Building Inspector or Zoning Enforcement Officer.
- 1202 Location. All parking facilities required under this Article shall be constructed on the lot containing the principal use, or on abutting lot(s) which shall have the same zoning as the main lot. No parking or loading facility, exclusive of driveways, shall be located within ten (10) feet of a street right-of-way line or five (5) feet of a sidewalk or abutting property line. It is the intent of this Article that substantially all parking spaces shall be located to the rear or the side of the building. The front yard shall be used primarily for sidewalks and landscaping.
- 1203 Paving:
- A. All parking and loading facilities required under this Ordinance, together with driveways, aisles, and other circulation areas, shall be paved with asphalt, a minimum of two (2) inches in thickness applied over no less than ten (10) inches of compacted gravel.
 - B. The use of porous paving material may be allowed as a special-use permit. Applications for such special-use permit shall be forwarded to the Town Engineer for his recommendation which shall be made part of the Board's record. The Engineer's recommendation shall be submitted in writing at least one (1) week prior to the Board meeting.

C. All parking and loading areas shall be striped within thirty (30) days of use of the premises.

1204 Lighting. Any parking area which is intended to be used during non-daylight hours shall be illuminated during the hours of operation of the principal use. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property and away from streets.

1205 Screening and/or Landscaping. All parking areas shall be screened and/or landscaped in accordance with Section 1750. Minimum buffers and landscaping standards are found in Article 17 as well.

1206 Drainage. All parking and loading areas shall provide for proper drainage of surface water in accordance with the Subdivision Regulations of the Town. Such drainage shall be approved by the Town Engineer.

1207 Required Trash Areas. All commercial, industrial and multi-family residential uses shall provide trash and/or garbage collection areas located in the rear of the building, enclosed on at least three (3) sides by a solid wall, opaque fence or compact planting screen of at least five (5) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage shall be required.

1208 Wheel Blocks. When a parking lot extends to a property line, sidewalk, or street right-of-way, or landscaped buffer, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the parking facility setback line.

1209 Width of Access Driveways. Access driveways serving any required parking lots as a direct access drive from a street shall not be less than twelve (12) feet for one-way traffic and not more than twenty-four (24) feet for two-way traffic.

1210 - Loading Space Requirements and Dimensions:

A. No land shall be used or occupied and no structure shall be erected or used for commercial or industrial purposes unless the off-street loading spaces required herein are provided. Off-street loading

spaces as specified in this Ordinance shall be provided for any enlargement or alterations to any such existing structure or use.

- B. Off-street loading spaces shall be on the same or contiguous lot or parcel of land as the use or structure they are intended to serve. In no case shall any required off-street loading space substitute for the off-street parking requirements. Such space shall be located in the rear of the structure.
- C. A loading space shall have minimum dimensions of not less than twelve (12) feet in width, sixty (60) feet in length, exclusive of driveways, aisles, and other circulation areas, and a clearance of height of not less than fourteen (14) feet. Off-street loading spaces shall be provided as follows:
 - 1. At least one (1) off-street loading space shall be provided and maintained on the same lot for every use having a gross floor area of up to five thousand (5,000) square feet.
 - 2. One (1) additional loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof of gross floor area.
- D. All off-street loading spaces shall be located so as not to impede the flow of traffic within the parking area. The plans for off-street loading must be reviewed and approved by the Town Engineer.

1220 - Minimum Off-Street Parking Requirements:

- 1221 For the purposes of this Ordinance, the following minimum parking space requirements shall apply for each land-use. The Town Engineer or Planning Commission when applicable may lower the minimum parking spaces if he/she/they feel it is warranted. A parking space including aisles shall be no less than three hundred fifty (350) square feet per vehicle with a minimum width of eight and one-half (8.5) feet and a minimum length of eighteen (18) feet. Any uses not specifically delineated in the following tables shall have their parking requirements determined during the Development Plan Review process pursuant to Article 16.

1222 Parking or Storage of Commercial Vehicles in Residential Districts.
The parking or storage of commercial vehicles of over one (1) ton capacity shall not be permitted in a residential district without receipt of a special use permit from the Zoning Board of Review, except where such parking or storage is directly related and accessory to a permitted use or lawful nonconforming use on the premises. Parking or storage of one commercial vehicle up to 4 ton carrying capacity in a rural residential zoning district may be permitted where the property contains a minimum of 2 acres. Where such parking is permitted, the vehicle shall be stored in a building or in an area screened and/or landscaped as specified in Article 17.

1223 Parking or Storage of Major Recreation Equipment in Residential District. In Residential Districts the parking or storage of major recreation equipment, which includes transient trailers, pick-up campers, coaches, motorized dwellings, tent trailers, boats, boat trailers and similar equipment belonging to the property owner, but does not include mobile homes, shall be regulated as follows:

- A. One (1) transient trailer, pick-up camper, coach motorized dwelling, tent trailer, or boat trailer may be parked or stored on any lot in a Residential District provided that such equipment be not more than ten (10) feet in height.
- B. Only one (1) boat, not to be in excess of twenty-five (25) feet in length, may be stored in a Residential District provided that such equipment be not more than fifteen (15) feet in height measured from ground level to the highest point.
- C. No such major recreation equipment, while parked or stored, shall be used for living, sleeping or housekeeping.
- D. Where possible, such recreation equipment must be stored in the rear yard.
- E. No major recreation equipment shall be stored out of doors in Residential Districts unless it is in condition for safe and effective performance of the function for which it was intended or can be made so within a six (6) month period.

TABLE 12-1 - RESIDENTIAL

Type of Use	Minimum Parking Spaces Required
Single, Two or Multi-Family	Two per dwelling unit
Boarding and rooming houses	Two for the owner/occupant and 2 for each sleeping room
Mobile Home Park	Two for each dwelling unit
Hotels and Motels	One space for every room, plus one for each (400) sq. ft. of public meeting and banquet area, plus one for every 75 sq. ft. of restaurant gross floor area (GFA)

TABLE 12-2 - INDUSTRIAL AND WHOLESALE

Type of Use	Minimum Parking Spaces Required
All uses permitted in an I 1 or I 2 District	One for every two employees on the shift with the greatest employment, plus one for each motor vehicle maintained or used on the premises (minimum of four spaces)

TABLE 12-3 - COMMERCIAL

Type of Use	Minimum Parking Spaces Required
Automobile service stations (full-serve)	One for each employee, two for each service bay, and one for each gas pump
Self-Service with (convenience store)	One for each employee, one for each gas pump, and one for each 150 sq. ft. of GFA
Commercial "drive-in" establishments (excluding restaurants)	One space for each employee on the shift of greatest employment, plus six for each drive-in window
Lunchrooms, restaurants, taverns, etc.	One for every three seats, plus one for every two employees on the shift of greatest employment
Restaurants, fast food	One for each 50 sq. ft. of GFA
Retail stores (under 2,500 sq.ft. GFA)	One for each 150 sq.ft. of GFA (minimum of three spaces)
Retail stores (over 2,500 sq.ft. GFA) and shopping centers	One for each 200 sq.ft. of GFA
Convenience store	One for every 150 sq. ft. of GFA
All other types of business or commercial uses permitted	One for each 300 sq.ft. of GFA (minimum of three spaces)

TABLE 12-4 - PERSONAL, BUSINESS AND PROFESSIONAL SERVICES

Type of Use	Minimum Parking Spaces Required
Offices, public or professional administration or service buildings	Three plus one for each 250 sq. ft. of floor area
Banks, financial institutions and similar uses	Three plus one for each 250 sq. ft. of floor area
Theaters, auditoriums and similar uses	One for each four seats of total capacity
Funeral homes and similar uses	One for each three seats total capacity, plus one for every employee
Medical and dental offices	One for every 200 sq.ft. floor area of examination, treating room, office and waiting room (minimum of four spaces)

TABLE 12-5 - RECREATION

Type of Use	Minimum Parking Spaces Required
Athletic fields and courts	One for each two persons of total capacity
Bowling alleys	Four for each lane plus 50% of the spaces otherwise required for accessory uses (i.e., restaurant, bar, game room)
Swimming pools, ice rinks, clubs or halls	One for each five persons capacity plus one for each four seats or one for each 30 sq. ft. floor area used for seating purposes, whichever is greater
Golf course (9 holes)	One hundred spaces; plus 50% of spaces otherwise required for any accessory use (i.e., restaurant, bar, shop)
Golf course (18 holes)	Two hundred spaces; plus 50% of spaces otherwise required for any accessory use (i.e., restaurant, bar, shop)

TABLE 12-6 - GOVERNMENT, INSTITUTIONAL AND EDUCATIONAL

Type of Use	Minimum Parking Spaces Required
Churches and places of religious assembly	One for each four seats
Hospitals	One for each bed, plus one for every two employees on the shift of greatest employment
Sanitariums, homes for the aged, nursing homes, asylums and similar uses	One for each four beds, plus one for every two employees on the shift of greatest employment
Libraries, museums, art galleries	One for each 400 sq ft of GFA for public use, plus one for every two employees on the shift of greatest employment
Elementary schools	Two spaces for each classroom plus one for every six seats in auditoriums or assembly halls
High schools	One for every ten students, plus one for every employee
Business, technical and trade schools	One for each two students
Colleges, universities	One for each four students
Kindergartens, child care centers, nurseries, etc.	One for each employee, plus one for every ten students based on capacity enrollment for safe and convenient loading and unloading

1230 - Property Access Standards:

1231 One of the most serious problems with strip commercial development is the proliferation of drive access. To limit this condition the following access standards are adopted.

1232 Shared Drive Access. The Town desires and encourages sharing access drives between separate parcels. Some of the following standards may be relaxed if shown during the Development Plan Review process that more efficient design can be accomplished without jeopardizing the public's health, safety and welfare. All changes are subject to approval by the Commission. All drive accesses shall be approved by the Town Engineer for width and location.

A. Commercial developments which may not be able to meet the requirements of Sections 1232-1234, and are requesting deviations from the standards, shall submit to the Town Engineer a report certified by a Professional Engineer addressing the following site conditions, both present and

future:

1. traffic volumes
2. turning movements
3. traffic controls
4. site design
5. site distances
6. location and alignment of other access points.

- B. Based upon the above data, the Town Engineer shall determine whether a deviation from the requirement standards is justified and, if so, what alternative requirements will be necessary.

1233

Drive Access Required. All non-residential, off-street parking spaces shall have access from a drive access and not directly from a public street. All drive accesses installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall comply with the following requirements:

- A. Single family drive access openings shall not exceed twelve (12) feet in width measured at the right-of-way line and fifteen (15) feet in width measured at the curb line. All residential complexes for fewer than four (4) families are considered single family residences for the purpose of this Section.
- B. Residential complexes for four (4) or more families shall be considered commercial establishments for the purpose of this Section, except that townhouse units may be considered single family residences.
- C. Non-residential drive access openings shall conform to the following criteria:
1. Commercial drive access widths shall be a maximum of thirty (30) feet measured at the inside edge of the drive access extended, at its intersection with the projected curb line of the intersecting street. Two-way drive access shall be a minimum of twenty-four (24) feet and one-way drive access shall be a minimum of sixteen (16) feet.

2. Industrial drive access widths shall be a maximum of thirty-five (35) feet measured at the inside edge of the drive access extended, at its intersection with the projected curb line of the intersecting street. Two-way drive accesses shall be a minimum of twenty-four (24) feet and one-way drive accesses shall be a minimum of sixteen (16) feet.
3. All commercial centers or industrial drive accesses shall be set back a minimum of fifteen (15) feet from the adjacent property line unless such drive access is approved as a shared drive access.
4. Drive accesses to drive-in theaters, stadiums, racetracks, funeral homes, or uses generating very heavy periodic traffic conflicts shall be located not closer than two hundred (200) feet to any pedestrian or vehicular entrance or exit to a school, college, university, church, hospital, public emergency shelter or other place of public assembly.
5. All commercial and industrial drive accesses on arterial streets shall have fifteen (15) foot return radii unless otherwise approved by the Town Engineer. All commercial and industrial drive accesses on other streets may have either return radii or depressed curbs. The minimum radius allowed is four (4) feet.

1234

Distance from Intersection. Driveway access distance from street intersections for all lots created after the effective date of this Ordinance shall be subject to the following minimum dimensions, unless otherwise approved by the Town Engineer as part of an approved site plan.

TABLE 12-7 - DRIVEWAY ACCESS

Distance From Nearest Intersection (in feet)

<u>Street Type</u>	Driveway Access on Collector Street		Driveway access on Arterial Streets	
	<u>Residential</u>	<u>Commercial, Industry</u>	<u>Residential</u>	<u>Commercial, Industry</u>
Arterial	100	150	150	200
Collector	40	150	150	150
Local	40	100	100	200

NOTE: All distances shall be measured from the inside edge of the drive access, extended, at its intersection with the projected curb line of the intersecting street.

1235

Drive Access Spacing. The distance between drive accesses on a public street, except for single, two-family and townhouse dwellings, shall be measured from inside of drive to inside of drive according to the following specified distances, unless otherwise approved by the Director of Public Services as part of an approved site plan.

TABLE 12-8

Driveway Access Spacing (in feet)

<u>Street Type</u>	<u>COLLECTOR STREETS</u>		<u>ARTERIAL STREETS</u>	
	<u>Residential</u>	<u>Commercial, Industry</u>	<u>Residential</u>	<u>Commercial, Industry</u>
Partial Access *	60	80	80	150
Full Access **	100	150	100	150
Minimum Separation	60	80	60	100

NOTES: * Partial access includes right turn in and out only.
turn movements, in and out.

** Full access allows all

1650\ART12.new

ARTICLE 13, GOVERNING RESIDENTIAL CLUSTER DEVELOPMENT, SHALL REMAIN IN EFFECT UNTIL SUCH TIME THAT THE PLANNING COMMISSION ADOPTS AMENDMENTS TO THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS INCORPORATING THESE RESIDENTIAL CLUSTER DEVELOPMENT REGULATIONS. AT SUCH TIME, THIS ARTICLE SHALL EXPIRE. THE PURPOSE OF RELOCATING THE RESIDENTIAL CLUSTER DEVELOPMENT REGULATIONS TO THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS IS TO CONSOLIDATE ALL OF THE LAND DEVELOPMENT REGULATIONS, INCLUDING THE REGULATIONS GOVERNING RESIDENTIAL CLUSTER DEVELOPMENT, INTO ONE DOCUMENT. NOTHING HEREIN SHALL PREVENT THE PLANNING COMMISSION FROM ALTERING OR AMENDING THE REGULATIONS SET FORTH BELOW.

ARTICLE 13 - RESIDENTIAL CLUSTER DEVELOPMENT

SECTION

1300 - Purpose:

1301 A Residential Cluster Development (RCD) may be permitted by the Planning Commission for the purpose of providing attractive neighborhoods that maintain the rural character of Coventry, reducing sprawl, promoting the conservation of open space and other environmental and cultural features, and the efficient use of land in harmony with its natural features. Moreover, this Article is designed to encourage creative developments by allowing some flexibility in site design and establish incentives to develop a RCD. All proposals for an RCD shall conform to Coventry's Subdivision Regulations.

1310 - Development Parameters:

1311 The minimum size for a RCD shall be as set forth on Table 13-1 below, not including land deemed unsuitable for development pursuant to Section 1313.

TABLE 13-1

Minimum RCD Acreage

Zoning District	Minimum Acreage
RR-5	20 acres
RR-2	10 acres
R-20	5 acres

1312 The maximum number of dwelling units in a RCD shall not exceed the number computed as follows:

- A. Land unsuitable for development, as herein defined, shall first be deducted from the tract proposed for development.
- B. The remaining land in the tract shall be divided by the minimum lot size for the applicable zoning district.

$$\frac{\text{Proposed tract of land - Unsuitable land}}{\text{Minimum Lot Size}} = \text{Maximum number of dwelling units}$$

- C. In no case shall the number of dwelling units permitted in the RCD exceed the number of which would have been permitted in the Zoning District(s) in which the tract lies if developed in the conventional manner.

