

STATE OF RHODE ISLAND
KENT, SC

SUPERIOR COURT

COMMERCE PARK REALTY, LLC; :
COMMERCE PARK PROPERTIES, LLC; :
COMMERCE PARK COMMONS, LLC; :
COMMERCE PARK ASSOCIATES 8, LLC; :
COMMERCE PARK ASSOCIATES 9, LLC; :
COMMERCE PARK ASSOCIATES 4, LLC; :
Plaintiffs, :

C.A. No.: KC03-0444

vs.

TOWN OF COVENTRY, by and through :
The COVENTRY TOWN COUNCIL :
and its members, RONALD S. WOOD, :
President, JAMES J. SPEARMAN, Vice :
President, WILLIAM J. HALL, FRANK :
HYDE, GREGORY LABOISSONNIERE :
Defendants. :

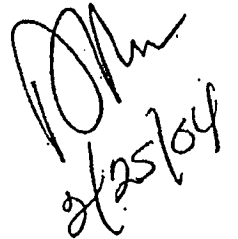
CONSENT JUDGMENT

By agreement of the parties, the following Consent Judgment shall enter:

1. Judgment shall enter in favor of the Plaintiffs and against Defendants on Plaintiffs' appeal of the enactment of Article 14 and Article 6 of the Coventry Zoning Code on April 14, 2003, a copy of which is attached hereto as Exhibit A.

2. Exhibit A attached hereto, enacted by the Town of Coventry Town Council (the "Town Council") on April 14, 2003, is hereby declared to be null and void as applicable to the Plaintiffs' property known as the Centre of New England.

Consequently, the Plaintiffs' property shall be governed by Article 14 of the Coventry Zoning Code adopted and effectuated on January 13, 1997, including any and all amendments made thereto including August 20, 2001 and excluding there from the


2/25/04

adoption of Article 14 on April 14, 2003. Section 1481 of Article 14 as adopted and effectuated on January 13, 1997, which provides as follows "[t]en (10) percent of the tract to be developed commercially shall be devoted to landscaped open space" shall be the only provision as to open space that shall govern the Plaintiffs' property and the project known to as the Centre of New England.

3. The Town of Coventry, its agents, employees, commissions and boards are prohibited and enjoined from attempting to enforce or seeking to enforce the provisions of Exhibit A, attached hereto, in regard to the development known as the Centre of New England as set forth on a plan prepared by John P. Caito Corporation for Universal Properties Group, Inc., as revised on November 7, 2003, and as it may further be amended from time to time and attached hereto as Exhibit B (hereinafter referred to as the "Centre of New England").

4. Article 14 of the Coventry Zoning Code, as enacted on January 13, 1997 and, as amended on August 20, 2001, (but providing for plan review by the Coventry Planning Board and not the Town Council) shall apply to the Centre of New England, including the Permitted right to erect a multi-family development including but not limited to single dwelling units, duplex dwelling units and multi-family dwelling units within the Centre of New England project.

5. No future changes or amendments of Article 14 of the Coventry Zoning Code, or any other revisions or amendments to the Coventry Zoning Code, including but not limited to any density regulation, development ordinance, growth management ordinance or building permit moratorium or limitation, or any revision or amendment to

the subdivision regulations of any kind shall apply to the Centre of New England development project.

6. The Centre of New England development project shall hereinafter have the right to 185,000 gallons, per day, of Coventry's reserve capacity at the West Warwick Sewer Facility, as provided by the adopted Town Council Resolution, a copy of which is attached hereto as Exhibit C. Provided, however, that the Centre of New England and the Town shall work together to provide additional reserve capacity from the West Warwick Sewer Facility for any permitted use within the Business Park zone.


7. The Town of Coventry hereby acknowledges and agrees that the Centre of New England development shall be subject to the Town of Coventry's impact fee structure as existed in January of 1997 and in accordance with the Tax Treaty entered into by and among Universal Truck & Equipment Leasing, Inc., Catapult Realty, LLC, Interstate Properties, LLC, Universal Properties Group, Inc., Nicholas E. Cambio, Vincent A. Cambio and Roney A. Malafronte and the Town of Coventry dated January 15, 1997 (the "Tax Treaty") as well as the adoption of the Master Plan, as it may be further amended from time to time, the zoning amendment creating the zoning classification of the "Business Park" along with the corresponding zoning regulations, *to wit*, Article 14 of the Coventry Zoning Code as enacted by the Town Council on January 13, 1997. The parties hereto re-affirm that the Tax Treaty does not apply to any residential portion of the Centre of New England but rather is restricted solely to commercial uses constructed within the Centre of New England as set forth on page 7 of the Tax Treaty.

