

PLANNING DEPARTMENT MEMORANDUM

TO: Coventry Planning Commission

FROM: Doug McLean, Director of Planning and Development

DATE: May 21, 2026

SUBJECT: Proposed Financial Security Ordinances:
Ordinances 2026-11, 2026-12, 2026-13, 2026-14, 2026-15, 2026-16

Town staff have proposed six (6) total amendments to the Town of Coventry Zoning Ordinance, identified as Ordinances 2026-11, 2026-12, 2026-13, 2026-14, 2026-15, and 2026-16, which are discussed in further detail below.

Context

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

The Town Council conducted a first reading of these Ordinances on May 12, 2026, and a Public Hearing (and possible vote on adoption) is anticipated for June 9, 2026. Therefore, the next step in the Town's review process is for the zoning-related Ordinances to be reviewed by the Planning Commission at its meeting on May 27, 2026 for an advisory recommendation. These Ordinances have been proposed in coordination with proposed amendments to the Subdivision and Land Development Regulations, which is scheduled for consideration by the Planning Commission at the same meeting.

Proposed Financial Security Ordinances

The proposed Ordinances listed above will modify the acceptable forms of performance guarantees, improvement guarantees, and/or maintenance guarantees to reference the new term "Financial Security" as defined in Ordinance 2026-07. This ordinance is currently under review by the Town Council and proposes to establish uniform financial security standards within the Town of Coventry Code of Ordinances, Part II General Legislation, Chapter 123 for subdivision and land development approvals. Under this new code, the three acceptable forms of guarantees will be (1) performance bonds, (2) cash escrow deposits, and (3) irrevocable trust agreements. In addition, irrevocable letters of credit will be permitted upon approval by the Town Solicitor pursuant to specific conditions.

Ordinance 2026-07 is provided here as back-up information, although the Planning Commission will not take any specific action on this Ordinance as it is strictly in the domain of the Town Council. This Ordinance provides a new regulatory framework for all forms of financial guarantees on a Town-wide

basis, and notably removes the allowance of generic letters of credit as an acceptable form of guarantee. This new regulatory structure requires amending a total of approximately 12 different sections of Town code, many of which are contained in the Zoning Code (see below), and many are contained in other sections of code (administrative legislation or general legislation). The Planning Commission's role is to provide advisory recommendation on the zoning-related Ordinances only.

The proposed Ordinances will affect the following sections of the Zoning Code in the following ways:

- **Ordinance 2026-11: Zoning § 255-970 (Telecommunication Towers):** This proposed zoning code amendment will modify the allowable forms of financial security for the removal of abandoned telecommunication antennas and towers.
- **Ordinance 2026-12: Zoning § 255-1020 and § 255-1060 (Earth Removal/Sand and Gravel Extraction):** This proposed zoning code amendment will modify the allowable forms of financial security for earth removal and sand and gravel extraction.
- **Ordinance 2026-13: Zoning § 255-1340, § 255-1380, and § 255-13100 (Residential Cluster Development):** This proposed zoning code amendment will modify the allowable forms of financial security for Residential Cluster Developments.
- **Ordinance 2026-14: Zoning § 255-1760 (Landscaping):** This proposed zoning code amendment will modify the allowable forms of financial security for implementation of landscape plans.
- **Ordinance 2026-15: Zoning § 255-2080 (Special Regulations for Wind Energy Facilities):** This proposed zoning code amendment will modify the allowable forms of financial security for the dismantlement or removal of wind energy facilities.
- **Ordinance 2026-16: Zoning § 255-2140 (Special Regulations – Solar Power Generators):** This proposed zoning code amendment will modify the allowable forms of financial security for removal of solar power generators and restoration.

Findings of Fact

Staff has conducted an orderly, thorough, and expeditious review of this proposed ordinance for conformance with required standards set forth in RIGL Section 45-24-52, as well as in the Town of Coventry's Comprehensive Plan and Zoning Code, and finds as follows:

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

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

1. The proposed Ordinances are generally consistent with the Comprehensive Plan adopted in 1999, though financial security is not specifically addressed in that document.

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

2. The proposed ordinance is consistent with the applicable purposes of zoning as presented in Rhode Island General Laws (RIGL) § 45-24-30 and the Town of Coventry Code of Ordinances § 255-110, specifically:

- a. The proposed ordinances provide “for efficient review of development proposals, to clarify and expedite the zoning approval process” (specifically bond setting and release) through the establishment of uniform financial security standards for (1) performance guarantees for earth removal/ sand and gravel extraction, Residential Cluster Development, landscaping, and (2) decommissioning guarantees for removal of telecommunication towers, wind energy facilities, and solar power generators.

Recommendation

Staff finds proposed Ordinances 2026-11, 2026-12, 2026-13, 2026-14, 2026-15, and 2026-16 to be consistent with the standards for the required findings of fact set forth in RIGL Section 45-24-52 and Coventry Zoning Section § 255-110 with regard to the Town of Coventry’s Comprehensive Plan and Purposes of Zoning Code. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and forward a **positive recommendation** to the Town Council.

4 **ORDINANCE OF THE TOWN COUNCIL**

5
6 IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES,
7 2008 PART II – GENERAL LEGISLATION,
8 CHAPTER 123 – Financial Security
9

10 **Ordinance No. 2026-07**

11
12 *The Town Council of the Town of Coventry hereby ordains as follows:*

13
14 **Chapter 123 – Financial Security**

15
16 **Sec. 123-1. Purpose.**

17 A. The purpose of this chapter is to establish uniform standards governing financial security
18 required by the Town in connection with land development, subdivision approvals, and related
19 municipal approvals.

20 B. This chapter is intended to:

- 21 1. Ensure consistent administration of financial security requirements across all Town
22 departments, boards, commissions, and officials;
23 2. Protect the Town and the public from incomplete, defective, abandoned, or noncompliant
24 construction or improvements;
25 3. Ensure timely access to secured funds for cause in accordance with R.I. Gen. Laws § 45-
26 23-46(d);
27 4. Maintain consistency with the Rhode Island Development and Subdivision Review
28 Enabling Act, R.I. Gen. Laws Chapter 45-23, and other applicable state law; and
29 5. Establish standards for forms of financial security, administration, inspection, release,
30 maintenance guarantees, and enforcement.