1313 The following land shall be deemed unsuitable for development and shall be subtracted from the total parcel in order to determine the maximum number of dwelling units:

- A. Wetlands as defined in Rhode Island General Law, Title 2, Chapter 1, as amended. For the purpose of this Section, the setback requirements as set forth in Title 2, Chapter 1 shall be considered wetlands.
- B. Land located within Zone A as shown on the Federal Emergency Management Administration Flood Insurance Rate Maps for the Town of Coventry.
- C. Street allowance which shall be that area actually occupied for public and/or common vehicular and pedestrian access and egress.
- D. Land containing steep slopes in excess of fifteen (15%) percent.

1314 The following uses shall be permitted in a RCD:

- A. Single family dwellings
- B. Two (2) family dwellings
- C. Uses customarily accessory to residences
- D. Uses permitted in the open space

- E. Community centers, recreation facilities and similar structures designed for the use of the residents of the development.

1315

Restrictions on Location of Structures.

- A. If any part of a single family dwelling or accessory building in a RCD is proposed to be located within one hundred (100) feet of the perimeter of such development, such building(s) shall be located so as to comply with the minimum yard dimensions for principal and accessory buildings for the applicable zoning district.
- B. If any part of a two-family dwelling or accessory building in a RCD is proposed to be located within one hundred (100) feet of the perimeter of such development, such building shall be located so as to comply with one and one-half (1 2) times the minimum yard dimensions for principal and accessory buildings for the applicable zoning district. No two (2) family dwelling shall be built in a RCD within the R-20 District.

1320 - Dimensional Regulations:

1321

- A. Where a public water and/or sewer system is connected to each principal structure in a RCD, the minimum area of each building lot shall be:
 - 1. fifteen thousand (15,000) square feet for a single family dwelling
 - 2. twenty thousand (20,000) square feet for a two (2) family dwelling or duplex.
- B. Where neither a public water or sewer system is connected to each principal structure in a RCD, the minimum area of each building lot shall be as follows:
 - 1. one acre (43,560 square feet) for a single family dwelling
 - 2. sixty thousand (60,000) square feet for a two (2)

1322 family dwelling or duplex.
 Except as specifically provided in this Article, structures developed in an RCD shall be in accordance with Tables 13-2 and 13-3.

TABLE 13-2

Cluster Development Dimensional Regulations with Water or Sewer

	Minimum Lot Size	Minimum Lot Width Frontage	Minimum Yard			Maximum Lot Coverage	Maximum Building Height
			Front ft	Side ft	Rear ft		
Single Family	15,000	100	25	15	30	25	35
Two Family	20,000	125	25	15	30	25	35

TABLE 13-3

Cluster Development Dimensional Regulations with no Water or Sewer

	Minimum Lot Size	Minimum Lot Width Frontage	Minimum Yard			Maximum Lot Coverage	Maximum Building Height
			Front ft	Side ft	Rear ft		
Single Family	43,560	150	25	35	40	25	35
Two Family	60,000	175	40	50	60	25	35

1330 - Application Requirements:

1331 All RCD plans shall contain, at a minimum, the following information:

- A. Locus of the proposed development;
- B. Location, boundaries, and dimensions of each lot;
- C. Property lines, showing directional bearings and distances, location with reference to identifiable street intersection, land uses, directional arrow, scale, assessor map identifying number(s) of the parcel(s) involved, and zoning district in

which located;

- D. Identification of all abutting property owners;
- E. Dimensions of property line setbacks to, and dimensions between, each building, structure, or use;
- F. Location of all proposed and existing, as well as adjacent public and private ways;
- G. Location of all easements on, over, and adjacent to the site, including the location of all existing and proposed utility lines and fire hydrants;
- H. Existing and proposed topography at two (2) foot contours;
- I. Location and description of all natural features including but not limited to wetlands and their one hundred (100) foot buffer zones, rivers, streams, lakes, ponds, areas subject to flooding, existing vegetation and proposed removal of vegetation;
- J. Description of watershed boundaries, aquifer locations, public water supply sites, and 100-year floodplain as defined by the Federal Emergency Management Agency maps;
- K. Location and description of proposed open space and recreation areas;
- L. Location and description of cultural features such as old trails, agricultural fields, and historic buildings and sites;
- M. Location and description of all existing structures and buildings, including those to be demolished, and proposed new structures and buildings showing ground and final elevation(s);
- N. Location and description of parking and loading areas, driveways, walkways, points of access and egress, traffic safety devices, and general circulation patterns;
- O. Location and description of the proposed wastewater disposal systems, water supplies, storm water drainage systems, temporary or permanent erosion control structures, utilities,

- and any solid and hazardous waste disposal systems;
- P. Proposed landscaping plans in compliance with Article 17, showing buffer areas, screening, fencing and plantings, and schedule for landscaping; and
- Q. Location, dimensions, height and characteristics of proposed signs.

1332 The Commission may request a fee for the review of the application in accordance with Section 3131, Table 3-1.

1340 - General Requirements:

1341 Cluster developments are permitted only in Residential Districts. The Commission shall not approve a cluster development in an established single family neighborhood where in their determination, such land use will be inconsistent with or will have a detrimental effect upon the surrounding property. If the Commission denies a cluster development based on this Section, they shall identify this as the reason for denial.

1342 The minimum frontage of the parcel for development proposals shall be at least seventy-five (75) feet per ingress and egress in all residential districts. Said frontage shall be landscaped in accordance with Article 17. Additional frontage may be required if more than one (1) access road is deemed necessary by the Commission.

1343 Each lot shall have adequate access on a public or private way.

1344 Each lot shall be of a size and shape to provide a building site which shall be in harmony with the natural terrain and other features of the land.

1345 There shall be an adequate, safe, and convenient arrangement of pedestrian circulation, facilities, roadways, driving, and parking.

1346 Streets, driveways and other paved areas intended to remain in private ownership shall be approved as to design and construction standards by the Commission. At the discretion of the Commission, private roads serving cluster developments may be owned in common by the homeowners and maintained as private rights-of-way, provided that such roads at the time of approval are bonded to

guarantee all construction standards as required for public improvements.

1347 A written agreement or contract to be executed between the developer and the Town of Coventry shall be submitted at the final stage of the review process stating:

- A. That the owner or developer will construct the development and install improvements both public and private in accordance with the approved plan. A performance bond shall be posted to guarantee completion in an amount to be set by the Commission.
- B. That in the event of failure of the owners, successors, or assigns to maintain any common open space, recreation areas, landscaping features or other required improvements, the Town may enter said development and perform such necessary maintenance work and charge the cost, including attorney fees, to the owner, successor, or assigns.
- C. That this contract shall be binding upon the heirs, assigns, successors or receivers of the development and shall constitute a lien on the property in the development.
- D. Any other conditions required by the Commission.

1348 A site plan shall be recorded after the RCD is approved.

1350 - Criteria for Approval:

1351 The proposed project shall, in the opinion of the Commission, provide benefits that cannot have been derived from a conventional subdivision with a similar number of dwelling units. The Commission shall have the authority and flexibility to approve a RCD that provides useful and valuable open space and minimizes impervious surfaces. To gain approval, the developer shall configure lots, and streets, and parking areas to achieve those objectives. The Commission may suggest modifications to the plan if deemed necessary. In reviewing a proposal, the Commission shall consider the following criteria:

- A. Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural site features to be preserved.

- B. The usability of the open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.
- C. The open space shall include irreplaceable natural features located in the tract (such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
- D. The open space intended for recreation or public use shall be easily accessible to pedestrians, which accessibility shall meet the needs of the handicapped and elderly.
- E. The suitability of the open space intended for scenic value purposes shall be determined by its visibility from a significant number of units or buildings or length of public or private streets.
- F. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
- G. Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen area devoted to motor vehicle access.
- H. Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site.
- I. The open space shall, where applicable, encourage agricultural and forest management activities so long as impacts to the residential community are minimized. Areas in which prime agricultural soils are located shall be preserved to the greatest extent possible.

1352

The applicant shall demonstrate compliance with Section IX (Residential Cluster Development General, Articles. A-G) of Appendix B - Subdivision Regulations, of the Code of Ordinances of the Town.

1360 - Common Open Space Requirements:

- 1361 All land not devoted to dwellings, accessory uses, roads, or other development shall be set aside as common land for recreation, conservation, or agricultural uses which preserve the land in essentially its natural condition.
- 1362 Further subdivision of common open land or its use for other than recreation, conservation, or agriculture, except for easements for underground utilities and septic systems, shall be prohibited. Structures or buildings accessory to recreation, conservation, or agricultural uses may be erected but shall not exceed five (5) percent coverage of such common open land.
- 1363 All common open land shall be either:
- A. Conveyed to a community association owned or to be owned by the owners of lots within the development. If such a community association is utilized, ownership thereof shall pass with conveyances of the lots in perpetuity;
 - B. Conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space;
 - C. Conveyed to the Town, at no cost, and be accepted by it for a park or open space use. Such conveyance shall be at the option of the Town and shall require the approval of the Town Council; or
 - D. If the parcel is located in an agricultural district, farmland owners are not required to convey the part of their property which is to become permanent agricultural open space, provided that they convey the development rights of that open space in a conservation easement prohibiting future development of the property in accordance with Section 1363 Subsections A-C.
- 1364 In any case where such land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways. Such restrictions shall further provide for maintenance for the common land in a manner which will ensure its suitability for its

function, appearance, cleanliness, and proper maintenance of drainage, utilities, and the like.

1370 - Incentives:

- 1371 At the discretion of the Commission, density bonuses may be permitted which allows projects to be developed at a density greater than permitted by the underlying zoning for the appropriate zoning district. The Commission may grant such a bonus, not to exceed twenty (20%) percent, if any of the following criteria are met:
- A. A minimum set aside of fifty (50%) percent of the land as open space in accordance with Section 1360.
 - B. Preservation of valuable historical, cultural, or environmental resources, and visual or aesthetic features.

1380 - Approval Required Before Improvements:

- 1381 No street and no public water supply or other improvement shall be constructed and no building permit shall be issued for the construction of any building within any cluster development unless a plat of such development has been approved by the Commission and all infrastructure improvements have been completed, or a security/performance bond has been posted pursuant to Section 13111, prior to recording the plat in the office of the Town Clerk.

1390 - Previously Approved Developments:

- 1391 Nothing herein contained shall effect the validity of any cluster development which was given final approval by the decision of the Commission prior to the effective date of this Ordinance.

13100 - Security/Performance Bond:

- 13111 A performance bond, letter of credit or other form of surety shall be posted in an amount to be determined by the Commission to ensure proper development of the project in accordance with this Article. After evidence of the nonconformance or nonperformance of the applicant, the Commission will recommend that the bond be defaulted and measures taken to accomplish necessary work in fulfillment of the intent of the regulations. Upon satisfactory completion of the project, the Commission shall issue a written

certification that the above requirements have been met. The performance bond letter of credit or other surety shall be released to the landowner upon receipt of the written certification from the Commission.

ARTICLE 14 - LAND DEVELOPMENT PROJECTS

SECTION

Section 1400 - Definition:

- 1401 A Land Development Project is a project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including but not limited to, planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses.

Section 1410 - Purpose:

- 1411 The purpose of this Article is to authorize the creation of Land Development Projects, to set forth the procedures for their creation, and to outline standards for their development.

Section 1420 - Permitted Uses:

- 1421 Uses in a Land Development Project are governed by the Schedule of Zoning District Use Regulations in Article 6, section 600, which is based upon the underlying zoning district.

Section 1430 - Procedure:

- 1431 Land Development Projects shall adhere to the regulations for Major Land Development Projects and Minor Land Development Projects contained in the Coventry Subdivision and Land Development Regulations.
- 1432 If a use is not permitted in the underlying zoning district, the Applicant may apply for a Special Use Permit or a Use Variance, as applicable, or obtain a zone change from the Town Council, by establishing a Planned Development or Planned Business Park District, in accordance with R.I.G.L. 45-23-61 (b) as amended. The approved zone change shall be designated on the Coventry Zoning Map.
- 1433 An application to the Town Council for a zone change shall include:

- A. (8) copies of the Plan required for submission to the Planning Commission for the first approval stage of the proposed project;
- B.. A copy of the Tax Assessor's plat marked to indicate the boundary of the land intended to be developed and the boundary of the balance of the tract under ownership or control by the applicant.
- C. A proposed time schedule for the development, with an indication as to how the development will be phased.

1434

Development of an individual site within a Land Development Project shall adhere to the regulations for Development Plan Review in Article 16 if the Planning Commission did not review and approve the specific components of that site during the Land Development Project review process and the proposed use is a single use or structure.

Section 1440 - Intensity Regulations:

A. Residential Land Development Projects in Residential Zone

The density set forth in the underlying residential zone shall serve as a guide for the maximum number of dwelling units permitted in a residential Land Development Project (hereafter “baseline density”).

The baseline density may be altered, at the discretion of the Planning Commission, if it is determined that the Land Development Project:

- 1. is capable of supporting a more intensive use by reason of natural characteristics of the land or existing or planned infrastructure;
- 2. is appropriately designed and reflects the natural characteristics of the land, including its suitability based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;

3. will not have a significant adverse impact on existing and planned public and/or private services and facilities, including schools, transportation systems, recreational facilities, police and fire protection.
4. will promote a balance of housing choices;
5. will be generally compatible with the Coventry Comprehensive Community Plan;
6. will be generally compatible with lots in the same or abutting zoning districts;
7. will not result in conditions inimical to the public health, safety, and welfare.

This section applies to all residential Land Development Projects, including those requiring a zone change to “Planned Development.”

B. Residential Land Development Projects in Non-Residential Zones

The Planning Commission shall review proposals for residential Land Development Projects in non-residential zones according to the standards set forth above in Section A 1-7.

Section 1450 - General Standards for Development:

- 1451 Land Development Projects shall adhere to the regulations for Major Land Development Projects and Minor Land Development Projects contained in the Coventry Subdivision and Land Development Regulations. If there are any inconsistencies between this Article and the Coventry Subdivision and Land Development Regulations, this Article shall control.
- 1452 Relation to Transportation Access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicles and pedestrians. Merging, turnout lanes and traffic dividers shall be provided where existing or anticipated heavy flows indicate need. The applicant shall provide combined access drives to adjacent uses within the proposed development. Roadways within the development shall not be constructed so as to encourage use of local streets in adjacent residential areas. Adequate access and egress must be

provided for emergency vehicles. The Town Engineer shall approve the traffic pattern.

1453 Relation to Surrounding Property Site planning shall provide protection to surrounding areas from potentially adverse impacts from within the development.

1454 Landscaping and Screening There shall be a landscaped buffer of existing vegetation or ornamental plant material between any structure in the development and the lot line of any adjoining property in accordance with Tables 14.1 and 17-1. The general standards for landscaping can be found in Article 17 and shall apply for all Land Development Projects. All Landscape Plans shall be prepared by a Registered Landscape Architect. Earthen, structural and/or other buffering material shall be provided along the perimeter of the development where needed to supplement a landscaped buffer in order to prevent visual, audible or environmental adverse impacts. In particular, the following uses and areas within the development shall be screened from adjacent residential districts or public streets:

1. Off-street parking areas.
2. Service areas for loading and unloading vehicles other than passenger, and for storage and collection of trash and garbage.
3. Utility areas such as pumping stations, electric utility substations and the like.

1455 Height Requirements No building shall exceed three (3) stories or thirty-five (35) feet above grade level, except for rooftop mechanical, cooling, electrical, and similar equipment, all of which may be constructed and maintained above the third story of any building. All rooftop mechanical, cooling, electrical, and similar equipment shall be housed in an approved shelter or suitably screened from public view. However, buildings in a Business Park may be 60 feet in height, and under certain conditions, upon approval of the Planning Commission depending on the type of use, type of building, and topography of the land, may be up to 100 feet in height; accessory uses may be 30 feet in height, and under similar conditions may be up to 50 feet in height (see Table 6-3).