ASSENTED TO AS TO FORM AND SUBSTANCE:

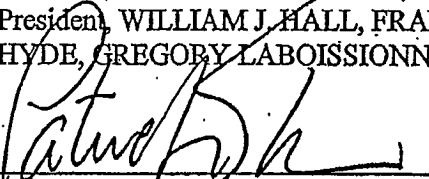
Submitted by,

COMMERCE PARK REALTY, LLC;
COMMERCE PARK PROPERTIES, LLC;
COMMERCE PARK COMMONS, LLC;
COMMERCE PARK ASSOCIATES 8, LLC;
COMMERCE PARK ASSOCIATES 9, LLC;
COMMERCE PARK ASSOCIATES 4, LLC;

By and through their attorneys:

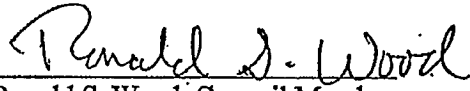

Michael A. Kelly, Esq. (#2116)
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Tel. (401) 490-7334
Fax. (401) 490-7874

TOWN OF COVENTRY, by and through
The COVENTRY TOWN COUNCIL
and its members, RONALD S. WOOD,
President, JAMES J. SPEARMAN, Vice
President, WILLIAM J. HALL, FRANK
HYDE, GREGORY LABOISSIONNIERE

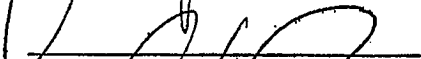

Patrick Sullivan, Town Solicitor
Town of Coventry
Town Hall
1670 Flat River Road
Coventry, RI 02816

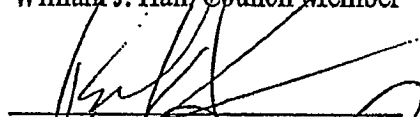
Dated: February 23, 2004

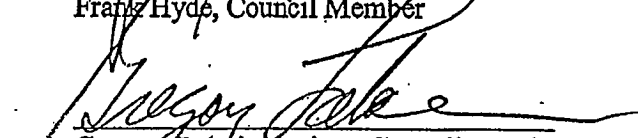
MEMBERS OF THE TOWN COUNCIL:


Ronald S. Wood, Council Member


James J. Spearman, Council Member


William J. Hall, Council Member


Frank Hyde, Council Member


Gregory Laboissonniere, Council Member

Dated: February 23, 2004

Town of Coventry



ZONING ORDINANCE

ADOPTED - DECEMBER 19, 1994

AMENDED - JANUARY 13, 1997

MAY 19, 1997

\$ 20.00

DO NOT REMOVE.
THIS IS PART OF PERMANENT
PLANNING DEPARTMENT FILE
ON ZONING ORDINANCE
HISTORY.

ARTICLE 14 - LAND DEVELOPMENT PROJECTS

SECTION 1400 - Purpose:

- 1401 The purpose of this Article is to permit the creation of Land Development Projects and to set forth the procedures for their creation. Land Development Projects are intended to establish business parks, multi-family residential and mixed use communities, to promote attractive, convenient, efficient residential and commercial development through careful site planning and to preserve open space, historic sites and valuable natural features of the land, while promoting economic development and eventually maximizing the town's commercial real estate and property tax base. This may occur as an overlay to any of the existing zoning districts in Coventry if certain conditions and criteria are met, and with the approval of the Commission and the Town Council; however, the establishment of a Land Development Project in a Business Park District shall require the approval of only the Town Council.

1410 - Permitted Uses:

- 1411 Land Development Projects may include, at the discretion of the Commission and Town Council and in Business Park Districts, in the discretion of only the Town Council, one or more of the following uses as part of a mixed use development:
- A. Residential
 - 1. Multi-Family Dwellings; including, apartments, and town houses.
 - B. Recreational uses and undisturbed open space.
 - C. Commercial uses.
 - 1. Planned Business Park
- 1412 Approved Land Development Projects shall be designated as a Planned District or Planned Business Park on the Coventry Zoning Map.