31
32 **Sec. 123-2. Authority.**

33 This chapter is adopted pursuant to:

34 A. Article XIII of the Rhode Island Constitution;

35 B. R.I. Gen. Laws § 45-6-1;

36 C. R.I. Gen. Laws Chapter 45-23, including §§ 45-23-32, 45-23-46, and 45-23-51;

37 D. R.I. Gen. Laws Title 24;

38 E. Municipal authority under Rhode Island law relating to public works, permitting, contracting,
39 and protection of public infrastructure and funds;

40 F. R.I. Gen. Laws § 37-12-1, as persuasive authority where applicable; and

41 G. Any other applicable provision of state law.

42
43 **Sec. 123-3. Applicability.**

44 A. This chapter applies to financial security required in connection with:

- 45 1. Land development and subdivision approvals under R.I. Gen. Laws Chapter 45-23;

- 46 2. Construction, installation, repair, restoration, or dedication of public improvements;
- 47 3. Infrastructure intended for Town ownership, operation, maintenance, or acceptance;
- 48 4. Public infrastructure improvements including roadway, drainage, stormwater, utility,
- 49 grading, excavation, erosion control, landscaping, sidewalk, and traffic control
- 50 improvements;
- 51 5. Development agreements and public improvement agreements authorized by law;
- 52 6. Permits including earth removal, roadway opening, utility, municipal construction, and
- 53 similar permits; and
- 54 7. Any other municipal approvals where financial security is authorized by state law.

55 B. Nothing in this chapter shall be construed to:

- 56 1. Expand municipal authority beyond that granted by state law;
- 57 2. Create authority to require financial security where such authority does not exist;
- 58 3. Conflict with R.I. Gen. Laws Chapter 45-23; or
- 59 4. Supersede mandatory state law requirements.

60 C. Financial security shall be administered by the municipal body responsible for issuing or

61 administering the underlying approval.

62

63 **Sec. 123-4. Forms of financial security.**

64 A. The Town shall accept no fewer than three (3) forms of financial security as required by R.I.

65 Gen. Laws § 45-23-46(d).

66 B. Acceptable forms of financial security include:

- 67 1. Performance bond issued by a surety authorized to transact business in Rhode Island;
- 68 2. Cash escrow deposit held by the Town in a segregated account;
- 69 3. Irrevocable trust agreement in a form approved by the Town Solicitor; and
- 70 4. Letter of credit in compliance with Sec. 123-5.

71 C. Applicants shall not be restricted to a single form of financial security where prohibited by state

72 law.

73 D. All financial security instruments shall:

- 74 1. Be sufficient to ensure completion of required work;
- 75 2. Provide enforceable access to funds upon default or noncompliance;
- 76 3. Be enforceable under Rhode Island law; and
- 77 4. Be approved by the Town Solicitor prior to acceptance.

78

79 **Sec. 123-5. Letters of credit.**

80 A. Letters of credit may be accepted upon approval of the Town Solicitor.

81 B. Each letter of credit shall:

- 82 1. Be irrevocable;
- 83 2. Be issued by a financial institution authorized to do business in Rhode Island;
- 84 3. Be payable on demand at sight;
- 85 4. Permit immediate draw upon certification of default, nonperformance, abandonment, or
- 86 noncompliance;
- 87 5. Include automatic renewal provisions unless released by the Town;
- 88 6. Require not less than 90 days prior written notice of cancellation, expiration, or
- 89 modification;
- 90 7. Be governed by Rhode Island law;

91 8. Contain no conditions or requirements that materially restrict the Town's access to funds;
92 and

93 9. Be approved as to form by the Town Solicitor.

94 C. The Town may reject any letter of credit that fails to adequately protect the Town's interests.

95
96 **Sec. 123-6. Alternative financial security.**

97 A. The Town may approve alternative forms of financial security providing protection equal to or
98 greater than those listed in Sec. 123-4.

99 B. All alternative forms shall:

100 1. Ensure enforceable and timely access to funds;

101 2. Protect the Town from default, nonperformance, defective work, or incomplete work; and

102 3. Be approved by the Town Solicitor.

103
104 **Sec. 123-7. Amount of security.**

105 A. The amount of financial security shall be based on the estimated cost of completing required
106 improvements or obligations.

107 B. Cost estimates shall be prepared or reviewed by qualified professionals or Town officials.

108 C. The Town may include reasonable costs for contingencies, engineering, legal services,
109 inspection, inflation, administrative expenses, and completion risks.

110 D. Security amounts may be adjusted as project scope or conditions change.

111
112 **Sec. 123-8. Inspection, phasing, and release.**

113 A. All improvements are subject to inspection by the Town.

114 B. No improvement shall be deemed accepted unless approved in writing by the appropriate
115 authority.

116 C. The Town may authorize:

117 1. Phased development and phased security;

118 2. Partial inspection and acceptance; and

119 3. Partial release of security.

120 D. Partial release shall require:

121 1. Written request;

122 2. Inspection and approval of completed work;

123 3. Verification of compliance; and

124 4. Sufficient remaining security for unfinished work.

125 E. The Town may withhold release for defective work, noncompliance, or unresolved obligations.

126 F. All releases shall be in writing.

127
128 **Sec. 123-9. Maintenance guarantees.**

129 A. The Town may require maintenance guarantees where authorized by law.

130 B. Maintenance guarantees shall:

131 1. Secure correction of defects, failures, or deficiencies;

132 2. Not exceed 10 percent of the original security amount where governed by R.I. Gen. Laws
133 § 45-23-46(g);

134 3. Remain in effect for not more than one (1) year unless otherwise authorized by law; and

135 4. Be in a form approved by the Town Solicitor.

136

137 **Sec. 123-10. Enforcement.**
138 A. The Town may enforce financial security under R.I. Gen. Laws § 45-23-46(i).

139 B. Upon default or noncompliance, the Town may:

- 140 1. Draw upon financial security;
- 141 2. Complete or cause completion of required work;
- 142 3. Correct defective or incomplete work;
- 143 4. Retain contractors, consultants, or professionals;
- 144 5. Recover all associated costs; and
- 145 6. Pursue any other legal or equitable remedy.

146 C. Remedies are cumulative.

147 D. No inspection, partial approval, or partial release shall waive enforcement rights.

148

149 **Sec. 123-11. Construction.**

150 A. This chapter shall be construed consistent with applicable state law, including R.I. Gen. Laws
151 Chapter 45-23 and Title 24.