1456 Roadways Roadways in Land Development Projects may be private or public, at the Planning Commission's discretion, and shall adhere to the standards and requirements found in the

Coventry Subdivision and Land Development Regulations and the Property Access Standards of Article 12 of this Ordinance.

- 1457 Drainage The Town Engineer shall review all drainage plans and calculations to ensure that no net increase of runoff shall result. The plans shall be reviewed to ensure that the drainage in the Land Development Project will not adversely impact adjacent properties. Drainage shall be constructed according to Rhode Island Department of Transportation and the Rhode Island Department of Environmental Management standards.
- 1458 Soil Erosion and Sediment Control The proposed project shall conform to the Town of Coventry Code of Ordinances, Chapter 5, Article III, Soil Erosion and Sediment Control.
- 1459 As-Built Plans As-Built plans, stamped by a Registered Professional Engineer shall be required to be submitted to the Town Engineer after the road and infrastructure improvements, as detailed in the approved plans have been installed. Building Permits for proposed structures within the development will only be issued upon a letter of certification from the Town Engineer that the As-Built plans are complete.

Section 1460 - Standards for Multi-Family Buildings:

- 1461 Front Yard Setbacks Multi-Family development shall provide a minimum front yard setback of forty (40) feet along any public or private street. No building, accessory building, parking lot or utility area shall be located in said front yard. In addition, a landscaped or natural buffer zone of forty (40) feet in depth shall be maintained in the front yard and may be used for access driveways or for other necessary entrance and exit facilities.
- 1462 Distance Between Multi-Family Buildings On Same Lot The minimum distance between two (2) buildings or any two (2) rows of buildings substantially parallel to each other shall be fifty (50) feet. The minimum distance between two (2) abutting ends of buildings in the same general plane or row shall be forty (40) feet.
- 1463 Distance Between Multi-Family Buildings and Property Line The minimum distance from side and rear property lines for any multi-family building or accessory building shall be forty (40) feet.
- 1464 Rubbish Disposal Each multi-family building shall be provided with an enclosed waste facility of sufficient size to accommodate

all trash and waste stored on the premises. The waste facility and all utility areas shall be properly screened and buffered from all buildings and property lines in accordance with Article 17.

- 1465 Walkways Pedestrian walkways shall be provided for all multi-family dwellings to provide safe and convenient access to public and private streets, as well as amenities, facilities and compatible adjacent uses. Pedestrian walkways shall adhere to the guidelines of the Americans with Disabilities Act.
- 1466 Dwelling Unit Size No multi-family structure shall contain any dwelling unit in excess of three (3) bedrooms. There shall be only one three (3) bedroom unit for every ten (10) units in a multi-family project.
- 1467 Permitted Accessory Uses Customary uses accessory to residential dwellings such as laundry and drying facilities, refuse collection, lounges, rental offices, etc., which are intended for the residents thereof, are permitted. Such uses shall not exceed two and one-half (2.5) percent of the floor area for residential uses.

Section 1470 - Standards for Commercial/Business Park Development:

- 1471 Minimum Ornamental Landscaped Area A minimum of ten (10) percent of the overall area dedicated to buildings, parking lots, pedestrian walkways, and other site improvements shall have ornamental landscaped treatments, in addition to the Open Space requirements set forth in this Article.
- 1472 Minimum Floor Area Minimum floor area for each building shall be two thousand five hundred (2,500) square feet.
- 1473 Parking, Loading and Landscaping Requirements The standards of Article 12 and 17 shall apply with respect to parking, loading and landscaping.
- 1474 Table 14.1 shall apply to Commercial/Business Park developments.

TABLE 14.1 PERIMETER BUFFER REQUIREMENTS

	Minimum Distance Of Principal Structure From Residential Zone	Minimum Distance Of Accessory Structure From Residential Zone	Minimum Distance From Parking Lot Edge To Residential Zone
BUSINESS PARK OR COMMERCIAL LAND DEVELOPMENT PROJECT	300 feet, based on need for the buffer and type, character, and location of the buffering	50-100 feet, based on need for the buffer and type, character, and location of the buffering	50-100 feet, based on need for the buffer and type, character, and location of the buffering

1475 Front Yard Setbacks Structures may be located along major arterial roadways if a setback of 80 feet, measured from the right-of-way to the face of the structure, is maintained. The Planning Commission may reduce the minimum buffer requirement upon determining that a reduced buffer will adequately protect the surrounding neighborhood from noise, lighting or other public health or safety hazards and will maintain existing natural resources and aesthetic character.

Section 1480 - Standards for Open Space and Recreation:

1481 Minimum Open Space Requirements. A minimum of (40) percent of the total tract in a Land Development Project shall remain as permanent open space. A maximum of 50% of the minimum permanent open space may contain Land Unsuitable For Development as defined in the Town of Coventry Subdivision and Land Development Regulations, as amended.

Buildings or uses for noncommercial, recreational or cultural purposes may be permitted in the open space areas only after approval of building site and operational plans by the Planning Commission. Such buildings or uses shall comply with all applicable regulations specified in this Ordinance. Yard areas of lots in private individual ownership, land area within the right-of-way of a public or private street, and land area between walkways or sidewalks and buildings shall not be considered open space for purposes of this Section.

1482 Wetlands, as defined by state law, excluding the setback requirement, lands located in Zone A on the Federal Flood Insurance Rate maps for Coventry, and unstable soils shall not

contain structures for recreational uses or be altered in any way unless appropriate approvals are received.

1483 Ownership of Open Space All common open space shall be either:

- A. Conveyed to a community association owned or to be owned by the owners of lots within the development. If such a community association is utilized, ownership thereof shall pass with conveyances of the lots in perpetuity;
- B. Conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space;
- C. Conveyed to the Town, at no cost, and be accepted for a park, open space, or other specified use or uses. Such conveyance shall be at the option of the Town and shall require the approval of the Town Council; the common open space shall, at the option of the owner, and subject to the approval of the Town Council, be thereafter maintained by the Town or by the owner, whereby an agreement is entered into regarding the maintenance thereof;
- D. Conveyed to a properly formed management company, the principal purpose of which is the management and preservation of the recreational or open space area.

Farmland owners are not required to convey the part of heir property which is to become permanent agricultural open space, provided that they convey the development rights of that open space in a conservation easement prohibiting future development of the property.

1484 The Town Council may, upon recommendation of the Planning Commission, require the dedication of land or the construction of public facilities, including but not limited to the development of public schools, recreational facilities, road improvements and other public facilities.

Section 1490 - Modifications and Amendments:

1491 Modifications and Amendments shall be in accordance with the Town of Coventry Subdivision and Land development Regulations.

1492

Amendments to increase the size of a Land Development Project, including but not limited to; land area, number of units, or building size, shall be viewed as a new application.

ARTICLE 15 - SIGNS

SECTION

1500 - Findings and Purpose:

- 1501 It is determined that the number of signs in Coventry is excessive and is unduly distracting to motorists and pedestrians, creates a traffic hazard, and in some places reduces the effectiveness of signs needed to direct the public; that the appearance of Coventry is marred by the excessive number of signs; that the number of distracting signs ought to be reduced in order to minimize the aforementioned effects.
- 1502 The purpose of this Article is to minimize traffic hazards, protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas.

1510 - Standard Sign Use Regulation:

- 1511 The following signs are allowed without permits provided they conform to all applicable regulations, and are not illuminated:
- A. Name and Address of Resident. One per residence not to exceed one and one-half (12) square feet in area.
 - B. No Trespassing Signs.
 - C. Bulletin Boards. Not to exceed twelve (12) square feet for public or religious institutions when located on the property thereof, provided there is no commercial advertising.
 - D. For Sale Signs. Not to exceed six (6) square feet in a residential zone and thirty-two (32) square feet in a commercial or industrial zone.
 - E. Instructional or Directional Signs. Identifying on-premise traffic, parking or other functional activity bearing no commercial advertising.
 - F. Signs Erected by the Town of Coventry, the State of Rhode Island or by the United States of America.

- G. Memorial Signs or Tablets. Denoting the date of erection of buildings.
- H. Identification Signs. Places of worship or certified non-profit educational institutions when located on the property thereof and not to exceed fifteen (15) square feet in area.
- I. Election Signs and/or Political Signs. Shall not be attached to any tree or utility pole within the public right-of-way and shall be removed within ten (10) days after the election.
- J. Accessory Signs denoting as hours of operation, credit cards, business affiliations, and the like.
- K. The following signs customary and necessary to the operation of gasoline filling stations:
 - 1. One (1) wall mounted sign over each garage, not larger than ten (10) inches in height consisting of words like "washing," "lubrication," and "repair."
 - 2. Signs and insignias on gas pumps such as brand name, lead warning sign and one (1) price sign per pump not exceeding two and one-half (22) square feet per side which is attached to the pump.
 - 3. One price per gallon sign not larger than twelve (12) square feet per side, using numbers no larger than eighteen (18) inches in height. This sign shall be free standing and shall have a clearance of at least seven (7) feet from the ground.
- L. Time and Temperature Devices. Which contain no advertising and do not exceed twenty (20) square feet.
- M. Awning Signs. Less than ten (10) square feet in area, not to exceed one (1) such awning sign per use.
- N. Sale of Produce Raised on Land signs, the total of which shall not exceed twelve (12) square feet in area.

1512

The following signs shall not be permitted:

- A. Signs which have any visible moving parts. whether mobile, revolving or animated, which motion or animation is achieved by wind, motors or flashing lights, unless permitted by another section of this Ordinance.
- B. Flashing or Animated Signs.
- C. Any Sign or Sign Support. Which for any reasons constitutes a hazard by obstructing the vision of a driver; detracting from the vision of a driver; detracting from the visibility or effectiveness of any traffic sign or device; obstructing free ingress or egress from a fire escape, door, window or other required exit; or make use of words such as stop, look, one way, danger, yield, or any similar words or characters, so as to interfere with, mislead or confuse traffic.
- D. String lights. Strung light bulbs, searchlights, streamers, pennants, banners, spinners, or other devices strung across, upon, over or along any structure or building in conjunction with a commercial or industrial use. A temporary sign permit may be issued for thirty (30) days to allow such uses in conjunction with special events, but no more than three (3) temporary sign permits may be issued for every twelve (12) month period to the same person, as defined in Section 201.
- E. Projecting Signs. Erected so as to project approximately perpendicular from the exterior of any building or wall and which exceed sixteen (16) square feet in area, unless otherwise stated in this ordinance, or which project more than four (4) feet from the exterior of said building or wall or are less than ten (10) feet above sidewalk grade. Nothing herein shall be construed to permit the erection of any projecting sign over a public way without the approval of the Building Inspector or Zoning Enforcement Officer.
- F. Roof Mounted Signs. Any sign that projects more than two (2) feet above the roof parapet of a building or mounted upon any roof, parapet or ridge line of a building.
- G. Billboards. Or other off-premise signs.
- H. Portable Signs. Defined as a metal or plastic framed, freestanding portable sign with or without changeable lettering, with or without illumination shall be prohibited.

However, a portable A-frame sign with no interchangeable lettering, up to 6 s.f. shall be permitted as a temporary sign with the appropriate permit.

Signs: Area, Height, Setback and Number:

- 1513 The area of a sign is the total area within a line drawn around all surfaces or structures of the sign including spaces between or within letters and/or pictorial matter, slates, panels, and major supports or frames if designed as an integral part of the sign, but specifically excluding the spaces between major supports required for clearance between sign and the ground.
- 1514 The height of a sign shall be the vertical distance measured from the ground at the base of the sign to the highest point of any portion of the sign or supporting structure.
- 1515 Permitted signs shall be placed five (5) feet back from front, side and rear lot lines except when the sign is located on the building. Such signs shall be located fifty (50) feet away from any Residential District boundary. The setback for a freestanding sign shall be measured from the lot line to the outermost edge of the sign or supporting structure whichever is closer to the lot line.

Sign Permits:

- 1516 A sign permit, issued by the Building Inspector or Zoning Enforcement Officer shall be required for all permanent and temporary signs hereafter erected, installed or replaced, unless specifically exempted by this Ordinance. Any sign erected without a sign permit may be removed by the Building Inspector, Zoning Enforcement Officer or a designated representative. The Town, Building Inspector, Zoning Enforcement Officer or representative shall not be held liable for any damage to the sign as a result of such signs removal or storage. The owner may claim the sign after paying any fees that result from the sign's storage and/or removal.
- 1517 Application for a Sign Permit.
- A. The following information shall be provided with the application for a sign permit:

1. The size of the proposed sign, area, height, width, thickness, illumination and material of which it is to be constructed.

2. A detailed drawing showing the construction details of the sign, position of lighting or other extraneous devices, and support structures.

3. A plot plan showing the location of the sign in relation to the building and all property lines and streets.

B. The Building Inspector or Zoning Enforcement Officer may require additional information or specify the location of the sign on the lot for safety purposes.

1518

Temporary Sign Permits.

The following temporary signs are permitted provided that they are not illuminated and a sign permit has been obtained.

A. Signs In Connection With Construction Work. One (1) sign per project not to exceed thirty-two (32) square feet.

B. Signs Advertising Auctions and Special Events Conducted by Non-Profit Organizations. Not to exceed twenty (20) square feet and not to be in place for more than thirty (30) days. No more than three (3) signs advertising any such event shall be erected at any one (1) time.

C. Supplemental Commercial Advertising Sign. Not to be in place for more than thirty (30) days and no more than one (1) sign per commercial establishment. There shall be no more than three (3) temporary sign permits for every twelve (12) month period per establishment. Such signs shall be placed ten (10) feet back from property lines and shall not be located in any required parking space or access road. Where an existing building is located on the property line, such sign may be located on the sidewalk adjacent to the building.

1519

A temporary permit shall be valid for no more than six (6) months, unless otherwise specified in this Ordinance, and shall not be extended. The sign must be removed at the expiration of the permit

period or within ten (10) days after the completion of the advertised activity, whichever is sooner. A cash bond of twenty-five (25) dollars shall be posted with the Building Inspector for each temporary sign. This sum will be returned upon removal of the temporary sign. If the sign is not removed when the permit expires, the Building Inspector or Zoning Enforcement Officer shall cause the sign to be removed and the cash bond shall be forfeited to the Town's General Fund to help defray the cost of removal.

1520 - Signs in Residential Zoning Districts:

- 1521 All signs in residential zoning districts shall be at least five (5) feet from the front lot line, except when the sign is located on the building; shall be placed no closer than fifteen (15) feet to a side or rear lot line; shall not extend over the public right-of-way; shall not extend more than six (6) feet above the ground; and shall conform to the following regulations:
- A. There shall be no more than one (1) sign for a residential lot which may identify the premises and/or identify a permitted customary home occupation. Such sign shall not exceed one and one-half (1 1/2) square feet.
 - B. The sign shall not be illuminated.
 - C. Permanent signs identifying residential developments at major entrances are permitted but shall bear no commercial advertising, and shall not exceed fifteen (15) square feet in area per side.

1530 - Signs in Commercial and Industrial Districts.

- 1531 A. Signs in Commercial and Industrial Districts may be either wall-mounted, freestanding or projecting and may be illuminated, except as provided for elsewhere in this ordinance.
- B. In Commercial and Industrial Districts, except shopping centers (Section 1532), there may be one (1) wall-mounted sign for each main building or use as follows:

TABLE 15-1

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<u>Distance of Sign from Nearest Public Street Line</u>	<u>Maximum Permitted Area of Wall Mounted Sign</u>
Less than 200 feet	1 sq. ft. per lineal foot of building frontage. Maximum Area: 60 sq. ft.
200-299 feet	1 sq. ft. per lineal foot of building frontage. Maximum Area: 100 sq. ft.
300-399 feet	1 sq. ft. per lineal foot of building frontage. Maximum Area 150 sq. ft.
400-499 feet	1 sq. ft. per lineal foot of building frontage. Maximum Area: 200 sq. ft.
500+ feet	1 sq. ft. per lineal foot of building frontage. Maximum Area: 250 sq. ft.