1420 - Intensity Regulations:

RESERVED

1430 - Establishment of Land Development Projects:

1431 Land Development Projects may be established in the Town by amendment of this Ordinance and accompanying maps in accordance with the requirements and procedures of this Article.

1432 Notwithstanding other provisions of this Ordinance or other provisions of the Ordinances of the Town, the following procedures shall apply except with respect to a Land Development Project in a Business Park District, for which the Town Council may grant any waiver from the provisions of this Article

A. Preapplication Conference. Prior to filing an application for amendment to the Zoning Ordinance and Map, the applicant shall file a request for a preapplication conference with the Commission upon referral from the Town Council to the Town Clerk.

1. The Commission shall hold a preapplication conference for Land Development Projects after referral from the Town Council. The purpose of the preapplication conference shall be to allow the Commission to:

(a) Acquaint the applicant with the Comprehensive Plan and any specific plans that apply to the parcel, as well as the zoning and other ordinances that affect the proposed development;

(b) Suggest improvements to the proposed design on the basis of a review of the sketch plan;

(c) Advise the applicant to consult appropriate authorities on the character and placement of public utility services; and

(d) Help the applicant to understand the steps to be taken to receive approval.

1433 The Applicant shall file the following:

A. A sketch plan showing:

1. Name of development; name, address and telephone number of the owner; name of registered engineer or registered land surveyor, date, north point and approximate scale.
2. The approximate scale of the preapplication sketch plan shall be no less than one hundred (100) feet to one (1) inch.
3. Approximate topographic conditions.
4. Street and lot layout of entire tract.
5. Approximate dimensions of streets.
6. Approximate location and dimensions of buildings indicating number of residential units and type of development.
7. Existing and proposed utilities to include the size and approximate location of lines.
8. Proposed recreation or open areas.
9. Unique natural cultural, or historic areas on the site.
10. Location of all streams, ponds, wetland areas, and other environmental resources.

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 The Council shall refer the proposed development concept to the Commission for consideration. The Commission shall have forty-five (45) days to respond to the Council after receipt of the proposal

in the Planning Department. The failure of the Commission to act within the allotted forty-five (45) day period shall constitute its approval and the Council may act. The Commission shall advise the Council of the acceptability of the land for development and of the proposed development concept and the conformance of the proposal to the overall development of the community as shown in the Comprehensive Plan. Within fourteen (14) days of the receipt of the Commission response, the Council shall hold a preapplication conference with the applicant. The Council upon reviewing all information presented, shall advise the applicant as to the acceptability of the proposed development concept.

1435 The applicant shall have six (6) months after receiving preapplication approval to file an application for Zoning Map amendment to create a Land Development Project in accordance with Section 1432 of this Ordinance. The fee for such application shall be five hundred (500) dollars plus advertising costs, and any other reasonable fee the Council may assess for the review of the application.

- A. In addition to the requirements of Section 1433, a site plan, prepared by a registered architect or engineer shall be required that, at a minimum, shall show the following:
1. proposed name of development;
 2. location by legal description;
 3. names and address of applicant, developer, designer of the plan, and owner of the property;
 4. scale of plan, which shall be no smaller than one (1) inch to forty (40) feet unless approved otherwise; no plan shall be on a sheet larger than thirty six (36) inches by sixty (60) inches. If several sheets are needed to show the whole site plan, a cover sheet drawn to a suitable scale, shall show the whole site and indicate match lines for each page of the site plan;
 5. date, north arrow, proposed and existing contours at two (2) foot intervals;
 6. boundary line of development indicated by a solid line, and the total acreage encompassed thereby;

7. location, widths, and names of all existing or prior platted streets, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings, and structures, houses or permanent easements, and property and municipal boundary lines, within two hundred (200) feet of the development, excluding streets;
8. existing and proposed sanitary and storm sewers, water mains, culverts, and other underground facilities within the tract, indicating pipe sizes, grades, manholes and location;
9. mathematical computations by a Registered Professional Engineer establishing that proposed drainage structures will result in zero (0) net increase in run-off from the development;
10. location, arrangement, angle, and dimensions of automobile parking spaces, width of aisles, width of bays, and handicapped parking spaces;
11. location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks and walkways, location of bikeways and equestrian trails;
12. drainage system;
13. location, height, and materials of walls, fences and screen plantings;
14. ground cover, finished grades, slopes, banks ditches;
15. location and general exterior dimensions and types of material of principal and accessory buildings and signs;
16. the phases to be followed in the construction of the development and the approximate time period between phases;
17. location of all required or proposed recreation areas and facilities, livability areas, or other proposed features and the acreage of these areas;