152 B. This chapter shall not:

- 153 1. Expand municipal authority beyond state law;
- 154 2. Limit legally required financial security;
- 155 3. Create independent bonding authority; or
- 156 4. Create vested rights in any specific form of financial security.

157

158 **Sec. 123-12. Conformity.**

159 A. All municipal ordinances, rules, policies, and procedures shall be construed and administered
160 in conformity with this chapter to the extent permitted by law.

161 B. In the event of conflict, this chapter shall control to the extent consistent with state law.

162 C. State law shall govern where applicable.

163

164 **Sec. 123-13. Severability.**

165 If any provision of this chapter is held invalid, the remaining provisions shall remain in full force
166 and effect.

167

168 **Sec. 123-14. Effective date.**

169 This ordinance shall take effect upon passage and publication as required by law.

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183 Approved as to Form:

184

185

186 _____
Town Solicitor Date

187

188

189

190 Introduced by/Pursuant to: Council John-Paul A. Verducci

191

192 Referred to/for: First Reading of the Ordinance on _____, 2026

193

194 Planning Commission for recommendation on _____, 2026

195

196 Public Hearing before the Town Council on _____, 2026

197

198

199 Passed or Denied on a vote of _____

200

201

202 _____
John-Paul A. Verducci – Town Council President

203

204

205 Approved:

206

207

208 _____
Daniel O. Parrillo – Town Manager

209

210

211 Certification Actions by Town Clerk:

212

213

214 _____

1 THE TOWN OF COVENTRY
2
3

4 **ORDINANCE OF THE TOWN COUNCIL**

5
6 IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES,
7 2008 PART II – GENERAL LEGISLATION,
8 CHAPTER 255, ARTICLE IX – Supplementary Regulations
9

10 **Ordinance No. 2026-11**

11
12 *The Town Council of the Town of Coventry hereby ordains as follows:*

13
14 **Section 1.** The Town of Coventry Code of Ordinance, Part II General Legislation is hereby
15 amended by amending the following Chapter and Sections of Article IX:

16
17 **Article IX, Chapter 255 — Zoning (Supplementary Regulations)**

18
19 **§ 255-970 Telecommunication towers.**

20
21 A. Purpose. The intent of this section is to regulate the placement of new telecommunication
22 towers, telephone and cable television equipment and related equipment and addition of
23 communication equipment to existing structures. The regulations serve to establish a procedure
24 for application and variance from the regulations; establish development standards and locational
25 requirements and to encourage the co-location of equipment onto existing structures.

26
27 (1) The purpose of this section is to establish general guidelines for the siting of communication
28 towers and antennas. The goals of this section are to:

29
30 (a) Encourage the location of towers for telecommunication equipment and cable television
31 equipment in nonresidential areas and minimize the total number of towers throughout the
32 community;

33
34 (b) Strongly encourage the joint use of new and existing tower sites;

35
36 (c) Encourage users of towers and antennas to locate them, to the greatest extent possible, in areas
37 where any adverse impacts on the community are minimized;

38
39 (d) Encourage applicants and users of towers, antennas and equipment to configure them in a way
40 that minimizes the adverse visual impact of the towers, antennas and equipment;

41
42 (e) Enhance the ability of the providers of telecommunications services to provide such services
43 to the community quickly, effectively and efficiently.

44
45 B. Definitions. As used in this section, the following terms shall have the meanings indicated:

46 ACCESSORY STRUCTURE
47 Addition(s) to existing tower(s) or nonresidential structure including the mechanical building,
48 mounting equipment or additional antenna not to exceed 20 feet above the original structure.
49

50 ALTERNATIVE TOWER STRUCTURE
51 Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting
52 structures that camouflage or conceal the presence of antennas or towers.
53

54 ANTENNA
55 Any exterior apparatus designed for telephonic, radio, or television communications through the
56 sending and/or receiving of electromagnetic waves.
57

58 FAA
59 The Federal Aviation Administration.
60

61 FCC
62 The Federal Communications Commission.
63

64 GOVERNING AUTHORITY
65 Either the Buildings Official or the Zoning Board of Review.
66

67 HEIGHT
68 When referring to a tower or other structure, the distance measured from ground level to the highest
69 point on the tower or other structure, even if said highest point is an antenna.
70

71 PRE-EXISTING TOWERS AND ANTENNAS
72 Have the meaning set forth in Subsection C(3) of this section.
73

74 PUBLIC OFFICER
75 The Zoning Enforcement Officer or Building Official of the Town of Coventry.
76

77 RELATED EQUIPMENT
78 Equipment and/or structures which is/are an integral part of the system or any structures used to
79 house such equipment.
80

81 TOWER
82 Any structure that is designed and constructed primarily for the purpose of supporting one or more
83 antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term
84 includes radio and television transmission towers, microwave towers, common-carrier towers,
85 cellular telephone towers, alternative tower structures, and the like.
86

87 C. Applicability.
88

89 (1) New towers and facilities. The requirements set forth in this section shall govern the location
90 of all new towers, facilities and related equipment that exceed, and antennas that are installed at a

91 height in excess of, the height limitations specified for each zoning district. The height limitations
92 applicable to buildings and structures shall not apply to towers and antennas.

93
94 (2) Amateur radio; receive-only antennas. This section shall not govern any tower, or the
95 installation of any antenna, that is under 70 feet in height and is owned and operated by a federally
96 licensed amateur radio station operator or is used exclusively for receive-only antennas.

97
98 (3) Preexisting towers and antennas. Any tower or antenna for which a permit has been properly
99 issued prior to the effective date of this section shall not be required to meet the requirements of
100 this section, other than the requirements of Subsection D(3) and (4). Any such towers or antennas
101 shall be referred to in this section as "preexisting towers" or "preexisting antennas."

102
103 D. General guidelines and requirements.

104
105 (1) Principal or accessory use. Antennas and towers may be considered either principal or
106 accessory uses. A different existing use or an existing structure on the same lot shall not preclude
107 the installation of an antenna or tower on such lot. For purposes of determining whether the
108 installation of a tower or antenna complies with district development regulations, including but
109 not limited to setback requirements, lot coverage requirements, and other such requirements, the
110 dimensions of the entire lot shall control, even though the antennas or towers may be located on
111 leased parcels within such lots. Towers that are constructed, and antennas that are installed, in
112 accordance with the provisions of this section shall not be deemed to constitute the expansion of a
113 nonconforming use or structure. Towers and base facilities may not take away required parking
114 spaces of an existing building.