- C. Additionally, one (1) freestanding sign for each main building not to exceed forty-eight (48) square feet per side may be allowed. The sign shall not exceed twenty (20) feet in height above the finished grade and shall be erected so that it does not impede vision or obstruct access to any street, sidewalk, driveway, off-street parking or loading facility or any other required access. Where two (2) or more structures are located on the same or contiguous lots, owned and operated as a unit, or where a number of commercial or industrial uses share the same entrance, a sign plaza in conformance with Section 1532 Subsection B may be required. In place of any allowable wall-mounted or freestanding sign, a projecting sign in accordance with Section 1512 Subsection E is permitted.

1532 Signs in Shopping Centers.

- A. There may be one (1) wall-mounted sign for each use or establishment, not to exceed one (1) square foot for each lineal foot of the portion of the building's wall containing the use or establishment. Such sign shall be located in accordance with Table 15-1. The measurement shall be taken along the building frontage.
- B. In addition to such wall-mounted signs, there shall be permitted in shopping centers one (1) common freestanding sign identifying all uses. Such freestanding signs shall conform to the following:

TABLE 15-2 Free Standing Signage

<u>ZONING DISTRICT</u>	<u>Maximum Area of Free-Standing Sign (sq.ft.)</u>	<u>Maximum Height of Freestanding Sign (ft) from ground level.</u>
Village Commercial Zones	12 sq.ft.	6ft.
GB and I	2.5 sq.ft./1000 G.F.A (Maximum 150)	20ft.

- C. Signs in shopping centers may be illuminated.
- D. A freestanding sign shall not be erected so as to impede the vision or obstruct access to or from any street, sidewalk, driveway, off-street parking or loading facility, or any other access required.

1540 - Village Commercial Sign Regulations

- 1541 Notwithstanding the provisions of Sections 1520-1530, there shall be established Village Commercial sign regulations. The purposes of these regulations are to preserve the integrity of the village and rural neighborhoods that contain commercial buildings and structures. All signs erected within the zone shall conform to the regulations set forth in this section of the Ordinance.
- 1542 The boundaries of the zone shall include all lots as delineated on the Coventry Zoning Map.
- 1543 In addition to the prohibited signs delineated in Section 1512, the following signs shall be prohibited in the zone:
 - A. Any interior illuminated sign or awning
- 1544 It is the intent that structural signs shall include incidental decorative trim and framework in addition to the message and lettering.
- 1545 The following signs shall be permitted providing they meet the standards set forth in this section of the Ordinance.
 - A. Wall-mounted or painted signs.
 - 1. Limited to one (1) primary identification sign per

- business.
2. The sign shall be affixed to the front facade of the building, and shall project outward from the wall to which it is attached no more than four (4) inches.
 3. The area of the sign board shall not exceed twenty-four (24) square feet.
 4. The wall sign shall not extend above the base of the second floor window sill, parapet, eave, or building facade.
 5. The height of the lettering and numbers shall not exceed ten (10) inches.
 6. Businesses located in corner buildings are permitted one (1) sign for each street frontage.
- B. One wall-mounted sign, not exceeding six (6) square feet in area, shall be permitted on any side or rear building facade. Such wall signs may only be lighted during the operating hours of the business.
- C. Wall-mounted building directory signs identifying the occupants of a commercial building, including upper story business uses.
1. The sign shall be located next to the entrance.
 2. The sign shall project outward from the wall to which it is attached no more than four (4) inches.
 3. The area of the sign board shall not exceed three (3) square feet.
- D. Applied letters may substitute for wall-mounted signs, if constructed of painted wood, painted cast metal, bronze, brass or black anodized aluminum. Applied plastic letters shall not be permitted. The height of applied letters shall not exceed eight (8) inches.
- E. Projecting signs, including graphic or icon signs, mounted perpendicular to the building wall.
1. Limited to one (1) sign per business.
 2. The signboard shall not exceed an area of six (6) square feet.
 3. The distance from the ground to the lower edge of the

signboard shall be ten (10) feet or greater.

4. The height of the top edge of the sign board shall not exceed the height of the wall from which the sign projects, if attached to a single story building, or the height of the sill or bottom of any second story window, if attached to a multi-story building.
5. The width of the signboard shall not exceed three (3) feet.
6. The height of the lettering, numbers, shall not exceed eight (8) inches.

F. Painted or applied letter signs on window.

1. Limited to one (1) sign per business, painted or applied to the window, not to exceed thirty (30) percent of the total glass area of the building front.
2. May be in addition to only one of the following: a wall-mounted sign, a free-standing sign, a projecting sign or a valance awning sign.

G. Awning signs.

1. Shall be permitted for ground floor level uses only.
2. Limited to two (2) such signs per business.
3. Lettering or graphics shall not exceed ten (10) square feet in area, and the height of the lettering, numbers, or graphics shall not exceed eight (8) inches.
4. Shall not be in addition to a wall mounted sign.

H. Free-standing signs.

1. Limited to one (1) free standing sign per building.
2. The sign shall be set back a minimum of five (5) feet from the street line.
3. The area of the sign board shall not exceed twelve (12) square feet.
4. The height of the lettering and numbers shall not exceed six (6) inches.
5. The height of the top of the sign board shall not exceed six (6) feet from the ground.
6. The sign boards shall be architecturally compatible with the style, composition, materials, colors, and details of the building where applicable.
7. No plastic signs shall be permitted.

8. The sign board shall be exterior lit only.
 9. The sign shall not interfere with pedestrian or vehicular circulation.
 10. The area around the sign shall have a minimum landscaped area equal to twice the square footage of the sign.
- I. Directional Signs. Limited to one directional sign, facing a rear parking lot. This sign may be either wall-mounted or free standing on the rear facade, but shall be limited to three (3) square feet in area.
- J. In addition to other signage, restaurants and cafes shall be permitted the following, limited to one (1) sign per business:
1. A wall-mounted display featuring the actual menu as used at the dining table, to be contained within a shallow wood or metal case, and clearly visible through a glass front. The display case shall be attached to the building wall, next to the main entrance, at a height of approximately five (5) feet, shall not exceed a total area of two (2) square feet, and may be lighted.
 2. A portable A - Frame board sign, as follows:
 - a. The area of the sign board shall not exceed five (5) square feet per side.
 - b. The sign board shall be constructed of wood, chalkboard, and/or finished metal.
 - c. Letters can be painted or handwritten.
 - d. The sign shall be located within four (4) feet of the main entrance to the business and its location shall not interfere with pedestrian or vehicular circulation.
 - e. The information displayed shall be limited to daily specials and hours of operation.
 - f. The sign shall be removed at the end of the business day.
 - g. The sign shall not have plastic interchangeable letters
- K. Each business shall identify the number of its address within the sign board with a minimum of one sign facing each street

or parking lot.

1550 - Hazardous or Obsolete Signs:

- 1551 No sign shall be erected or altered except in conformance with this Article. All signs must be kept clean, neatly maintained and free from all hazards and must be maintained in a safe condition. No sign shall be maintained which advertises a product or use of activity no longer available or in existence. Such obsolete signs shall be removed within thirty (30) days after the date they become obsolete. If a sign is hazardous or obsolete, the Building Inspector or Zoning Enforcement Officer shall give written notice to the owner of the sign and to the owner of the land upon which the sign is erected directing that the sign be brought into conformance or removed within thirty (30) days from the date of said notice.

1560 - Abatement and Removal of Unlawful or Unsafe Signs:

- 1561 Upon failure to comply with the notice specified in Section 1550, the Building Inspector or Zoning Enforcement Officer shall notify the Town Solicitor of such violation and request appropriate legal action. When a sign is considered to be an immediate hazard and peril to the public safety or to property, the Building Inspector or Zoning Enforcement Officer is authorized to cause such sign to be removed without notice.

1570 - Exemptions for Signs:

- 1571 The following exemptions may be granted by the Board in accordance with the appropriate provisions of Article 4 of this Ordinance, provided that they do not impair the intent and purpose of this Ordinance.
- A. Off-street directional signs where the location of a use requires such signs in order to avoid confusion, traffic congestion or similar inconveniences, and to facilitate travel to such location. The Zoning Board may permit up to two (2) signs for each establishment. Such sign shall be no greater than four (4) square feet and may be illuminated.

1580 - Non-Conforming Signs:

1581 Any sign legally existing at the time of the passage of this Ordinance which violates any provision thereof, shall be deemed a nonconforming use and may be continued as may be permitted by law and may continued onto in accordance with this Ordinance.

1582 Repairs to Non-Conforming Signs. Reasonable repairs and alterations may be made to nonconforming signs. However, in the event any nonconforming sign is damaged after the effective date of this Sign Ordinance and the cost of repair exceeds fifty (50) percent of the cost to replace it, such cost to be determined by a competent appraiser, or in the event such sign is removed by any means, including an act of God, the nonconforming sign may be restored, reconstructed, altered or repaired only with the provisions of this Ordinance.

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ARTICLE 16 -DEVELOPMENT PLAN REVIEW

SECTION

1600 - Purpose:

1601 The purpose of this Article is to promote and protect the health, safety, morals and general welfare of the public through the establishment of a project review procedure for proposed development which may impact land use and the environment. Certain development projects as specified below may be required to submit additional plans and information to allow the Commission to review a project in greater detail than currently required pursuant to this Ordinance and the subdivision rules and regulations. The Commission may condition project approvals based upon its assessment of the information submitted under development plan review. It is not the intent of this Article to alter basic development standards as set forth in this Ordinance.

1610 - Requirement for Development Plan Review:

1611 Construction of any residential project not requiring subdivision approval that exceeds six (6) dwelling units; construction or expansion of any commercial development; or construction or expansion of any industrial development; change in use; and applications for uses requiring a special-use permit, variance, zoning ordinance amendment, or zoning map change shall be subject to development plan review and approval by the Commission, or by the Director of Planning & Development as specified in this section.

1612 Development within the Village Commercial Zones. For guidelines and applicability see Section 1680.

1620 - Application:

1621 The current owner of record or applicant shall submit six (6) copies of the development plan review application to the Commission and one (1) copy each to the Zoning Board of Review, Conservation Commission, Department of Public Works, Building Inspector, Police Department, and the Fire Department.

1622

All development plans shall contain, at a minimum, the following information:

- A. Locus of the proposed development;
- B. Location, boundaries, and dimensions of each lot;
- C. Property lines, showing directional bearings and distances, location with reference to identifiable street intersections, land uses, directional arrow, scale, assessor map identifying number(s) of the parcel(s) involved, and zoning district in which the parcel is located;
- D. Identification of all abutting property owners;
- E. Dimensions of property line setbacks to, and dimensions between, each building, structure, or use;
- F. Location and description of all existing structures and buildings, including those to be demolished, and proposed new structures and buildings showing exterior and finish floor elevation(s);
- G. Location of all existing surface features including but not limited to: stone walls, fences, curbing, impervious surfaces.
- H. Location of all proposed and existing, as well as adjacent, public and private ways;
- I. Location of all easements on, over, and adjacent to the site and the location of all existing and proposed underground and surface utility lines and fire hydrants;
- J. Existing and proposed topography at two (2) foot contours;
- K. Location and description of all natural features including but not limited to wetlands and applicable buffer zones, rivers, streams, lakes, ponds, areas subject to flooding, existing vegetation and proposed removal of vegetation;
- L. Description of watershed boundaries, aquifer locations, public water supply sites, and one hundred (100) year floodplain as defined by the Federal Emergency Management Agency

Flood Insurance Rate Maps;

- M. Location and description of proposed open space and recreation areas;
- N. Location and description of cultural features such as old trails, agricultural fields, and historic buildings and sites;
- O. Location and description of parking and loading areas, driveways, walkways, points of access and egress, traffic safety devices, and general circulation patterns (see Article 12);
- P. Location and description of the proposed wastewater disposal systems, water supplies, storm water drainage systems, temporary or permanent erosion control structures, utilities, and any solid and hazardous waste disposal systems;
- Q. Proposed landscaping plans showing buffer areas, screening, fencing and plantings, and schedule for landscaping pursuant to Article 17; and
- R. Location, dimensions, height and characteristics of proposed signs.

1623 A narrative report shall accompany the development plan application. Said report shall describe erosion control practices, storm water management systems, wastewater disposal systems, any proposed use of pesticides, herbicides or fertilizers, and any measures undertaken to ensure protection of drinking water supplies. Methods used to compute drainage and wastewater requirements shall also be included.

1624 At the Director of Planning & Development's discretion, inclusion of information irrelevant to a particular application may be waived.

1630 - Review Process:

1631 Uses permitted by right that require development plan approval shall be reviewed by the Coventry Department of Planning and Development. The Planning Department shall have the authority to waive the requirements of this Article where it conducts a

development plan review for uses permitted by right. The Planning Department may consult the Commission or any other local board or agency in conducting its review. All projects requiring a variance, special-use permit, zoning ordinance amendment, or zone change shall be reviewed by the Commission as advisor to the permitting authority in accordance with the process set forth in this Article. The Planning Department shall issue Certificate of Completeness for any project reviewed in accordance with this Section.

- 1632 The Commission shall request comments on the application from the local boards and agencies receiving the application pursuant to Section 1601. Such boards and agencies may review the application and provide comments and recommendations to the Commission within thirty-five (35) days of the request. A failure to respond to the Commission's request shall signify a lack of opposition to the application.
- 1633 A public hearing shall be held within forty-five (45) days of the receipt of an application. In the Industrial Zone notice shall be sent to all property owners within 500' feet in all other zones notice shall be sent to all property owners within 200 feet of the subject property.
- 1634 Within sixty (60) days of the close of the public hearing and after taking into account public comments and the input provided by local boards and agencies, the Commission shall make a decision on the application.
- 1635 In the case where a special-use permit is required, the timetable for review of the application shall be conducted as would any other special-use permit application. In such cases, the Commission shall conduct a joint public hearing for both the special-use permit and development plan approval applications. Said hearing shall be held within forty-five (45) days of the filing of the special-use permit application with the Board. A decision shall be rendered within sixty (60) days following the close of the public hearing.

1640 - Criteria:

- 1641 In its evaluation of a development plan approval application and in rendering its decision, the Commission and/or Planning Department shall apply the following criteria and shall ensure that other local boards and agencies apply the same criteria in their comments and recommendations. When approving a development plan, the

Commission may condition the approval so that these criteria can be met by the applicant. Said decision shall be made so as to be consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which it is located. The Commission may request the applicant to modify the proposed project to conform with these criteria:

- A. If the proposal requires a special-use permit, it must conform to the special-use permit requirements as listed in Article 4 of this Ordinance;
- B. The development shall be integrated into the existing terrain and surrounding landscape, and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent feasible:
 - 1. Minimize use of wetlands, steep slopes, floodplains, hilltops;
 - 2. Minimize obstruction of scenic view from publicly accessible locations;
 - 3. Preserve unique natural or historical features;
 - 4. Minimize tree, vegetation and soil removal, grade changes and subsequent erosion;
 - 5. Maximize open space retention;
 - 6. Landscape and screen objectionable features from neighboring properties and roadways pursuant to Article 17; and
 - 7. Prevent depletion or degradation of public drinking water supplies by employing best management practices for erosion control, storm water management, wastewater disposal and landscaping.
- C. Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town through use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used

to provide visual interest and to avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation, and separation between buildings.

- D. The development shall be served with adequate water supply and waste disposal systems. For structures to be served by on-site waste disposal systems, the applicant shall submit a septic system design prepared by a Registered Professional Engineer or Registered Land Surveyor, as applicable.
- E. The development plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways (see Article 12). The plan shall describe estimated average daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site.
- F. The development plan shall show adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation in conformance with Chapter 5, Article III - Soil Erosion and Sediment Control, of the Code of Ordinances of the Town, and to prevent changes in groundwater levels, increased runoff and potential for flooding. Drainage shall be designed so that runoff shall not be increased, groundwater recharge shall be maximized, and neighboring properties shall not be adversely affected;
- G. The development will not place excessive demands on Town services and infrastructure;
- H. Electric, telephone, cable TV, and other such utilities shall be underground where physically and environmentally feasible;
- I. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other service uses shall be set back or screened to protect the abutters from objectionable features; and
- J. The development plan shall comply with all zoning requirements for landscaping (Article 17) parking and loading (Article 12), dimensions (Article 6), industrial performance

standards (Article 7), and all other provisions of this Ordinance.