18. areas with physical limitations for development, including high water table conditions, rock outcroppings, steep slopes, wetlands and other limiting factors;
 19. physical features of the site including scenic views, water bodies, vegetation and hills;
 20. existing zoning classification;
 21. historic buildings, cemeteries and other features of the site;
 22. interior and exterior dimensions of all structures, showing
 23. An approved landscape plan.
- B. Ten (10) copies of all plans shall be submitted with the application.
- C. A statement shall be submitted explaining how the public interest will be served by the proposed development. Such statement shall be accompanied by appropriate detailed economic, social and physical studies of the area requested to be rezoned and the area directly affected by the proposed development. This statement shall include a detailed economic impact analysis of the proposed development; a statement on the proposed population and population age groups; a transportation impact study; and an environmental impact study.
- D. Copies of any covenants, grants or easements existing or proposed, including easements for public utilities, shall be submitted with the application. Additionally, a summary explaining the substance of such covenants, grants or easements shall be supplied.
- E. Copies of documents establishing any governing plat association or other means of ownership of open space shall be submitted to the Council for review and approval.
- F. The applicant shall submit a development plan for the open space within the Land Development Project and shall provide recreational facilities for the use of the residents. The Commission shall determine what shall constitute sufficient facilities.

- G. In addition to the material outlined in Subsection A above, the applicant shall submit with the plans evidence of applications for all other county, state, and federal permits or licenses that may be required for the project. Any proposed project requiring the subdivision of land shall comply with the Coventry Subdivision Regulations.

1440 - Planning Commission Review:

- 1441 All applications for Land Development Projects shall be referred to the Commission by the Council. The Commission and the Planning Department shall have forty-five (45) days to respond to the Council and provide input. This forty-five (45) day period shall begin upon the receipt of four (4) copies of all plans and the application in the Planning Department from the Town Clerk's Office after referral by the Council. The failure of the Commission to act within the allotted forty-five (45) day period shall constitute its approval and the Council may act. The procedures for adopting or amending this Ordinance are set forth in Article 18 and shall be followed in the review of Land Development Plans.
- 1442 The applicant shall show to the satisfaction of the Commission that:
- A. the granting of approval will not result in conditions injurious to the health, safety, morals and welfare of the public;
 - 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 the requirements of this Ordinance;
 - D. the plans for such project are consistent with the Comprehensive Plan.
- 1443 In recommending an action to the Council, the Commission shall enumerate its reasons for approval or denial and any stipulations that the Commission would like imposed.
- 1444 After receipt of the Commission's recommendation, the Council shall hold a public hearing in accordance with Article 18 of this Ordinance and may attach conditions to ensure the health, safety, morals and welfare of the public. Approval of the amendment requires that the

final development shall conform to the plans as approved by the Council.

1445 The approved site plan shall be recorded in the Town Clerk's Office fourteen (14) days after approval of the Zoning Map Amendment drawn to appropriate scale. Failure to meet this requirement shall cause the rezoning to become null and void. No building permit shall be issued until this requirement is met.

1446 The Plan that is recorded shall contain the following note: "Failure to act on this rezoning one year from the date of this recording shall cause this amendment to become null and void."

1450 - Modifications and Amendments:

1451 After final approval of a Land Development Plan, no body other than the Town Council shall modify or amend it except in accordance with this Section. In the case of a Land Development Project in a Business Park District, only the Town Council shall have the authority to approve, modify, amend or otherwise administer the land development plan, and may seek the input of the Commission in so doing.

1452 Minor changes in the location and siting of building and structures, parking, roads, and recreation and open space areas in the Development and changes in the phasing may be authorized by a majority vote of the Commission without additional public hearings, if required by unforeseen engineering or other circumstances, providing that such changes do not cause:

- A. An adverse impact on the adjacent properties;
- B. A change in the use or character of the development;
- C. An increase in overall coverage of structures;
- D. An increase in the intensity of use and the allowable density;
- E. An increase in the problems of traffic circulation and public utilities;
- F. A reduction in approved open space;
- G. A reduction of off-street parking and loading space;

H. A reduction in required pavement widths; or

I. An increase in the number of structures approved.

1453 Modification in use, or rearrangement of lots, blocks and building tracts, modification and change in building design and number of buildings or any changes in the provision of common open spaces shall be shown on plans identifying these modifications and shall include a written statement documenting the reasons for these changes and their impact.