115
116 (2) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the
117 Building Department an inventory of its existing towers that are either within the Town of
118 Coventry and within 10 miles of the border thereof, including specific information about the
119 location, height, design and capacity of each tower. The Building Department may share such
120 information with other applicants applying for administrative approvals or special use permits
121 under this section or other organizations seeking to locate antennas within the Town; provided,
122 however, that the Building Department is not, by sharing such information, in any way
123 representing or warranting that such sites are available or suitable.

124
125 (3) Federal requirements. All towers must meet or exceed current standards and regulations of the
126 Rhode Island State Building Code, FAA, the FCC, and any other agency of the federal government
127 with the authority to regulate towers and antennas. Failure to bring towers and antennas into
128 compliance with such revised standards and regulations shall constitute grounds for the removal
129 of the tower or antenna at the owner's expense.

130
131 (4) Building codes: safety standards. To ensure the structural integrity of towers, the owner of a
132 tower shall ensure that it is maintained in compliance with standards contained in the State
133 Building Codes as amended from time to time. If, upon inspection, the Building Official concludes
134 that a tower fails to comply with such codes and standards, and constitutes a danger to persons or
135 property, then the Building Official shall proceed in accordance with Chapter 27.3 of Title 23 of
136 the R.I.G.L., entitled "State Building Code."

137
138 (5) Notification. All applicants shall send certified mail announcements to all other users locating
139 in Coventry, declaring their sharing capabilities and siting needs. Except in cases where
140 mechanical, structural or regulatory factors prevent them from sharing, applicants cannot be denied
141 or deny space on a tower.
142

143 (6) ANSI Standards. Upon completion of construction, the applicant shall submit an annual report
144 to the Town Engineer which provides quantified electromagnetic field (EMF) measurements and
145 compares these measurements to current Federal and American National Standards Institute
146 (ANSI) standards or subsequent standards. If the project does not meet federal and ANSI
147 standards, the permit may be modified or revoked.
148

149 E. Procedures.

150
151 (1) General.

152
153 (a) A preapplication conference with the Planning Department is required before any building
154 permit is sought. The conference will serve to familiarize the applicant with the Town's
155 regulations. The Planning Department shall approve the site plan prior to the issuance of any
156 building permit.
157

158 (b) Building permits are required for all telecommunications towers, related equipment and similar
159 facilities.
160

161 (c) Each applicant for such building permit shall apply to the Building Department, providing the
162 information set forth in Subsection G(2) below.
163

164 (d) The Building Department shall respond to each such application within 30 days after receiving
165 it by either approving or denying the application. If the Building Department fails to respond to
166 the applicant within said 30 days, then the application shall be deemed to be approved.
167

168 (e) In connection with any such administrative approval, the Zoning Enforcement Officer may, in
169 order to encourage shared use, administratively waive any zoning district setback requirement by
170 up to 10%.
171

172 (f) If an administrative approval is denied, the applicant may appeal said denial in accordance with
173 the provisions of the zoning article concerning appeals of administrative decisions.
174

175 F. Permitted uses.

176
177 (1) General. The uses listed in this subsection are deemed to be permitted uses and shall not require
178 a special use permit. Nevertheless, all such uses shall comply with Subsection D(3) and (4) above,
179 and Subsection H and all other applicable statutes and articles.
180

181 (2) Specific permitted uses. The following uses are specifically permitted:
182

183 (a) Locating a tower or antenna, including the placement of additional buildings or other
184 supporting equipment used in connection with said tower or antenna, in an I1 Industrial or Business
185 Park Zoning District; provided, however, that such tower shall be set back from any existing off-
186 site residence a distance equal to the height of the tower or in the case of an unoccupied lot, set
187 back a distance equal to the height of the tower less the residential yard setback for the adjacent
188 residential lot;

189
190 (b) Installing an antenna on an existing structure other than a tower (such as a building, sign, light
191 pole, water tower, or other freestanding nonresidential structure) that is 50 feet in height or greater,
192 so long as said additional antenna adds no more than 20 feet to the height of said existing structure;

193
194 (c) Installing an antenna on any existing tower of any height, so long as the addition of said antenna
195 adds no more than 20 feet to the height of said existing tower; provided, however, that such specific
196 permitted use shall not include the placement of additional buildings or other supporting equipment
197 used in connection with said antenna;

198
199 (d) Location of communication towers, cable television equipment and related equipment on
200 municipal property, i.e., Town or school property, shall be allowed by right, provided that a site
201 plan, approved by the Director of Planning, is provided before a building permit may be issued.

202
203 G. Special use permits.

204
205 (1) General. The following conditions shall require the issuance of special use permits:

206
207 (a) If the tower or antenna is not a permitted use under Subsection F of this section or permitted to
208 be approved administratively pursuant to Subsection E of this section, then a special use permit
209 shall be required for the construction of a tower or the placement of an antenna in all zoning
210 districts.

211
212 (b) In granting a special use permit, the Zoning Board of Review may impose conditions, to the
213 extent the Board concludes such conditions are necessary, to minimize any adverse effect of the
214 proposed tower on adjoining properties.

215
216 (c) Any information of an engineering nature that the applicant submits, whether civil, mechanical,
217 or electrical, shall be certified by a licensed professional engineer.

218
219 (2) Information required. Each applicant requesting a special use permit under this section shall
220 submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations,
221 and other documentation, signed and sealed by appropriate licensed professionals, showing the
222 location and dimensions of all improvements, including information concerning topography, radio
223 frequency coverage, tower height requirements, setbacks, drives, parking, fencing,
224 buffering/landscaping, adjacent uses, and other information deemed by the Zoning Board of
225 Review to be necessary to assess compliance with this section.

226
227 (3) Factors considered in granting special use permits. The Zoning Board shall consider the
228 following factors in determining whether to issue a special use permit, although the Board may

229 waive or reduce the burden on the applicant of one or more of these criteria if they find that the
230 goals of this section are better served thereby.

231

232 (a) Height of the proposed tower;

233

234 (b) Proximity of the tower to residential structures and residential district boundaries;

235

236 (c) Nature of uses on adjacent and nearby properties;

237

238 (d) Surrounding topography;

239

240 (e) Surrounding tree coverage and foliage;

241

242 (f) Design of the tower, with particular reference to design characteristics that have the effect of
243 reducing or eliminating visual obtrusiveness;

244

245 (g) Proposed ingress and egress; and

246

247 (h) Availability of suitable existing towers and other structures as discussed in Subsection F(2)(6)
248 of this section.