1650 - Decision:

- 1651 Action by the Commission shall consist of either:
1. A decision or an advisory recommendation to the Board that the proposed project will constitute a suitable development and is in compliance with the criteria set forth in this Ordinance;
 2. A decision or an advisory recommendation to the Board that the proposed project should be approved subject to any conditions, modifications, and restrictions as the Commission may deem necessary; or
 3. A decision or advisory recommendation to the Board that the proposed project be disapproved.

1660 - Bond:

1661 The Commission or Board may require the posting of a bond to assure compliance with the plan and conditions and may suspend any permit or license when work is not performed as required.

1670 - Term of Special-Use Permit:

1671 Any special-use permit with development plan approval issued under this Section shall lapse within one (1) year if a substantial use thereof has not commenced sooner except for good cause.

1680 Standards for Development in Village Commercial Zones

1681 **Purpose:** The purpose of the village commercial district is to encourage, guide and direct new development, as well as reuse and conversion of existing structures in the designated village districts to ensure that the village character is maintained, that new development is compatible with the existing scale and building fabric, that historic integrity is preserved, that architectural quality is maintained and that mixed village uses continue to provide for the health and growth of the village commercial areas. These guidelines will serve to assist the applicant by providing development criteria consistent with the comprehensive plan. New construction, reuse of existing buildings,

and alterations as defined in Section 1681 shall adhere to the provisions of this section. Any application for a special use permit for a new single family dwelling, however, shall be subject to the intent and purpose of these regulations.

1682

Applicability

- A. All development consisting of the following shall require development plan approval and shall adhere to the guidelines and regulations of this section:
 - 1. New construction;
 - 2. Additions to any commercial, industrial, or multifamily structure of 200 s.f. or greater;
 - 3. Change of use (i.e.: from residential to commercial use, increase in number of dwelling units).

- B. The following incidental improvements shall be reviewed administratively by the Director of Planning & Development, who may refer the matter to the Planning Commission for comment:
 - 1. Proposed new or increase in parking;
 - 2. Proposed signage, lighting, new curb cuts, landscaping;
 - 3. Change in commercial or industrial occupancy resulting in insignificant exterior improvements.

1683

Sketch Plan Submission

A sketch plan conference shall be held between the Director of Planning & Development and the applicant prior to the preparation and submission of a formal development plan. The intent of such a conference is to enable the applicant to inform the town of the proposal prior to the preparation of a detailed plan so the town may advise the applicant of information to be required on the site plan.

Sketch Plan Submission Requirements:

- A. A sketch plan shall be drawn to an approximate scale showing locations and dimensions of structures, parking areas, ingress and egress, signs, existing and proposed vegetation, anticipated changes to topography, proposed water and sewer facilities, storm drainage, public amenities and other site features.

- B. The Director of Planning & Development may waive requirements of the sketch plan submission where, due to character, size, location or special circumstances, any particular information, or the sketch plan submission itself is not required in order for the town to properly perform an evaluation of the proposal.

1684

Plan Review Process

Where a proposal shall require review by the Planning Commission pursuant to Section 1682A, the review shall proceed as with any Development Plan Review pursuant to Section 1630. A review for proposed improvements within the Village Commercial Zone will be aimed at adhering to the following criteria:

- a. It will not detract from the character of the village;
- b. It will not adversely impact adjacent property;
- c. The proposed development or reuse of structure will be in conformance with the purpose and intent of this section and the applicable sections of the comprehensive plan.

If the Commission finds the project to be unusually large, or if it is likely to become a village landmark, or if it is a visually prominent area, or if it is located so as to become part of the village gateway, the design must acknowledge the special impact the project would have on the entire community by addressing the design solution in an exemplary manner.

1685

Village Commercial Development Guidelines

The intent is not to restrict development to a predetermined style. However, for approval, new developments must meet the range of positive examples within the village and demonstrate how building design maintains or enhances the village character.

A. Architecture

- 1. The height and scale of a new building or structure and any addition to an existing building shall be compatible and harmonious with its site and existing surrounding buildings.

2. New building development, adaptation, rehabilitation, reuse, and building conversion must avoid:
 - a. The look of franchise architecture, or ■Big Box ■ design with excessive bulk and lack of detail;
 - b. Buildings which demand visual attention through the use of bold colors and materials which are not found to be consistent with maintaining the village or rural character;
 - c. Commercial or industrial structures consisting of large metal buildings which lack design details or otherwise do not complement the traditional village or rural character;
3. Storefronts. Existing structures which have been designed for retail use on the first floor shall retain this design to the greatest extent possible.
4. Architecture shall be compatible with the character and scale of buildings in the specific neighborhood in which the proposal is sought, through the use of appropriate buildings, screenings, breaks in the roof and wall lines and other architectural techniques as demonstrated by existing village and rural architecture in the area.
5. Building materials used for principle structures shall be in character with surrounding buildings.
6. Concrete block, steel or metal shall not be used as the principle exterior surface and shall not be used on the front building surface except for architectural treatments. Principle exterior surface shall mean 50% or more of the exterior wall surface.

B. Landscaping

1. Distinguishing original features of a site, such as trees greater than 6" in diameter, existing plantings, stone walls, historical structures or markers and topography, shall be preserved where possible. Plantings on the street facing the side of buildings, window boxes and approved planters are encouraged. Benches or other seating arrangements and walkways within a redevelopment or new development are encouraged and should be provided where appropriate.

2. Roadside trees define the rural and village character of Route 117 and Coventry's villages. Their removal must be absolutely minimized and supported by clear justification during the development plan review process. The Director of Planning & Development may request a review of the existing plantings by the town Tree Warden.
3. The installation of other street scape improvements, including but not limited to: benches, bollards, and trash receptacles, are encouraged and will be reviewed for applicability by the Director of Planning & Development.

C. Parking

1. Parking lots shall be designed to accommodate average usage rather than peak day usage if the parking requirements set forth in the ordinance are not reflective of the actual parking needed.
2. Parking will be encouraged along the side or rear of a building unless such location would have an adverse or detrimental impact on environment or visual features of the site, or is completely infeasible.
3. Parking with 3 or more spaces will require a landscaping plan to visually reduce the adverse impacts due to the creation of the designated parking area.
4. When side or rear yard parking is infeasible, front yard parking, between the building and the public road, will require an effective landscape setback. This setback shall be outlined on a plan which clearly identifies the location, type and maintenance requirements of all plant material.
5. To the extent feasible, access to businesses shall be provided via one of the following:
 - a. Access via a common driveway serving adjacent lots or premises;
 - b. Access via an existing side street where deemed appropriate;

- c. Access via a cul-de-sac or loop road shared by adjacent premises.
6. One driveway per street frontage shall be permitted by right. A second curb cut shall be approved by the Planning Commission or any other jurisdictional agency as part of the plan approval.
7. Curb cuts shall be limited to the minimum width for safe entrancing and exiting and shall not exceed 24 feet in width, except in special circumstances relating to traffic safety and approved by the Town Engineer.

D. **Storage areas and Ancillary Amenities**

1. Open storage areas, exposed machinery, refuse and waste removal areas, service yards and exterior work areas and parking lots shall be screened from roads and adjacent residential areas through fencing and landscaping and shall be made part of the landscape review.
2. Commercial vehicles shall be screened from public view to the greatest extent possible.

E. **Service Connections**

1. It is highly desirable to place underground all new utility services and service revisions necessitated by exterior alterations and new developments.

F. **Lighting**

The intent of the exterior lighting design standards for the village commercial zones are to provide the necessary lighting for the property while minimizing the intrusiveness to adjacent properties or the street right of way.

1. No lighting standard shall be taller than 15 feet.
2. Any newly installed or replaced outdoor lighting fixture shall be shielded so that it does not direct light beyond property boundaries.

3. Light illumination shall be of low intensity with a maximum wattage of 200 watts.
4. Lighting fixtures must be compatible with the architectural design of the new or rehabilitated structure and the surrounding lighting fixtures.
5. All exterior lighting shall be designed to minimize impact on neighboring properties. Night sky light pollution shall be minimized by down shaded lighting or shielded lighting. All lighting shall be based upon a pedestrian scale appropriate for a village setting.

G. **Fences and Walls**

1. Chain link fencing shall not be permitted between the street right of way and the front facade of any structure.
2. All proposed fencing for screening or ornamental purposes shall be approved by the Director of Planning & Development.
3. Existing stone walls shall be repaired rather than replaced. Stone walls shall not be replaced with poured concrete or concrete block walls.
4. Freestanding stone walls (drylaid) shall be repaired and retained, or reconstructed in kind as close to their original location as possible.

H. **Signs** (see Article 15 for complete set of regulations)

1. All signs which do not conform to this ordinance shall be brought into conformance no later than 7 years from the date of passage of this section.
2. No interior lit signs shall be permitted.

I. **Setbacks.** The dimensional requirements set forth in Article 6 shall govern all uses within the village district, provided however, that the

minimum (or maximum as is often the case in established villages) front, side and rear setbacks shall be no greater than that of neighboring structures.

J. **Uses.** See Article 6 use code for permitted, not permitted, and conditional uses.

K. **Waiver of Requirements.** Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with this article, it may vary or waive the provisions hereof so that substantial justice may be done and the public interest is secured. Such waiver shall not have the effect of nullifying the intent and purpose of the regulations. At the time of such waiver, the Planning Commission shall make findings in the official minutes of the Commission, outlining the reasons for such waiver.

L. **Performance Bond.** In cases of significant projects having a substantial impact upon a village, the Planning Commission may require an improvement guarantee to be provided by the applicant to ensure that the project will be completed in accordance with the approved plans and conditions imposed by the Commission.

ARTICLE 17 - LANDSCAPING

1700 - Purpose:

1701 The purpose of this Article is to protect the health, safety, morals and welfare of the public by ensuring that there are properly vegetated and maintained landscaped buffers between potentially incompatible land uses in order to minimize and mitigate the potential impacts of noise, lighting, stormwater runoff, and air pollution. These regulations will also serve to enhance and preserve the rural and visual character of Coventry by promoting high quality development projects. Minimum standards are established for the installation and maintenance of vegetative and standard landscaping.

1710 - Applicability:

1711 This Article applies to all new non-residential and multi-family residential projects. Expansions of any non-residential or multi-family residential project which exceed ten (10) percent of the existing gross floor area or five thousand (5,000) square feet, whichever is less, shall comply with these regulations. Projects which are fully permitted as of the effective date of this Ordinance shall be exempt.

1720 - Plan Submittal Requirements:

1721 A landscape plan shall be submitted for all projects delineated in Section 1710 in conjunction with any other submittals required for a special-use permit, development plan review, or building permit.

1722 For new projects or expansions exceeding ten thousand (10,000) square feet of non-residential development or more than six (6) multi-family dwelling units, the landscape plan shall be prepared by a registered landscape architect, whose seal shall appear on the plan.

1723 A landscape plan shall be deemed complete when it contains the following:

- A. A description of the site;
- B. Proposed project and parking site plan;

- C. Location, general type, and quality of existing vegetation, including trees;
- D. Existing vegetation to be preserved;
- E. Mitigation measures employed for protecting existing vegetation during construction and a sediment control plan;
- F. Locations and labels for all proposed plants;
- G. Plant lists or schedules with the botanical and common name, quantity, and spacing and size of all proposed landscape material at the time of plantings;
- H. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas; and
- I. Planting and installation details as necessary to ensure conformance with this Article.

1730 - Minimum Landscaped Buffer:

1731 Table 17-1 sets forth the minimum landscaped buffer by feet in width for different land uses. Existing woodlands which meet these minimum sizes may substitute for landscaping. If these buffers exceed the minimum yard requirements set forth in Tables 6-2 through 6-6 (Section 610).

TABLE 17-1

Minimum Landscaped Buffer (in feet)

Adjacent Use

Proposed Use	Single Family House	Two Family House	Multi-Family Dwelling	Commercial	Office	Industrial
Single Family Home	none	none	10	20	20	40
Two Family Home	none	none	10	20	20	40
Multi-Family Dwelling	10	10	10	20	20	40
Commercial Use	20	20	20	10	10	20
Business Park	50	50	50	none	none	none
Office	40	40	40	10	10	20
Industrial	50	50	50	40	40	30

Note: Perimeters of Land Development Projects shall comply with Table 14.1.

- 1732 Residential developments shall provide a buffer to minimize and mitigate the visual and noise impacts of any collector street or arterial. This buffer may be provided as:
- A. part of the individual lot;
 - B. an easement; or
 - C. part of the common open space owned and maintained by a homeowner's association.

1733 The buffer between a residential development and a collector street or arterial shall be at least forty (40) feet in width and shall contain an adequate mixture of shade, ornamental and evergreen trees, and shrubs to screen the residences from the street.

1740 - Landscape Standards and Specification:

- 1741 The following standards and specifications, shall apply for minimum plant measurements, installation techniques and maintenance:
- A. The landscape contractor shall furnish and install and/or dig, ball, burlap, and transplant all plant materials listed on the

- plant schedule. Bare-root is typically not permitted for any tree.
- B. Plant materials shall conform to the requirements described in the latest edition of *American Standard for Nursery Stock*, published by the American Association of Nurserymen. Plants shall be nursery grown.
- C. Plants shall conform to the measurements specified in the plant schedule.
1. Caliper measurements shall be taken six (6) inches above grade for trees under four (4) inches in diameter and twelve (12) inches above grade for trees four (4) inches in diameter and larger.
 2. Minimum branching height for all shade trees shall be six (6) feet.
 3. Minimum size for shade trees shall be between two and one-half (22) and three (3) inches in diameter, and twelve (12) to fourteen (14) feet in height.
 4. Minimum size for evergreen trees shall be between six (6) to eight (8) feet in height.
 5. Minimum size for shrubs shall be three (3) feet in height.
- D. A professional horticulturist/nurseryman shall be consulted to determine the proper time to move and install plant material so that stress to the plant is minimized. Planting of deciduous material may be continued during winter months provided there is no frost in the ground and frost-free topsoil planting mixtures are used.
- E. A landscape contractor shall excavate all plant pits, vine pits, hedge trenches, and shrub beds as follows:
1. All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow one-eighth (1/8) of the ball to be above the existing grade. Plants shall rest on undisturbed existing soil or well-compacted backfill. On every

side, the tree pit must be a minimum of nine (9) inches larger than the ball of the tree.

2. If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least eighteen (18) inches in depth. Areas designated for ground covers and vines shall be cultivated to at least twelve (12) inches in depth.

F. Each tree, shrub, or vine shall be pruned in an appropriate manner, in accordance with accepted standard practice.

G. All trenches and shrub beds shall be edged and cultivated to the lines shown on the drawing. The areas around isolated plants shall be edged and cultivated to the full diameter of the pit. Sod that has been removed and stacked shall be used to trim the edges of all excavated areas to the neat lines of the plant pit saucers, the edges of shrub areas, hedge trenches, and vine pockets.

H. After cultivation, all plant materials shall be mulched with a layer between two (2) and three (3) inches deep of tan bark, peat moss, or another material over the entire area of the bed, or saucer.

I. Earthen berms shall only be used in conjunction with vegetative planting.

1742 Existing trees and woodlands shall be preserved to the greatest extent possible. Factors to be considered shall include the size, age, condition, habitat, or historical significance of the tree. Trees to be preserved shall be selected early in the project planning process prior to establishing the site layout. Site grading shall be minimized in those areas to prevent damage to the preserved trees. Efforts shall be undertaken to protect the trees during construction.

1743 Vegetation in floodplains, steep slopes, and wetlands areas shall remain undisturbed to the greatest extent possible. Any alteration of these areas shall be in conformance with applicable local, state, and federal regulations.