1454 Amendments to increase the size of a Land Development Plan shall be viewed as a new application in accordance with Section 1430.

1460 - General Standards for Development:

1461 Relation to Transportation. Principal vehicular access shall be from major streets. 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. Streets within the development shall not be constructed so as to encourage use of minor streets in adjacent residential areas. Adequate access and egress must be provided for emergency vehicles. The Town Engineer shall approve the traffic pattern.

1462 Relation to Surrounding Property. Site planning shall provide protection from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences from within the development.

1463 Landscaping and Screening. There shall be a landscaped buffer between any structure in the development and the lot line of any adjoining residential 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. Screening for visual, audible and environmental effects, i.e., any combination of earthen, structural and/or vegetative buffering shall be provided along the perimeter of the development where needed to provide a buffer to minimize incompatibility with surroundings in accordance with Table 14.1. 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.

1464 No building shall exceed three (3) stories or thirty-five (35) feet above grade level, except for rooftop mechanical, cooling, electrical, and similar equipment, and penthouses for any of the foregoing, all of which may be constructed and maintained above the third story of any building. Buildings in a Business Park may be 60 feet in height, and under certain conditions, upon approval of the Town Council 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).

1465 Roadways in Land Development Projects shall be private and adhere to the standards found in the Coventry Subdivision Regulations and Section 1240.

1466 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 standards.

1467 The proposed project shall conform with Chapter 5, Article III Soil Erosion and Sediment Control, of the Code of Ordinances of the Town.

1468 As-Built plans, stamped by a Registered Engineer shall be required to be submitted to the Director of Public Works after the road and infrastructure are installed.

1470 - Standards for Multi-Family Buildings:

1471 Front Yard Setbacks. Multi-Family development, when located along

any public street, shall provide a minimum front yard setback of forty (40) feet along and said public street. No building, accessory building, parking lot or utility area shall be located in any such front yard. In addition, a landscaped or natural buffer zone of forty (40) foot width shall be maintained along said public street and may be used for access driveways (no parking allowed) or for other necessary entrance and exit facilities.

- 1472 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.
- 1473 Distance Between Multi-Family Buildings and Property Line. The minimum distance from side and rear property lines shall be forty (40) feet. Accessory buildings shall adhere to the same side yard requirements.
- 1474 Rubbish Disposal. Each multi-family building shall be provided with an enclosed waste pen of sufficient size to accommodate all trash and waste stored on the premises. The waste pen and all utility areas shall be properly screened and buffered from all buildings and property lines in accordance with Article 17.
- 1475 Walkways. Pedestrian walkways shall be provided for all multi-family dwellings to provide safe and convenient access. Pedestrian crossings at edges of the development shall be safely located, marked and controlled.
- 1476 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.
- 1477 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 as defined herein.

1480 - Standards for Commercial\Business Park Development:

The purpose of the Business Park District or a Planned Business Park under this articles to denote major commercial centers for the

community. Uses should include all commercial uses other than heavy industrial and certain other uses specifically prohibited. The emphasis in these developments will be in the eventual expansion of the commercial real estate and property tax base and the promotion of commercial and economic activity. Buffering, particularly through landscaping, will be a principal consideration in Business Park development.

- 1481 Ten (10) percent of the tract to be developed commercially shall be devoted to landscaped open space..
- 1482 Commercial development, other than in a Business Park District, is subject to all rules and regulations concerning commercial development that are contained in this Ordinance.
- 1483 Minimum floor area for each building shall be two thousand five hundred (2,500) square feet.
- 1484 The standards of Article 12 and 17 shall apply with respect to parking, loading and landscaping.
- 1485 In addition to 1484, Table 14.1 shall apply to Commercial/Business Park developments. Under TABLE 14.1, add

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*

**NOTE: Approval of landscape plan by Administrative Officer is required.*

*** Structures may be located along major arterials, i.e., Hopkins Hill and Arnold Roads, if a setback of 80 feet, measured from the curb face to the face of the structure, is maintained. The Town Council may reduce the minimum buffer requirement upon a satisfactory determination that a reduced buffer will adequately protect the surrounding neighborhood from noise, lighting or other public health or safety hazards and; will preserve the environment and be aesthetically pleasing.*

1490 - Standards for Open Space and Recreation:

- 1491 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.