249

250 (4) Availability of suitable existing towers or other structures. No new tower shall be permitted
251 unless the applicant demonstrates to the reasonable satisfaction of the Zoning Board that no
252 existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted
253 to demonstrate that no existing tower or structure can accommodate the applicant's proposed
254 antenna may consist of any of the following:

255

256 (a) No existing towers or structures are located within the geographic area required to meet
257 applicant's engineering requirements.

258

259 (b) Existing towers or structures are not of sufficient height to meet applicant's engineering
260 requirements.

261

262 (c) Existing towers or structures do not have sufficient structural strength to support applicant's
263 proposed antenna and related equipment.

264

265 (d) The fees, costs, or contractual provisions required by the owner in order to share an existing
266 tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs
267 exceeding new tower development are presumed to be unreasonable.

268

269 (e) The applicant demonstrates that there are other limiting factors that render existing towers and
270 structures unsuitable.

271

272 H. Design standards. The following design standards shall apply to all towers and antennas
273 approved by right or for which a special use permit is required; provided, however, that the Zoning

274 Officer or the Zoning Board of Review, as is applicable, may reduce the standard setbacks and
275 separation requirements if the goals of this section would be better served thereby.

276

277 (1) Setbacks and separation.

278

279 (a) Towers must be set back a distance equal to the height of the tower from any residential
280 structure or lot line, whichever is closer.

281

282 (b) Guys and accessory facilities must satisfy the minimum zoning district setback requirements
283 for accessory structures.

284

285 (c) In zoning districts other than Industrial or Business Park Zoning Districts, towers over 90 feet
286 in height shall not be located within one-quarter of a mile from any existing tower that is over 90
287 feet in height.

288

289 (2) Aesthetics: lighting.

290

291 (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of
292 the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

293

294 (b) At a tower site, the design of the buildings and related structures shall, to the extent possible,
295 use materials, colors, textures, screening, and landscaping that will blend the tower facilities into
296 the natural setting and built environment.

297

298 (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical
299 and mechanical equipment must be of a neutral color that is identical to, or closely compatible
300 with, the color of the supporting structure so as to make the antenna and related equipment as
301 visually unobtrusive as possible.

302

303 (d) Towers shall not be artificially lighted, unless required by the FAA or other applicable
304 authority. If lighting is required, the appropriate governing authority may review the available
305 lighting alternatives and approve the design that would cause the least disturbance to the
306 surrounding views.

307

308 (3) Landscaping.

309

310 (a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the
311 view of the tower compound from adjacent residential property. The standard buffer shall consist
312 of a landscaped strip which incorporates such measures as to adequately protect adjacent
313 properties, i.e., berming, shrub and tree plantings or a combination of these measures, at least six
314 feet wide outside the perimeter of the compound shall be provided. A site plan approval from the
315 Director of Planning and Development is required before a building permit may be issued.

316

317 (b) In locations where the visual impact of the tower would be minimal, the landscaping
318 requirement may be reduced or waived altogether.

319

320 (c) Existing mature tree growth and natural land forms on the site shall be preserved to the
321 maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural
322 growth around the property perimeter may be sufficient buffer.

323
324 (4) Security fencing.

325
326 (a) Towers and equipment shall be enclosed by security fencing not less than six feet in height,
327 with appropriate anticleimbing devices.

328
329 (b) Towers and fencing shall also be equipped with the appropriate measures to ensure security of
330 the equipment and tower.

331
332 I. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a
333 continuous period of 12 months shall be considered abandoned, and the owner of such antenna or
334 tower shall remove same within 90 days of receipt of notice from the Building Official notifying
335 the owner of such abandonment. The applicant/owner shall post an acceptable form of "Financial
336 Security" as authorized and defined in the Town of Coventry Code of Ordinances, Part II General
337 Legislation, Chapter 123 a-bond which shall be reevaluated every two years, to cover the cost of
338 removal. If such antenna or tower is not removed within said 90 days, the Town may remove such
339 antenna or tower at the owner's expense. If there are two or more users of a single tower, then this
340 provision shall not become effective until all users cease using the tower.

341
342 **Section 2.** This ordinance shall take effect upon its passage and final adoption.

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366 Approved as to Form:

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369 _____
Town Solicitor Date

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373 Introduced by/Pursuant to: Council 

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375 Referred to/for: First Reading of the Ordinance on _____, 2026

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377 Planning Commission for recommendation on _____, 2026

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379 Public Hearing before the Town Council on _____, 2026

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382 Passed or Denied on a vote of _____

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385 _____
John-Paul A. Verducci – Town Council President

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388 Approved:

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391 _____
Daniel O. Parrillo – Town Manager

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394 Certification Actions by Town Clerk:

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1 THE TOWN OF COVENTRY
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4 **ORDINANCE OF THE TOWN COUNCIL**

5
6 **IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES,**
7 **2008 PART II – GENERAL LEGISLATION,**
8 **CHAPTER 255, ARTICLE X – Earth Removal/Sand and Gravel Extraction**
9

10 **Ordinance No. 2026-12**

11
12 *The Town Council of the Town of Coventry hereby ordains as follows:*

13
14 **Section 1.** The Town of Coventry Code of Ordinance, Part II General Legislation is hereby
15 amended by amending the following Chapter and Sections of Article X:

16
17 **Article X, Chapter 255 — Zoning (Earth Removal/Sand and Gravel Extraction)**

18
19 **§ 255-1020 Permit application.**

20
21 A. Before a landowner or operator may extract earth, sand or gravel or other materials from his/her
22 property for commercial purposes, a special use permit must be applied for and obtained from the
23 Zoning Board of Review. Owners of a similar existing facility must apply for a permit pursuant to
24 this article within six months of the effective date of this article, to the extent any use of the land
25 or operations thereon are not legal nonconforming as provided in Article VIII.
26

27 (1) The application for the special use permit must include 11 copies of an application, a site plan,
28 and an informational report, to provide the Zoning Board of Review with a sufficient basis for
29 reaching a determination on the application. Additional copies of the application packet shall be
30 submitted to the Planning Commission, the Director of the Planning and Development
31 Department, and the Town Engineer.
32