1744 Landscape plans shall provide for a mix of evergreen, ornamental, shade trees, and shrubs to provide adequate visual and noise buffer between adjacent land uses. Fences, berms, and other structural

features may also be used to provide an adequate buffering between the land uses.

- A. Shrubs shall form a continuous visual screen of at least three (3) feet in height at the time of planting.
- B. Berms shall be at least two and one-half (22) feet high and shall have a minimum two to one (2:1) side slope.
- C. Every thirty-five (35) linear feet of landscaping shall contain one (1) shade tree and five (5) shrubs. Two (2) ornamental or two (2) evergreen trees may substitute for one (1) shade tree.

1745 Perimeter landscapes shall be provided to separate commercial, office, and industrial uses from the street. At least a ten (10) foot strip shall be landscaped with trees, shrubs, fences, berms or other means deemed acceptable by the Commission.

1746 Preservation of existing large trees can be used to reduce new plantings required by this Article and the Commission. Existing woodlands can also provide buffers that conform with Section 1731.

1750 - Parking Lots:

1751 When a parking lot is located adjacent to a public street, alternatives should be considered to reduce the visual impact of the parking lot. Some alternatives are:

- A. Landscape Setbacks. Provide at least a ten (10) foot wide landscaped area exclusive of that required for sidewalks or utility easements between the street and the parking lot, to be planted with shade or ornamental trees, and at least a three (3) foot high evergreen hedge, wall, or fence.
- B. Grade Changes. In cases where substantial grading is necessary and results in a parking lot lower in elevation than the surrounding or adjacent right-of-way, the resulting embankment should be planted with low shrubs and shade or ornamental trees. A minimum of ten (10) feet of landscaping should be provided between the street and the parking lot.
- C. Landscape Berms. Where feasible, create at least a two and one-half (22) foot high berm with slopes not to exceed three to one (3:1) for planting lawn, ground cover, or shrubs.

- D. Existing Woodlands. In cases where quality woodland exists, preserve existing trees between the parking lot and the right-of-way. Provide additional evergreen shrubs if needed to achieve an effective visual buffer. The vegetation should be preserved.

1752 Along the perimeter of the parking lot, to reduce its visual impact:

- A. Provide a landscape strip around the perimeter of the lot, to be planted with shade trees and low shrubs in compliance with Section 1731. Provide a minimum of one (1) shade tree per every forty (40) feet of lot perimeter. Additional shade trees may be necessary to effectively shade/screen the parking lot.
- B. In cases where quality woodland exists, preserve it to provide the minimum buffers set forth in Section 1731. Provide additional shrubs if needed.

1753 Provide a minimum of five (5) percent interior landscaping for the purpose of planting shade trees. The following alternatives should be considered:

- A. Provide a continuous landscape strip between every four (4) rows of parking. This should be a minimum of eight (8) feet in width to accommodate a low hedge and shade trees.
- B. Create large planting islands (over six hundred (600) square feet) to be located through the lot and planted with shade trees, low shrubs, and/or ground cover. These should preferably be located at the ends of parking rows.
- C. Provide planting islands (a minimum of nine (9) feet wide) between every ten (10) to fifteen (15) spaces to avoid long rows of parked cars. Each of these planting islands should provide at least one (1) shade tree having a clear trunk height of at least six (6) feet.

1754 Within the interior of the parking lot, landscaping should be used to delineate vehicular and pedestrian circulation patterns. Clear and legible signs, different color and texture paving materials, raised areas, and other techniques should be used to further direct the flow of both vehicular and pedestrian traffic within the lot. Mechanical

equipment, trash, and loading areas shall be screened by walls, fences, or landscaping.

1760 - Maintenance of Landscaped Buffers:

- 1761 To ensure the implementation and long-term maintenance of landscaping plans and requirements, the Commission may require one or more of the following:
- A. A two (2) year guarantee on all new plant material. If any required tree or shrub dies within this period of time, it shall be replaced.
 - B. Require the developer to post a performance or maintenance bond conditioned upon satisfactory implementation of the landscape plan.
- 1762 Failure to comply with this Article may result in enforcement and penalties pursuant to Article 3.

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ARTICLE 18 - ADOPTION AND AMENDMENT

1800 - Procedure:

- 1801 The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented or repealed by the Town Council. Any person may petition the Town Council for an amendment.

- 1802 Proposals for the adoption, amendment, or repeal of this Ordinance or the Zoning Map shall be made to the Town Council.

- 1803 Immediately upon receipt of the proposal, the Council shall refer the proposal to the Commission for study and recommendation. The Commission shall, in turn, notify and seek the advice of the Coventry Department of Planning and Development, and shall report to the Town Council within forty-five (45) days after receipt of the proposal with its findings and recommendations as prescribed in Section 1810.

- 1804 Where a proposal for adoption, amendment, or repeal of this Ordinance or the Zoning Map is made by the Commission, the requirements for study by the Board may be waived, provided that the proposal by the Commission include its findings and recommendations pursuant to Section 1810.

- 1805 The Town Council shall hold a public hearing within sixty-five (65) days of receipt of a proposal, giving proper notice as prescribed in Section 1820. The Town Council shall render a decision on any proposal within forty-five (45) days after the date of completion of the public hearing.

- 1806 The provisions of this Section pertaining to deadlines shall not be construed to apply to any extension consented to by an applicant.

1810 - Review by Planning Commission:

- 1811 Among its findings and recommendations to the Town Council with respect to a proposal for adoption, amendment, or repeal of this Ordinance or the Zoning Map, the Commission shall:
 - A. Include a statement on the general consistency of the proposal with the Coventry Comprehensive Plan, including the goals

and policies statement, the implementation program, and all other applicable elements of the Comprehensive Plan; and

- B. Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in Section 110.

1820 - Notice and Hearing Requirements:

1821 This Ordinance shall not be adopted, repealed, or amended until after a public hearing has been held upon the question before the Town Council. The Town Council shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the Town at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, at which hearing an opportunity shall be given to all persons interested to be heard upon the matter of the proposed ordinance. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration, and, where applicable, to the parties specified in Sections 1822, 1823, 1824, and 1825, at least two (2) weeks prior to the hearing. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

- A. Specify the place of the hearing and the date and time of its commencement;
- B. Indicate that adoption, amendment, or repeal of this Ordinance is under consideration;
- C. Contain a statement of the proposed amendments to the Ordinance that may be printed once in its entirety, or summarize and describe the matter under consideration;
- D. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
- E. State that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or

amendment must be presented for comment in the course of the hearing.

1822 Where a proposed general amendment to this Ordinance includes changes to the Zoning Map, public notice shall be given as required by Section 1831.

1823 Where a proposed amendment to this Ordinance includes a specific change in a zoning district map, but does not affect districts generally, public notice shall be given as required by Section 1831 with the additional requirements that:

A. Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, existing streets and roads and their names, and Town boundaries where appropriate; and

B. Written notice of the date, time, and place of the public hearing and the nature and purpose thereof shall be sent to all owners of real property whose property is located in or within not less than two hundred (200) feet of the perimeter of the area proposed for change, whether within the Town or within an adjacent city or town. The notice shall be sent by registered or certified mail to the last known address of the owners, as shown on the current real estate tax assessment records of the city or town in which the property is located.

1824 Notice of a public hearing shall be sent by first class mail to the city or town council of any city or town to which one or more of the following pertain:

A. Which is located in or within not less than two hundred (200) feet of the boundary of the area proposed for change; or

B. Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within two thousand (2,000) feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.

1825 Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district,

or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within two thousand (2,000) feet of any real property which is the subject of a proposed zoning change, provided, however, that the governing body of any state or municipal water department or agency, special water district, or private water company has filed with the Building Inspector a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within two thousand (2,000) feet thereof.

1826 No defect in the form of any notice under this Section shall render this Ordinance or amendment invalid, unless the defect is found to be intentional or misleading.

1827 Costs of any notice required under this Section shall be borne by the applicant.

1830 - Change of Zone; Limitations and Restrictions:

1831 In granting an amendment to this Ordinance the Town Council may limit the change to one (1) of the permitted uses in the zone to which the subject land is rezoned, and may impose such limitations, conditions, and restrictions, including, without limitation:

- A. requiring the applicant to obtain a permit or approval from any and all state or local governmental agencies or instrumentalities having jurisdiction over the land and use which are the subject of the zoning change;
- B. those relating to the effectiveness or continued effectiveness of the zoning change; and/or
- C. those relating to the use of the land; as it deems necessary.

1832 The responsible Town official shall cause the limitations and conditions so imposed pursuant to Section 1831 to be clearly noted on the Zoning Map and recorded in the land evidence records of the Town, provided, however, in the case of a conditional zone change, that the limitations, restrictions, and conditions shall not be noted on the Zoning Map until the zone change has become effective.

1833 If the permitted use for which the land has been rezoned is abandoned or if the land is not used for the requested purpose for a period of two (2) years or more after the zone change becomes effective, the Town Council may, after a public hearing as set forth in Section 1820, change the land to its original zoning use before the petition was filed.

1834 If any limitation, condition, or restriction in this Ordinance imposed pursuant to Section 1830 is held to be invalid by a court in any action, that holding shall not cause the remainder of this Ordinance to be invalid.

1840 - Review by Planning Commission:

1841 This Ordinance shall be reviewed periodically by the Commission. When the Commission deems necessary it shall recommend changes to the Town Council. This review shall be made at least once every two (2) years.

1850 - Adverse Decision:

1851 Where a request for an amendment is denied, the Town Council may not consider another application requesting the same action for a period of one (1) year from the date of such denial, unless the Council in its discretion votes affirmatively to reconsider a request for an amendment.

1860 - Fees:

1861 The fee for each application for an amendment shall be paid by the applicant and shall be two hundred fifty (250) dollars, plus the advertising costs. The fees shall be waived for any application submitted on behalf of any Town agency.

1870 - Amendment to Zoning Map:

1871 Amendments or changes to zoning district boundaries shall be made to the Zoning Map within ten (10) working days after their adoption by the Town Council.

1880 - Appeal of Enactment of or Amendment to Zoning Ordinance:

1881 An appeal of an enactment of or an amendment to this Ordinance may be taken to the Kent County Superior Court in accordance with

Rhode Island General Law, Chapter 45, Title 24, Section 71 by filing a complaint in accordance therewith within thirty (30) days after the enactment or amendment has become effective. The appeal may be taken by an aggrieved party or by any legal resident or landowner of the Town or by any association of residents or landowners of the Town. The appeal shall not stay the enforcement of this Ordinance, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

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ARTICLE 19 – LEGAL STATUS

SECTION

1900 – Conflict with Other Ordinances:

1901 All sections or portions of sections of the prior Zoning Ordinance are hereby repealed. Wherever the terms of this Ordinance are more restrictive of development or use than other Ordinances or regulations with respect to lot area, yard dimensions, percent of lot coverage or other requirements, the more stringent statute, ordinance or regulation shall govern.

1910 - Severability:

1911 If any section, clause, or provision, of this Ordinance or determination made thereunder, or the application thereof to any person or circumstance, shall be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance as a whole or any other section, clause, provision or portion thereof, other than the part deemed invalid or unconstitutional, shall not be affected thereby.

1920 – Provisions of Ordinance Declared to be Minimum Requirements:

1921 In their interpretation and application, the provisions of this Zoning Ordinance shall be construed to be minimum requirements for promotion of the public health, safety, morals and general welfare.

1930 – Effective Date:

1931 This amendment to the Zoning Ordinance of the Town of Coventry and any future amendments shall take effect upon passage.

ARTICLE 20 – SPECIAL REGULATIONS – WIND ENERGY FACILITIES

SECTION

2000 – Wind Energy Facilities

2001 The purpose of the Ordinance is to establish protocols for the construction and operation of Wind Powered Electrical Generating Stations in the Town of Coventry, subject to reasonable conditions that will protect the public health, safety, and welfare.

2010 - Definitions

- A. **Applicant** is the legal entity, including successors and assigns that files an application under this Ordinance.

- B. **Appurtenant Structure** means and includes those elements or components of a Wind Powered Electrical Generating Station other than the tower, nacelle, and blades that are necessary to the proper operation and maintenance of the Wind Turbine, including but not limited to buildings, access roads and substations.

- C. **Generating Facilities** means Wind Turbines and electrical lines that are immediately associated with Wind Turbines.

- D. **Historic Site** means any site, structure, district or archaeological site which has been officially included on the National Register of Historic Places, or which is established by qualified testimony as being of historic significance.

- E. **Municipal Reviewing Authority** means the Zoning Board of Review.

- F. **Nacelle** means the frame and housing at the top of the Tower that encloses the gearbox and generator.

- G. **Non-Participating Landowner** means any landowner, other than a Participating Landowner whose land is located within the Town of Coventry, or in an adjoining municipality adjacent to the proposed Wind Energy Facility site.

- H. **Occupied Building** means a residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

- I. **Participating Landowner** means one or more Persons that hold title in fee or a

leasehold interest with sublease rights to property on which Generating Facilities or Associated Facilities are proposed to be located pursuant to an agreement with the Applicant or an entity that has entered into an appropriate agreement with the Applicant allowing the Applicant to demonstrate the requisite right, title, and interest in such property.

- J. **Person** means an individual, corporation, partnership, firm, organization or other legal entity.
- K. **Residence** means a building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents, and watercraft.
- L. **Shadow Flicker** means alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object.
- M. **Sight Line Representation** means a profile drawing showing prominent features, including but not limited to topography, buildings, and trees, along and in relation to a line of sight extending from an observer's eye to the lowest point visible on a proposed Tower.
- N. **Small-Unit Turbine** means a Wind Energy Facility that is no more than thirty-six feet (36') tall and that generates no more than 100kw of electricity and where said electricity is used exclusively for the power needs of the individual homeowner who is also the Applicant. Small-Unit Turbine Applications shall be exempt from the requirements of this Ordinance; however, Small-Unit Turbines must apply for and satisfy all conditions of a Special Use Permit obtained from the Zoning Board of Review and may not produce more than 40 dB of noise during the day (as measured from 6:00 AM to 6:00 PM) and no more than 35 dB of noise during the evening (as measured from 6:00 PM to 6:00 AM). Small-Unit Turbines that exceed thirty-six feet (36') in height shall be evaluated at the pre-application meeting with consultation from the Zoning Board of Review. Depending on how significant the requested variance is, the Zoning Board of Review may require the Applicant to meet the conditions of this Ordinance. An application for a Small-Unit Turbine shall comply with the 300' radius notification area; unless an additional notification area is required by the Zoning Board of Review.
- O. **Substantial Start** means that construction shall be considered to be substantially commenced when any work beyond excavation, including but not limited to, the pouring of slab or footings, the installation of piles, the construction of columns, or the placement of a Town on a foundation has begun.

- P. **Tower** means the free-standing structure on which a wind measuring or energy conversion system is mounted.
- Q. **Turbine Height** means the distance measured from the finish grade surrounding the tower to the highest point of any turbine rotor blade measured at the highest arc of the blade.
- R. **Wind Energy Facility** means a facility that uses one or more Wind Turbines to convert wind energy to electrical energy. A Wind Energy Facility includes Generating Facilities and Associated Facilities.
- S. **Wind Turbine** means a system for the conversion of wind energy into electricity which is comprised of a Tower, generator, Nacelle, rotor and transformer.

2020 – Applicability:

- 2021 This Ordinance applies to any Wind Energy Facility proposed for construction in the Town of Coventry after the effective date of this Ordinance.
- 2022 A Wind Energy Facility that is the subject of an application determined to be substantially complete by the Zoning Board of Review prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance.
- 2023 This Ordinance shall not apply to Small-Unit Turbines, except to require the Applicant requesting a Small-Unit Turbine to apply for a Special Use Permit for said Small-Unit Turbine from the Zoning Board of Review. The Small-Unit Turbine must also meet the definition and standards of such as set forth herein.

2030 – Conflict and Severability:

- 2031 If there is a conflict between provisions in this Ordinance and any other applicable state or local ordinance, the more stringent provision shall apply. If there is a conflict between a provision of this Ordinance and that or another provision of the Zoning or Subdivision Ordinance, the provision of this Ordinance shall apply.
- 2032 The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance provision.