14100 - Special Regulations:

14101 At least forty (40) percent of the total tract in a Land Development Project shall remain as permanent open space. 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 Commission and the Council. Such buildings or uses shall comply with all applicable regulations specified in this Ordinance. Required 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.

14102 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; in the case of Business Parks or Planned Business Parks, the common open land shall, at the option of the owner thereof, and subject to the approval of the Town Council, be conveyed to the town and thereafter maintained by the town or retained by the owner, subject to an agreement between the owner and the town providing for maintenance of the common land by the owner; 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 14102 Subsections A-C.

14103 The Council may require the dedication of sites to the Town for any use by the Town, including but not limited to the development of public schools, fire stations and other public services.

14110 - Security/Performance Bond:

14111 Except for a Land Development Project in a Business Park District, some form of surety, to be determined by the Finance Director, 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. For a Land Development Project in a Business Park District, no security of any kind shall be required for the construction of any infrastructure or common areas which the Town Council and owner have agreed will not be conveyed to the town and will continue to be maintained by the owner, provided that such construction is performed to specifications approved by the Town Council. As to all other construction in a Business Park District, no performance bond or security shall be required.

Town of Coventry



ADOPTED - DECEMBER 19, 1994

AMENDED AS OF
AUGUST 20, 2001

\$ 20.00

ARTICLE 6 - ZONING DISTRICT USE AND DIMENSIONAL REGULATIONS

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.

RESIDENTIAL (CONT.)

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
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	

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' in 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, not to include roosters or geese due to their tendency to create a noise nuisance to abutting properties.	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, 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, housed at a minimum of 25 feet from any property line.
07	Sale of fruit, vegetables raised on the premises.	P	P	P	P	P	P	P	N	P	P	Signs no larger than 1 1/2 sq. ft.

2. INDUSTRIAL NON-MANUFACTURING

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	II	I2	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	P	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	N	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

INDUSTRIAL MANUFACTURING (CONT.)

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
14	Manufacture of Fabricated Metals, except Ordnance, Machinery & Transportation Equipment	N	N	N	N	N	N	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	N	N	N	P	P	N	
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	N	S	P	P	P	

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

TRANSPORTATION, COMMUNICATIONS & UTILITIES (Cont.)

	USE	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	COMMENTS
16	Telecommunications Antennas and Towers (New or Principal Structures)	N	N	N	N	S	N	N	P	P	S	Communications Towers are permitted on municipally-owned property (see Article 9)
17	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)
18	Cable TV and Telephone Equipment	N	N	N	N	N	N	N	P	P	P	Cable TV and telephone equipment is allowed on municipal-owned property.

NOTE: See Article 9, Section 970

* Amended 5/19/97

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

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	S	S	
02	Sale of Heating, Plumbing & Electrical Supply & Service	N	N	N	N	P	P	P	P	N	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	S	S	P	P	P	S	

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	N	N	See Section 932
02	Tire, Battery & Accessory Dealers - no service (Auto Parts Store)	N	N	N	N	P	P	P	P	N	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	S	N	See Section 933

5. RETAIL TRADE: APPAREL AND APPAREL ACCESSORIES

	USE	RR5	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	

Note: In BP Zone uses permitted only if they are part of an overall Land Development Project or mall.

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	N	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	P	N	N	See Section 931

MISCELLANEOUS RETAIL STORES (Cont.)

	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

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	N	N	
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	N	P	P	P	P	N	N	
06	Medical and Dental Offices and Laboratories, Legal, Engineering and Design and other Professional Offices	S	N	N	N	P	P	P	P	N	N	

Note: Uses permitted in BP Zone if part of overall Land Development Project or mall

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	P	N	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	S	S	

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	S	P	N	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	
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	S	P	N	N	
07	Tennis Courts, General Athletic Field and Swimming Pools	S	S	S	N	N	N	S	P	N	N	Includes unlighted & lighted for night use

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	

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	20	20	10	20
General Business	15,000	125	30	25	25	30
General Business - 1	43,560	200	30	25	25	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	N/A	N/A	50	50	30	50

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

TABLE 6-4 - RR5 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 RR5 zone shall be located 50 feet from any lot line except as otherwise permitted in Article 9 Section 920.

TABLE 6-5 RR3 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 6-8 - Cluster Development Dimensional Regulations with Water or Sewer

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