33 B. The site plan submitted as part of the application must show the following information, and be
34 supported by sufficient explanatory narrative where necessary:

35
36 (1) The extent of the area to be excavated on the site and how it will be phased pursuant to § 255-
37 1030I.
38

39 (2) Contours shown at no greater than two-foot intervals.
40

41 (3) Access and egress to roads outside the site, for both employee and material transport.
42

43 (4) Location, identification, and dimensions of all property lines, 200 feet in all directions
44 therefrom, and public and private easements.
45

- 46 (5) Location of all structures on the property.
47
- 48 (6) Location and description of the floodplain, surface water bodies, groundwater resources,
49 wetlands, and other environmentally sensitive resources.
50
- 51 (7) Direction of groundwater flow, rate of groundwater flow and maximum high groundwater
52 elevation.
53
- 54 (8) Significant natural features such as large trees, vegetative groupings, and rock outcroppings.
55
- 56 (9) Complete adjacent land use information including the names of the record owners of all
57 abutting properties, a description of all land uses, identification of water resources on adjacent
58 properties, and information regarding private wells on adjacent properties, if applicable.
59
- 60 (10) Existing elevations of the property to be excavated and the estimated excavation depth.
61
- 62 (11) Existing and proposed excavation areas shown by operational phases, sequence, thicknesses
63 of overburden, and estimated seasonal high and low water table elevations.
64
- 65 (12) Typical cross sections showing information requested in Subsection B(11) above and
66 maximum slopes and restoration cover thicknesses.
67
- 68 (13) Processing, equipment, and storage areas.
69
- 70 (14) Proposed fencing, gates, parking, and signs.
71
- 72 (15) Areas to be used for the storage of topsoil and other overburdened material including volume
73 calculations and method of stabilization.
74
- 75 (16) Locations of test borings and monitoring wells.
76
- 77 (17) Location of roads to be used for transportation of extracted materials.
78
- 79 (18) Erosion controls.
80
- 81 (19) Location of any proposed burial areas for stumps, boulders, etc.
82
- 83 C. The informational report to be submitted as part of the application shall provide a description
84 of the following aspects of the facility operations:
85
- 86 (1) The approximate date of operational commencement and the anticipated duration of the
87 operation.
88
- 89 (2) Proposed daily operational times.
90
- 91 (3) Estimated type and volume of the excavation.

- 92 (4) The nature of the material to be extracted for commercial purposes.
93
- 94 (5) Methods to be utilized for extracting and processing the material.
95
- 96 (6) The equipment to be used on site and number of vehicle trips per day during hauling.
97
- 98 (7) Measures to be utilized for mitigating potential noise, dust, soil erosion, air pollution, and water
99 pollution emanating from the site.
- 100
- 101 (8) Methods to be utilized for dewatering or discharge in impounding areas.
102
- 103 (9) Method to be used for disposal of toxic substances or wastes, if present or generated on the
104 site.
- 105
- 106 (10) A definitive restoration plan outlining measures to be used to restore the site once material
107 extraction operations have ceased. While this description does not represent the comprehensive
108 restoration plan which is required to be submitted to the Zoning Board of Review for review prior
109 to operational shut-down in accordance with § 255-1050 below, it must be consistent with the
110 standards set forth therein. The submission of this plan shall become the basis for posting of an
111 acceptable form of “Financial Security” as authorized and defined in the Town of Coventry Code
112 of Ordinances, Part II General Legislation, Chapter 123. ~~the performance bond pursuant to § 255-~~
113 ~~1050.~~
- 114
- 115 (11) Statement indicating whether the applicant has submitted applications for or secured any other
116 required local, state, or federal permits.
- 117
- 118 D. A filing fee for a special use permit application of \$500 shall be paid to the Town with the
119 submission of the application.
- 120
- 121 E. The Director of the Planning and Development Department shall determine within 30 days
122 whether to deem the application complete. If the application is found to be incomplete, the
123 applicant shall be required to submit the necessary information.
- 124
- 125 F. Within 30 days after receipt of a complete application, the Planning Commission shall conduct
126 a public hearing on the proposal. At the public hearing, the Town Engineer and the Director of
127 Planning and Development shall be present to submit information and/or answer questions by the
128 Planning Commission. The Planning Commission shall submit an advisory opinion to the Zoning
129 Board of Review. The Zoning Board of Review shall conduct a public hearing on the application.
130 Prior to the Zoning Board of Review public hearing, a notification shall be sent to all property
131 owners within 1,200 feet of the property boundaries of the operations.
- 132
- 133 G. Within 30 days of the close of the public hearing, the Zoning Board of Review shall render its
134 decision on the application. It may choose to approve the project, approve it subject to conditions,
135 or deny it.
- 136

137 H. In addition to the requirements set forth in this article for controlling those activities involving
138 the removal or mining of each, sand, and gravel for commercial purposes, the Zoning Board of
139 Review shall make a determination that the applicant is in compliance with the requirements of a
140 special use permit as set forth in Article IV, § 255-430.

141
142 **§ 255-1060 (Security/performance bond).**
143

144 A. The acceptable forms of “Financial Security” are authorized and defined in the Town of
145 Coventry Code of Ordinances, Part II General Legislation, Chapter 123. ~~A performance bond, of~~
146 ~~credit or other form of surety~~ Such Financial Security shall be posted in an amount to be
147 determined by the Town Engineer to ensure proper operation of the facility and that the restoration
148 requirements are adequately met. After evidence of nonconformance or nonperformance of the
149 applicant, the Director of the Planning and Development Department or his or her designee shall
150 recommend to the Zoning Board of Review that the Financial Security bond be defaulted, and
151 measures taken to accomplish necessary work in fulfillment of the intent of the regulations. Upon
152 satisfactory completion of the restoration plan and compliance with the regulations in §§ 255-
153 1030, 255-1040, and 255-1050 as certified by the Director of the Planning and Development
154 Department or his or her designee, the Zoning Board of Review shall issue a written certification
155 that the above requirements have been met. The Financial Security ~~performance bond, letter of~~
156 ~~credit or other surety~~ shall be released to the landowner upon receipt of the written certification
157 from the Town Council.

158
159 B. If all requirements of these regulations have been met by the applicant, the Zoning Board of
160 Review shall recommend release by the Town Council of the Financial Security ~~all surety bonds~~
161 ~~and other funds~~ held in warranty of completion of the project. The Town Council shall thereupon
162 approve, reject, or modify the Zoning Board's recommendation.