2040 – Administration:

2041 Review and Approval Authority

The Zoning Board of Review is authorized to review all applications for Wind Energy Facilities and may approve, deny, or approve such applications with conditions in accordance with this Ordinance.

2042 Permit Required

No Wind Energy Facility shall be constructed, located, nor an existing Wind Energy Facility be modified, with the Town of Coventry, without a permit issued in accordance with this Ordinance, nor shall any wind turbine be permitted where a historic structure is located in the proposed fall zone.

2043 Permit Applications. Fees

- A. A Wind Energy Facility permit application shall consist of the application form, application fee, and supporting documents, as described below. The municipality shall provide the application form which shall be signed by: 1) a Person with right, title and interest in the subject property; and, 2) the builder/developer of the Wind Energy Facility. The signatures shall be dated and the signatory shall certify that the information in the application is complete and correct and that the proposed facility will be constructed and operated in accordance with the standards of this Ordinance and all approval and permit conditions, if any.
- B. The Application Fee shall be Five Hundred (\$500.00), which represents the cost reviewing the Application by the Zoning Official, and, the cost of advertising of the Application. All application fees shall be assessed and paid upon submission of the application.
- C. The application shall include all additional documents necessary to satisfy the applicable submission requirements under Section 2050 of this Ordinance.
- D. The Applicant shall submit its application for a Wind Energy Facility permit to the Zoning Official who shall note on the application the date on which it was received. The Applicant

shall promptly notify the Zoning Official and the Zoning Board of Review of any changes the Applicant proposes to make to information contained in the application. All changes shall require proper notification, including a renewed public hearing.

- E. Within ten (10) days after receiving an application, the Applicant shall be notified of a pre-application meeting, involving the Zoning Official, the Chairman of the Zoning Board of Review or his/her designee, and the Town Solicitor. The purpose of the pre-application meeting is to explain the Ordinance's provisions, application forms, and submission requirements. The pre-application meeting shall be had within twenty (20) days of the receipt of an application, unless the Applicant requests a pre-application meeting with the Zoning Board of Review. The Applicant may request the pre-application meeting be held at a regularly-scheduled meeting of the Zoning Board of Review; provided, that the Applicant submits the request in the regular manner proscribed for Zoning Board of Review agenda postings, prior to the meeting. At the pre-application meeting, the Applicant shall provide photos of the proposed site and written descriptions of the proposed facility and the proposed site, including its location and lot area.
- F. Within thirty (30) days after receipt of the application by the Zoning Official, the Zoning Board of Review shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application.

2044 Professional Services

In reviewing the application for compliance with this Ordinance, the Zoning Board of Review and/or the Planning Commission may retain professional services, including but not limited to those of an attorney or consultant, to verify information presented by the Applicant. The attorney or consultant shall first estimate the reasonable cost of such review and the Applicant shall deposit with the municipality, the full estimated cost which the municipality shall place in an escrow account and reimburse the Applicant if funds remain after payment.

2045 Expiration of Permits

Permits issued under this Ordinance shall expire within one (1) year after the date of approval unless a substantial start on construction has occurred.

2046 Access

The Zoning Official, or his/her designee, shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents directly related to the design, construction and operation of the facility.

2050 – Application Submission Requirements:

2051 General Submission Requirements

- A. A completed application form including:
1. The Applicant and Participating Landowners' name and contact information;
 2. The address, tax map number, zone, and owner(s) of the proposed facility site and any contiguous parcels;
 3. The tax map number, zone, current use, owner(s) and addresses of owner(s) of parcels that abut the proposed facility site or abut parcels of Participating Landowners that are contiguous with the proposed facility site;
 4. An affirmation signed and dated by the Applicant, that the information provided in the application is correct and that the proposed Wind Energy Facility, if approved and built, shall be constructed and operated in accordance with the standards of this ordinance and all conditions of approval, if any;
 5. All submissions required under this section shall be signed and stamped by the appropriate licensed professional who prepared the submission.
- B. Receipt showing payment of application fee.

- C. A copy of a deed, easement, purchase option or other comparable documentation demonstrating that the Applicant has right, title or interest in the proposed facility site.
- D. Location map showing the boundaries of the proposed facility site and all contiguous property under total or partial control of the Applicant or Participating Landowner(s) and all property within 2500 feet of the proposed development, and showing all historic sites within said boundaries.
- E. Description of the proposed Wind Energy Facility that includes the number and aggregate generating capacity of all Wind Turbines, the Turbine Height and manufacturer's specifications for each Wind Turbine (including but not limited to the make, model, maximum generating capacity, sound emission levels and types of overspeed controls) and a description of Associated Facilities. Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, or other similar certifying organizations.
- F. Site plan showing the proposed location of each Wind Turbine and Associated Facilities and all the following features located within 500 feet of the fall zone, whichever is larger, of any Wind Turbine: parcel boundaries, required setbacks, topographic contour lines (maximum 10-foot interval), roads, rights-of-way, overhead utility lines and connections, buildings (identified by use), land cover, wetlands, streams, water bodies, areas proposed to be re-graded or cleared of vegetation, the location and average height of tree cover to be retained and the location, variety, planting height and mature height of proposed trees, if any. The plan shall also include the location of any other wind energy facilities within a five mile radius.
- G. Written evidence that all applicable state and federal regulatory authorities have been notified of the pending application and the location and Turbine height of all proposed Wind Turbines.
- H. Written evidence that the provider of electrical service to the property has been notified of the intent to connect an electric generator to the electricity grid, if such connection is

proposed.

- I. Complete description of emergency and normal shutdown procedures.
- J. Photographs of existing conditions at the site. Site Line Representations of each Wind Turbine from the nearest Occupied Building and from abutting properties located within 500 feet of the Wind Turbine shall be provided. Each Site Line Representation shall be drawn at a scale sufficiently large to make it legible. If screening is proposed, the proposed screening device, such as trees, shrubs or fencing, shall be depicted on the drawing along with the sight line as altered by the screening. Current color photographs of the proposed site of the Wind Turbine(s) taken from viewpoints corresponding to each of the Sight Line Representations shall also be submitted.
- K. The application shall also include structural drawings of the Tower foundation and anchoring system: a) prepared by the Wind Turbine or Tower manufacturer; b) prepared in accordance with the manufacturer's specifications; and c) stamped by a Rhode Island-licensed professional engineer.
- L. Decommissioning Plan.
- M. Written summary of operation and maintenance procedures for the Wind Energy Facility and a maintenance plan for access roads, erosion and sedimentation controls and storm water management facilities.
- N. Sound level analysis, and Shadow Flicker analysis prepared by a qualified engineer(s), which satisfy the standards of this Ordinance. Any other relevant studies, reports, certifications and approvals as may be reasonably requested by the Zoning Board of Review to ensure compliance with this Ordinance.
- O. Documentation verifying that there will be no interference with neighboring radio, TV, satellite, or other signal communications.

2060 – General Standards

2061 Fall Zone

The minimum fall zone shall be two hundred (200%) percent of the height of the Tower, plus one rotor length, or the manufacturer's recommendation, whichever is greater. The minimum fall zone and safety setback shall be contained within the Applicant's property and/or property under control of applicant which is dedicated to the exclusive use of a Fall Zone by easement or other property interest, which said property interest has a duration of least twenty years after the installation of the turbine. Easements and other instruments evidencing property interests are subject to the approval of the Town Solicitor.

2062 Noise and Sound Level

Noise levels shall not exceed a 5 db increase over the ambient levels at the Applicant's property boundary lines. The ambient sound shall be determined with pre-application acoustical testing of said sound levels at the property boundary lines, said testing to account for day and evening levels. If additional turbines are proposed on the same property in the future the previously installed turbine noise levels shall not be included to raise the background and ambient noise levels for the new turbine evaluation. Said testing shall be at the Applicant's expense pursuant to subsection 2044 of this Ordinance.

2063 Shadow Flicker

During the time of Shadow Flicker, the Wind Energy Facility shall be shut down so as to eliminate and shadow flicker issues. The presence of Shadow Flicker Effect shall be measured at the property boundary lines and at locations within 2500 feet of the Wind Energy Facility. Wind Energy Facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect will not have significant adverse impact on neighboring or adjacent uses.

2064 Overspeed Controls, Brakes, Ice Detection

All Wind Turbines shall be equipped with an overspeed control system, braking mechanism, and ice detection sensors (or heated blades as the case may be). These systems shall be of the latest proven

technology available.

2065 Wildlife, Bird Migratory Patterns to Remain Unaffected

The Wind Energy Facility shall not have an unreasonable adverse effect on birds, migratory patterns, rare, threatened, or endangered wildlife, significant wildlife habitat, rare, threatened, or endangered plants and rare and exemplary plant communities. In making its determination under this subsection, the Zoning Board of Review shall consider pertinent application materials and the written comments and/or recommendations, if any, of the Coventry Conservation Commission of Land Trust.

2066 Electrical Components and Interconnections

All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes, laws and regulations.

2067 Access

All ground-mounted electrical and control equipment and all access doors to a Wind Turbine shall be labeled and secured to prevent unauthorized access. A Wind Tower shall not be climbable up to a minimum of fifteen (15) feet above the ground surface.

2068 Co-location of External Cellular and Wireless Equipment Prohibited

To the extent that Wind Energy Facility shall co-locate cellular or wireless communication equipment, said equipment shall be enclosed within the tower and not mounted externally. The applications for such uses shall be submitted as two separate and independent projects.

2069 Incorporation of Latest Technology in Testing Parameters and Studies

The Applicant shall incorporate the latest technology, testing parameters, and best management practices, including pre-application testing, that meet or exceed accepted industry standards into all studies and technical submissions provided in the application process to the Zoning Board of Review.

2070 Safety Setback

Developer must provide calculations of potential hazards such as ice throw and blade throw in the event that such was to occur. These calculations shall be based on maximum governed speed of the blades releasing at the optimum angle for maximum distance. The Zoning Board of Review shall take these calculations into consideration on a case-by-case basis in determining appropriate locations for wind turbines within the community and must determine if the proposal is consistent with state guidelines.

2080 – Decommissioning and Abandonment:

2081 Prior to the issuance of a permit under this Ordinance, the Applicant shall deposit in the form of cash or a cash bond, with the municipality, the full estimated cost of dismantling and removal of the Wind Energy Facility, including the cost necessary to return the property to its pre-siting condition, which the municipality shall place in an escrow account. A Wind Energy Facility that is not generating electricity for twelve (12) consecutive months shall be deemed discontinued. In the event the facility has not generated electricity for a period of twelve months, the zoning official shall notify the owner or operator of the turbine that the turbine has been deemed abandoned. The owner/operator may then file an appeal of the zoning officer's decision to the zoning board and/or may request an extension of the period within which the facility must be dismantled. The filing of said appeal shall serve as a stay of the requirement to dismantle. The facility shall be removed from the property by the Applicant/Owner within 120 days of receipt of notice from the Zoning Official unless an appeal has been filed. If, however, the Wind Energy Facility is not removed within this time period, the municipality may remove the turbine at the Applicant's expense, using the escrowed funds. These funds shall be used to pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation. If funds remain after the necessary expenditures, the municipality shall reimburse the Applicant.

The amount of said decommissioning fund shall be calculated by an independent firm selected by the Town. The cost of this calculation shall be borne by the Applicant. In the calculation of the decommissioning costs, a deduction of the overall cost shall not be reduced as a result of anticipated scrap metal recovery due to the volatility of the market.

2090 – Special Standards for Wind Energy Facilities:

2091

Use of Public Roads

- A. The Applicant shall identify all state and local public roads to be used within the Town of Coventry to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.
- B. The Town Engineer, or a qualified third-party engineer reasonably acceptable to both the Zoning Board of Review and the Applicant and paid for by the Applicant pursuant to Section 2044 of the Ordinance, shall document road conditions prior to construction. The Town Engineer or third-party engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense.

2092

Local Emergency Services

- A. The Applicant shall provide a copy of the project summary and site plan to the fire department(s) in the geographic area where the Wind Energy Facility is located. The Applicant, upon request, shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.
- B. A Wind Turbine shall be equipped with an appropriate fire suppression system to address fires within the Nacelle portion of the turbine or shall otherwise address the issue of fire safety to the satisfaction of the Zoning Board of Review.
- C. The Applicant shall submit an emergency plan for all contingencies (fire, medical emergency, and the like) that incorporates coordination and consultation with the fire department(s) in the geographic area where the Wind Energy Facility is located.
- D. The Applicant shall at its cost provide training, including the response to and handling of emergencies, for all contractors and construction crew(s) working on the construction of the Wind Energy Facility. It is the Applicant's responsibility to

coordinate with the fire department(s) in geographic area where the Wind Energy Facility is located to ensure adequate specialized emergency training is in place to deal with and respond effectively to, Wind Energy Facility emergencies and shall submit proof of the same to the Zoning Board of Review.

2093 Proper Marketability Study Required

The Applicant shall provide a study addressing the marketability of Non-Participating Landowner property values pre- and post-siting of the Wind Energy Facility. The extent of the neighboring area to be included in the study shall be determined in the pre-application meeting in consultation with the Zoning Board of Review.

2094 Notification Area

The Notification Area shall be determined at the pre-application meeting and shall be based on the size and scope of the project. The notification area shall be determined at the pre-application meeting in consultation with the Zoning Board of Review, which shall consider the dimensions specific proposal; the zone within which the proposed siting is located; and the characteristics of the neighborhood within which the proposed siting is located; and, consideration of the general impact of the proposed siting on the neighborhood, but in no event shall the notification area for those abutters entitled to notice be less than 1,500 feet from the subject property line.

2095 Taxation Provision

To the extent authorized by law, the Town Council shall set a tax rate for the electricity generated by Wind Energy Facilities located within the Town of Coventry, where permissible. Small-Unit Turbines shall be exempt from this requirement. Nothing in this ordinance shall prohibit or limit the Town Council's right to enter into any host or PILOT agreement with the owner and/or developer of the project.

2096 Onsite Inspections

Onsite inspection by a Rhode Island licensed architect and/or engineer for "as-built" features shall be conducted on the developer's behalf.

20100 – Plan Commission Approvals:

20101 Application

The Applicant shall submit its application to the Planning Commission for commercial site plan review as set forth in Zoning Ordinance Article 16 and, in accordance with GL 45-24-49, such review shall be advisory in the case of special use permits. Upon receiving Planning Commission advisory the same shall be submitted to and/or referred back to the Zoning Board of Review for further action on the application. At the time of submission of the application the applicant shall simultaneously file the application with all supporting documents to the Planning Commission.

20110 – Liability Insurance:

20111 The Applicant of an Applicant's designee acceptable to the Zoning Board of Review shall maintain a current general liability policy during the construction phase of the Wind Energy Facility that covers bodily injury and property damage with minimum limits of Two Million Dollars (\$2,000,000) per incident/per occurrence. The Applicant shall provide the Zoning Board of Review with proof of such insurance. Upon the completion of the construction and the issuance of a Certificate of Occupancy, the Applicant or operator of the Wind Energy Facility shall file and maintain with the Zoning Board of Review or its designee, a current general liability policy that covers bodily injury and property damage with minimum limits of Two Million Dollars (\$2,000,000) per incident/per occurrence. Certificates of Insurance shall be made available to the Zoning Board of Review or the Zoning Official upon request.

20120 – Improvement Guarantees:

20121 Definition and Purpose

- A. An "Improvement Guarantee" is a security instrument accepted by the Town to ensure all improvements, facilities, or work required by this Ordinance or as a condition of approval of a Wind Facility will be completed in compliance with the approved plans and specifications.

- B. Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility

and other physical improvements and maintenance of other physical improvements and to ensure compliance with other nonstructural conditions of approval (if any). The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.

20122 General Procedures

- A. Before final plan approval of any wind facility, the developer must secure the agreement of the zoning Board to approve agreements for the completion of all required improvements. Such agreements may take the form of cash or bond.
- B. At the preliminary plan review stage, the developer shall submit a letter requesting that security sufficient to cover the cost of required improvements be established by the Board.
- C. If improvements are to be guaranteed, the provisions of this Section shall apply.