163
164 **Section 2.** This ordinance shall take effect upon its passage and final adoption.
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183 Approved as to Form:

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186 _____
Town Solicitor Date

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190 Introduced by/Pursuant to: Council 

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193

194 Planning Commission for recommendation on _____, 2026

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196 Public Hearing before the Town Council on _____, 2026

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199 Passed or Denied on a vote of _____

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202 _____
John-Paul A. Verducci – Town Council President

203

204

205 Approved:

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208 _____
Daniel O. Parrillo – Town Manager

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211 Certification Actions by Town Clerk:

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1 THE TOWN OF COVENTRY
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4 **ORDINANCE OF THE TOWN COUNCIL**

5
6 IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES,
7 2008 PART II – GENERAL LEGISLATION,
8 CHAPTER 255, ARTICLE XIII – Residential Cluster Development
9

10 **Ordinance No. 2026-13**

11
12 *The Town Council of the Town of Coventry hereby ordains as follows:*

13
14 **Section 1.** The Town of Coventry Code of Ordinance, Part II General Legislation is hereby
15 amended by amending the following Chapter and Sections of Article XIII:

16
17 **Article XIII, Chapter 255 — Zoning (Residential Cluster Development)**

18
19 **§ 255-1340 General requirements.**

20
21 A. Cluster developments are permitted only in residential districts. The Commission shall not
22 approve a cluster development in an established single-family neighborhood where in their
23 determination, such land use will be inconsistent with or will have a detrimental effect upon the
24 surrounding property. If the Commission denies a cluster development based on this section,
25 they shall identify this as the reason for denial.
26

27 B. The minimum frontage of the parcel for development proposals shall be at least 75 feet per
28 ingress and egress in all residential districts. Said frontage shall be landscaped in accordance
29 with Article XVII. Additional frontage may be required if more than one access road is deemed
30 necessary by the Commission.
31

32 C. Each lot shall have adequate access on a public or private way.
33

34 D. Each lot shall be of a size and shape to provide a building site which shall be in harmony with
35 the natural terrain and other features of the land.
36

37 E. There shall be an adequate, safe, and convenient arrangement of pedestrian circulation,
38 facilities, roadways, driving, and parking.
39

40 F. Streets, driveways and other paved areas intended to remain in private ownership shall be
41 approved as to design and construction standards by the Commission. At the discretion of the
42 Commission, private roads serving cluster developments may be owned in common by the
43 homeowners and maintained as private rights-of-way, provided that such roads at the time of
44 approval are bonded to guarantee all construction standards as required for public improvements.
45

46 G. A written agreement or contract to be executed between the developer and the Town of
47 Coventry shall be submitted at the final stage of the review process stating:
48

49 (1) That the owner or developer will construct the development and install improvements both
50 public and private in accordance with the approved plan. An acceptable form of “Financial
51 Security” as authorized and defined in the Town of Coventry Code of Ordinances, Part II
52 General Legislation, Chapter 123 ~~performance bond~~ shall be posted to guarantee completion in
53 an amount to be set by the Commission.
54

55 (2) That in the event of failure of the owners, successors, or assigns to maintain any common
56 open space, recreation areas, landscaping features or other required improvements, the Town
57 may enter said development and perform such necessary maintenance work and charge the cost,
58 including attorney fees, to the owner, successor, or assigns.
59

60 (3) That this contract shall be binding upon the heirs, assigns, successors or receivers of the
61 development and shall constitute a lien on the property in the development.
62

63 (4) Any other conditions required by the Commission.
64

65 H. A site plan shall be recorded after the RCD is approved.
66

67 **§ 255-1380 Approval required before improvements.**
68

69 No street and no public water supply or other improvement shall be constructed and no building
70 permit shall be issued for the construction of any building within any cluster development unless
71 a plat of such development has been approved by the Commission and all infrastructure
72 improvements have been completed, or an acceptable form of “Financial Security” as authorized
73 and defined in the Town of Coventry Code of Ordinances, Part II General Legislation, Chapter
74 123 ~~security/performance bond~~ has been posted pursuant to § 255-13100, prior to recording the
75 plat in the office of the Town Clerk.
76

77 **§ 255-13100 (Security/performance bond).**
78

79 The acceptable forms of “Financial Security” are authorized and defined in the Town of Coventry
80 Code of Ordinances, Part II General Legislation, Chapter 123. ~~A performance bond, letter of credit~~
81 ~~or other form of surety~~ Such Financial Security shall be posted in an amount to be determined by
82 the Commission to ensure proper development of the project in accordance with this article. After
83 evidence of the nonconformance or nonperformance of the applicant, the Commission will
84 recommend that the Financial Security ~~bond~~ be defaulted and measures taken to accomplish
85 necessary work in fulfillment of the intent of the regulations. Upon satisfactory completion of the
86 project, the Commission shall issue a written certification that the above requirements have been
87 met. The Financial Security ~~performance bond letter of credit or other surety~~ shall be released to
88 the landowner upon receipt of the written certification from the Commission.
89

90 **Section 2.** This ordinance shall take effect upon its passage and final adoption.
91

92 Approved as to Form:

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95 _____

Town Solicitor

Date

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99 Introduced by/Pursuant to: Council 

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101 Referred to/for: First Reading of the Ordinance on _____, 2026

102

103 Planning Commission for recommendation on _____, 2026

104

105 Public Hearing before the Town Council on _____, 2026

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108 Passed or Denied on a vote of _____

109

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111 _____
John-Paul A. Verducci – Town Council President

112

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114 Approved:

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117 _____
Daniel O. Parrillo – Town Manager

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120 Certification Actions by Town Clerk:

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1 THE TOWN OF COVENTRY
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4 **ORDINANCE OF THE TOWN COUNCIL**

5
6 IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES,
7 2008 PART II – GENERAL LEGISLATION,
8 CHAPTER 255, ARTICLE XVII – Landscaping
9

10 **Ordinance No. 2026-14**

11
12 *The Town Council of the Town of Coventry hereby ordains as follows:*

13
14 **Section 1.** The Town of Coventry Code of Ordinance, Part II General Legislation is hereby
15 amended by amending the following Chapter and Sections of Article XVII:

16
17 **Article XVII, Chapter 255 — Zoning (Landscaping)**

18
19 **§ 255-1760 Maintenance of landscaped buffers.**

20
21 A. To ensure the implementation and long-term maintenance of landscaping plans and
22 requirements, the Commission may require one or more of the following:

23
24 (1) A two-year guarantee on all new plant material. If any required tree or shrub dies within this
25 period of time, it shall be replaced.