20123 Procedures for Financial Guarantees

- A. Amount
 - 1. Improvement guarantees shall be in an amount and with all necessary conditions to secure for the Town the actual construction and complete installation of all of the required improvements, and the satisfactory completion of all conditions of final approval within the time periods required for completion provided therein.
 - 2. The amount shall be based upon actual cost estimates which would be required for the Town to complete all improvements required as a condition of final approval. These estimates shall be initially prepared by the Municipal Engineer and/or the Director of Public Works and submitted to the Administrative Officer, who shall review the estimates, if requested, with the developer. If the developer disagrees with the estimated amount, he/she shall have the opportunity to submit a revised estimate along with supporting justification for the revisions.

3. The Technical Review committee shall review the Municipal Engineer's and the Director of Public Works' cost amount of the improvement guarantee, or the developer's revision, and make a recommendation to the Zoning Board, which shall review and set the final amount.
4. The zoning Board may set the guarantee in a reasonable amount in excess of the estimated costs in order to anticipate for increases in economic or construction conditions. However, the amount of such increase shall not exceed 120% (one hundred and twenty percent) of the estimated costs of improvements as recommended by the Technical Review Committee or as recommended by the Municipal Engineer and Director of Public Works.
5. At the expiration of the approval period if all required improvements are not complete, the Zoning Board shall review the status of improvements and may implement one of the following actions:
 - a. Require the developer to extend the duration of the entire improvement guarantee;
 - b. Reduce the amount of the improvement guarantee to cover the estimated costs of remaining improvements; or
 - c. Authorize the Administrative Officer to take the steps necessary to ensure completion of the remaining work by using the Improvement Guarantee funds.
6. If at any time during the guarantee period the procedures, implementation measures, methods, materials, and/or schedules of construction are determined by the Zoning Board not to be in compliance with the approved plans, the Board may, after proper notification to the developer, authorize the use of Improvement Guarantee funds to insure proper compliance.

B. Form and Amount of Guarantee- The developer shall submit to the zoning Board an Improvement Guarantee in the form required by the Zoning Board and based upon the recommendation of the Town Manager. Said Guarantee shall be payable to the Town of Coventry.

C. Conditions

1. Establishment of Reliability – The Town Manager shall establish the reliability of the person, persons, or company furnishing the required Improvement Guarantee to the developer.
2. Binding Agreement – Acceptance of the required improvement Guarantee by the Zoning Board, Certification by the Town Treasurer of the receipt of such guarantee(s), and the recording of such action in the minutes of the Zoning Board Meeting shall constitute a binding agreement between the Principal, Surety, and the Town of Coventry.

D. Duration and Release of Guarantee

1. Term of Duration of the required Improvement Guarantee shall begin with the date of acceptance of such instrument of guarantee by the Zoning Board.
2. Expiration – The required Improvement Guarantee shall be condition on the faithful completion of construction and installation of required improvements to the land within a period of one (1) year. Said Guarantee shall have a minimum expiration date of one (1) year after completion of said improvements as certified by the Municipal Engineer in coordination with the Director of Public Works and shall contain the provision that same may be released to the developer only upon the due authorization of the Coventry Town Council.
3. Release of Guarantee – At the end of the one (1) year period, the developer may apply to the Town Council at a regularly scheduled meeting for the release of the Improvement Guarantee. This application shall be

accompanied by Certificates from the Director of Public Works, Municipal Engineer, the Town Surveyor, and the Zoning Board that all required improvements have been installed, constructed, and completed within the specified time limit and in accordance with the specifications contained in these regulations.

4. Approval of Release – Certificates for Release of the Improvement Guarantee shall be promptly executed by the Town Council upon receipt of the prescribed Certificates of “Completion of Required Improvements” from the Director of Public Works, Municipal Engineer, the Town Surveyor, and the Zoning Board.
- E. Extension of Time – If due to circumstances beyond the control of the developer, the construction or required improvements to the land cannot be completed in the prescribed time, the Zoning Board may grant a one (1) time extension for a period not to exceed 90 (ninety) days. During such time extension, the guarantees shall remain in full force.
- F. Default
1. Conditions of Default – The Town of Coventry shall hold the developer and surety in default of guarantee should the developer:
 - a. Fail to meet all specifications for construction of required improvements to the land.
 - b. Fail to properly notify the Director of Public Works and the Municipal Engineer of the beginning and completion of all phases of construction of required improvements to the land.
 - c. Fail to protect existing improvements and/or properly repair such improvements should damage occur during construction of the development.
 - d. Fail to clean debris from the site and adjacent areas upon completion of construction within the

development.

- e. Fail to complete required improvements to the land within the time prescribed.
- f. Fail to correct improvement deficiencies evident within one (1) year of the completion of said improvement.
- g. Fail to correct improvement deficiencies evident within one (1) year of the completion of said improvement.

Within the time periods of the Improvement Guarantee, the Zoning Board shall make any and all tests and inspections necessary to determine if any conditions of default exist. The Board shall require the developer to pay any Inspection Fee.

2. Certification of Default

- a. Should any of the conditions cited above occur, the Municipal Engineer and agents retained by the Zoning Board shall certify in writing to the Zoning Board that the developer has not complied with the requirements of these regulations. The Municipal Engineer shall further certify the extent of noncompliance and the conditions thereof.
- b. The zoning Board shall submit in writing to the Town Council its concurrence with or disapproval of the determination of the Municipal Engineer.

3. Execution of Guarantee – The Town Council shall, under the provision to Title 45, Chapter 23-46-11 of the General Laws of Rhode Island (1956 as amended), execute only that portion of the guarantee which shall be necessary to correct the deficiency for which the developer and surety are held in default.

4. Payment of Surety – Upon notification to the surety by the Town Council that the developer has been held in default of guarantee, the surety shall promptly pay

to the Town of Coventry that portion of the Guarantee which shall be necessary to correct the deficiency for which the developer and surety are held in default.

- E. Partial Releases – Partial releases or reductions in the guarantee amount may also be authorized at any time prior to the expiration of final approval. A written request for release or reduction of any Improvement Guarantees shall be made to the Town Council, which shall act thereon upon receipt of a recommendation from the Zoning Board.

20130 – Public Inquiries and Complaints:

- 20131 The Applicant or its designee shall maintain a phone number and identify a responsible Person for the public to contact with inquiries and complaints throughout the life of the Wind Energy Facility. The Applicant or its designee shall make reasonable efforts to respond to the public's inquiries and complaints and shall provide written copies of all complaints and the company's resolution or response to the Zoning Board of Review or the Zoning Official upon request.

20140 – Effective Date:

- 20141 This Ordinance shall become effective upon passage.

ARTICLE 21 – SPECIAL REGULATIONS – SOLAR POWER GENERATORS

SECTION

2100 – Solar Power Generators:

2101 The purpose of the Ordinance is to establish protocols for the construction and operation of Solar Powered Electrical Generating Stations in the Town of Coventry, subject to reasonable conditions that will protect the public health, safety, and welfare.

2110 – Definitions:

2111 Definitions:

A. Solar Installation

A power system used to supply power by converting sunlight into electricity by means of photovoltaics, the harnessing of solar energy to generate thermal energy, or the use of concentrated sunlight to drive a traditional steam turbine.

B. Minor Solar Installation

A solar installation designed to primarily service the property on which the solar installation is located with an output of 25kW or less.

C. Major Solar Installation

A solar installation designed primarily to sell electricity to a utility supplier, or a solar installation with an output exceeding 25kW or exceeding 20% of the net buildable area (i.e. the total area of the applicable lot, minus setbacks, vegetated buffers, and wetlands).

2120 – Minor Solar Installation:

2121 A minor solar installation is permitted in all zones, provided such solar installation:

- A. Shall meet all applicable zone requirements including but not limited to lighting, setbacks, signage, and height;
- B. Shall require a building permit after submission and approval of layout and design. Any memorandum of lease, easement, or utility agreements must also be submitted for review, and shall be recorded in Land Evidence in the Town of Coventry upon approval; and

- C. Shall be in compliance with the RI State Building Code and the RI State Electrical Code.

2130 – Major Solar Installation:

2131 A major solar installation requires, in all zones, Minor Land Development approval from the Planning Board and a Special Use Permit from the Zoning Board of Review, pursuant to Rhode Island General Law 45-23-61. If the major solar installation has an output of greater than 250kW or if it exceeds 40% of the net buildable area of the lot on which it is located, then such major solar installation shall require Major Land Development approval from the Planning Board pursuant to Coventry Subdivision and Land Development Regulations, and a where applicable, a Special Use Permit from the Zoning Board of Review (as provided in Article VI section 4) pursuant to the process set forth in Rhode Island General Law 45-23-61. In addition, the proposed Solar Installation shall meet the following criteria and standards:

- A. Design Standards- Solar installation applications shall include the proposed site layout and any landscape changes, a diagram or electrical components, a description of the major system components to be used, an operation and maintenance plan, a decommission plan, utility approval, proof of liability insurance, and the contact information for the project contractors. Additional documents may be required by the Planning Board of Review. The Planning Board may waive requirements of the Land Development review process upon written request of the applicant at Pre-Application.
- B. Land Evidence- Any memorandum of lease, easement, or utility/distribution agreements shall be submitted with the installation application and shall be recorded in Land Evidence in the Town of Coventry after Planning Board and Zoning Board of Review approvals.
- C. Setbacks and Height- The installation must meet all height and minimum front, side, and rear yard requirements in the applicable zone, and must additionally maintain a twenty (20) foot vegetated buffer from all adjacent properties and roadways.
- D. All installations shall be in compliance with the RI State Building Code and the RI State Electrical Code, and shall be subject to periodic inspections by the Coventry Building Official. All relevant installation components must have an UL listing or equivalent.

- E. All electrical connection and distribution lines within the installation shall be underground or located entirely within the structure. Electrical equipment between the installation and the utility connection may be above-ground if required by the utility.
- F. Security- A fence shall surround the perimeter of the installation of no less than six (6) feet in height.
- G. Emergency Access- Reasonable accessibility for emergency service vehicles shall be required.
- H. Signage- No signs are allowed on the security perimeter fencing except for a sign displaying the installation name, address and emergency contact information, and trespassing/warning/danger signs to ensure the safety of individuals who may come in contact with the installation. No sign shall exceed four (4) square feet in area.
- I. Lighting- Externally lit signs are allowed, provided they are orientated such that the light is directed away from any adjacent properties and traffic arteries.
- J. Abandonment or Decommissioning- It is the responsibility of the parcel owner to remove all obsolete or unused systems within twelve (12) months of cessation of operations. Reusable components are to be recycled whenever feasible. A surety bond to cover the cost of removal shall be required, and shall be posted prior to the insurance of any building permits.
- K. Land Clearing/Deforestation- The applicant shall show the nature and extent of any proposed land clearing, alteration or removal of existing forest, trees or other vegetation on such property and any land clearing, alteration or removal which occurred in the twelve (12) months preceding the date of application. The permitting authority may take into consideration the nature, extent and effect of such land clearing, alteration or removal of existing forest, trees or other vegetation on such property, and effect on existing habitat which would be engendered by the proposal. The permitting authority may give priority to proposed solar projects which utilize existing cleared land or those which otherwise minimizes the impact on forest and habitat.

2140 – Clarification:

2141

These regulations shall be construed and applied, whenever possible, as a clarification of the existing zoning regulations pertaining to solar power generators.

ZONING AMENDMENTS HISTORY BEGINNING 12/19/94

- 12/19/94** **Ordinance# 3-94-0196**
- General Zoning Amendment in accordance with new Zoning Enabling Legislation. No Zoning Map changes.
- 1/13/97** **Ordinance# 2-97-0205**
- Amendment creating a new Business Park Zone and corresponding development regulations.
- 5/19/97** **Ordinance# 5-97-0208**
- Zoning Map Amendment rezoning the following 1-1 parcels to BP: Plat 5, Lots 8, 11, 12.1, 12.2, 13, 14; Plat 6, Lot 1; Plat 7, Lots 1.2; Plat 13, Lots 14, 22, 26.
 - Amendment creating regulations for Telecommunication Towers.
- 9/8/97** **Ordinance# 7-97-0210**
- Zoning Map Amendment rezoning the following parcels from 1-1 to R20: Plat 13, Lots 17, 19.1, 19, 20, 21, 23, 23, 24, 25, 27, 28, and 29.
- 3/30/98** **Ordinance # 1-98-0211**
- Zoning Map Amendment rezoning the following 1-1 parcels to BP: Plat 7, Lots 3, 4, 5.
- 9/29/98** **Ordinance# 4-98-0214**
- Zoning Map Amendment rezoning Plat 15, Lot 97.1 from 1-1 to BP.
- 6/26/00** **Ordinance# 3-00-0218**
- General Zoning Ordinance Amendment creating 4 new zoning districts: Village Rural Commercial, Village Main Street Commercial, Rural Residential 3 acres, and Special Planning District, with corresponding development and signage regulations, and use chart amendments.
 - General Zoning Map Amendment relating to new zoning districts and changing boundaries of existing zoning districts.
 - Amendment to Article 2 Definitions relating to auto sales activity.
 - Amendment to Article 3 Administration and Enforcement relating to the fee schedule, Table 3-1.

- Amendment to Article 9 Supplementary Regulations relating to accessory buildings, leased land, and seasonal housing.
- Amendment to Article 12 Standards for Parking Lots and Loading Facilities relating to the parking of commercial vehicles in residential districts.

10/23/00 Ordinance # 6-00-0221

- Zoning Map Amendment rezoning the following lots from 1-1 to BP: Plat 21, Lot 102; Plat 7, Lot 6; Plat 15, Lots 96, 97.2; Plat 14, Lots 1, 95.

11/13/00 Ordinance# 7-00-0222

- Zoning Map Amendment rezoning the following lots from GB to PUD for condominiums Plat 18, Lots 83 and 84.

5/14/01 Ordinance # 3-01-0225

- Amendment to Article 6 Use Code relating to Storage Facilities and Commercial Indoor Recreation Facilities.
- Amendment to Article 2 Definitions relating to Storage Facilities.

8/20/01 Ordinance #05-01-0227

- Amendment to Article 3 use code relating to changes to certain uses permitted in the Business Park District.

4/14/03 Ordinance # 03-03-0237

- Amendments to Articles 2, 3, 6, 11 & 14 relating to Land Development Projects.

7/24/06 Ordinance # 04-06-250

- Amendments to Articles 5, 9 and 16 relating to a Mill Conversion Overlay/Floating Designation Zone.

2/13/12 Ordinance # 01-12-283

- Amendments to Article 4 Section 454 relating to Zoning Variances.

06/25/12 Ordinance # 02-12-284

- Amendments to portions of Articles 2, 6, 9, 12 and 16.

11/18/13 Ordinance # 10-13-294

- Amending the property designated as Assessors Plat 31 Lots 72, 88, 89, 94 & 95 from R-20 zoning to Planned Development

2/14/14

Ordinance # 2-14-296

- Amending the property designated as Assessors Plat 7 Lots 15, 17, 18, 19 & 20 from I1 zoning to Business Park (BP)

2/23/15

Ordinance # 01-15-299

- Amendment to Article 6 – Zoning Regulation Table 6-1, Section B. Agricultural Uses to Include: Compassion Centers

4/27/15

Ordinance # 02-15-300

- Amendment to Article 6 – Zoning Regulation Table 6-1, Section B. Agricultural Uses to Include: Marijuana Cultivation

12/14/15

Ordinance # 08-15-306

- Amendment to Article 6 – Zoning Regulation Table, Section 4 Transportation Communications & utilities to include wind turbines; creation of article 20 to include regulations for wind turbines

1/11/16

Ordinance # 02-16-308

- Amendment to Article 6 – Zoning Regulation Table, Section 4 Transportation Communications & utilities to include major & minor solar power installations; Creation of article 21 to include regulations for major & minor solar power installations