26
27 (2) Require the developer to post an acceptable form of “Financial Security” as authorized and
28 defined in the Town of Coventry Code of Ordinances, Part II General Legislation, Chapter 123 a
29 ~~performance or maintenance bond~~ conditioned upon satisfactory implementation of the landscape
30 plan.

31
32 B. Failure to comply with this article may result in enforcement and penalties pursuant to Article
33 III.

34
35 **Section 2.** This ordinance shall take effect upon its passage and final adoption.
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46 Approved as to Form:

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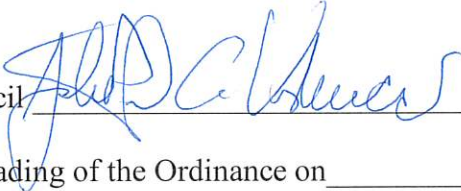
Town Solicitor

Date

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53 Introduced by/Pursuant to: Council 

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Referred to/for: First Reading of the Ordinance on _____, 2026

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Planning Commission for recommendation on _____, 2026

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Public Hearing before the Town Council on _____, 2026

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62 Passed or Denied on a vote of _____

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John-Paul A. Verducci – Town Council President

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68 Approved:

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Daniel O. Parrillo – Town Manager

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74 Certification Actions by Town Clerk:

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4 **ORDINANCE OF THE TOWN COUNCIL**

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6 IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES,
7 2008 PART II – GENERAL LEGISLATION,
8 CHAPTER 255, ARTICLE XX – Wind Energy Facilities
9

10 **Ordinance No. 2026-15**

11
12 *The Town Council of the Town of Coventry hereby ordains as follows:*

13
14 **Section 1.** The Town of Coventry Code of Ordinance, Part II General Legislation is hereby
15 amended by amending the following Chapter and Sections of Article XX:

16
17 **Article XX, Chapter 255 — Zoning (Special Regulations for Wind Energy Facilities)**

18
19 **§ 255-2080 Decommissioning and abandonment.**

20
21 A. Prior to the issuance of a permit under this article, the applicant shall deposit, in an acceptable
22 form of “Financial Security” as authorized and defined in the Town of Coventry Code of
23 Ordinances, Part II General Legislation, Chapter 123 ~~the form of cash or a cash bond~~, with the
24 municipality the full estimated cost of dismantling and removal of the wind energy facility,
25 including the cost necessary to return the property to its pre-siting condition, which the
26 municipality shall place in an escrow account. A wind energy facility that is not generating
27 electricity for 12 consecutive months shall be deemed discontinued. In the event the facility has
28 not generated electricity for a period of 12 months, the zoning official shall notify the owner or
29 operator of the turbine that the turbine has been deemed abandoned. The owner/operator may
30 then file an appeal of the zoning officer's decision to the Zoning Board and/or may request an
31 extension of the period within which the facility must be dismantled. The filing of said appeal
32 shall serve as a stay of the requirement to dismantle. The facility shall be removed from the
33 property by the applicant/owner within 120 days of receipt of notice from the Zoning Official
34 unless an appeal has been filed. If, however, the wind energy facility is not removed within this
35 time period, the municipality may remove the turbine at the applicant's expense, using the
36 Financial Security ~~escrowed funds~~. These funds shall be used to pay all site reclamation costs
37 deemed necessary and reasonable to return the site to its preconstruction condition, including the
38 removal of roads and reestablishment of vegetation. If funds remain after the necessary
39 expenditures, the municipality shall reimburse the applicant.

40
41 B. The amount of said decommissioning fund shall be calculated by an independent firm selected
42 by the Town. The cost of this calculation shall be borne by the applicant. In the calculation of the
43 decommissioning costs, a deduction of the overall cost shall not be reduced as a result of
44 anticipated scrap metal recovery due to the volatility of the market.
45

46 **§ 255-20120 Improvement guarantees.**

47

48 A. Definition and purpose.

49

50 (1) An "improvement guarantee" is a security instrument accepted by the Town to ensure all
51 improvements, facilities, or work required by this article or as a condition of approval of a wind
52 facility will be completed in compliance with the approved plans and specifications.

53

54 (2) Improvement guarantees shall be provided to ensure the proper installation and maintenance
55 of required street, utility and other physical improvements and maintenance of other physical
56 improvements and to ensure compliance with other nonstructural conditions of approval (if any).
57 The nature and duration of the guarantee shall be structured to achieve this goal without adding
58 unnecessary costs to the developer.

59

60 B. General procedures.

61

62 (1) Before final plan approval of any wind facility, the developer must secure the agreement of the
63 Zoning Board to approve agreements for the completion of all required improvements. Such
64 agreements may take the form of cash or bond.

65

66 (2) At the preliminary plan review stage, the developer shall submit a letter requesting that security
67 sufficient to cover the cost of required improvements be established by the Board.

68

69 (3) If improvements are to be guaranteed, the provisions of this section shall apply.

70

71 C. Procedures for financial guarantees.

72

73 (1) Amount.

74

75 (a) Improvement guarantees shall be in an amount and with all necessary conditions to secure for
76 the Town the actual construction and complete installation of all of the required improvements,
77 and the satisfactory completion of all conditions of final approval within the time periods required
78 for completion provided therein.

79

80 (b) The amount shall be based upon actual cost estimates which would be required for the Town
81 to complete all improvements required as a condition of final approval. These estimates shall be
82 initially prepared by the Municipal Engineer and/or the Director of Public Works and submitted
83 to the Administrative Officer, who shall review the estimates, if requested, with the developer. If
84 the developer disagrees with the estimated amount, he/she shall have the opportunity to submit a
85 revised estimate along with supporting justification for the revisions.

86

87 (c) The Technical Review Committee shall review the Municipal Engineer's and the Director of
88 Public Works' cost amount of the improvement guarantee, or the developer's revision, and make a
89 recommendation to the Zoning Board, which shall review and set the final amount.

90

91 (d) The Zoning Board may set the guarantee in a reasonable amount in excess of the estimated
92 costs in order to anticipate for increases in economic or construction conditions. However, the
93 amount of such increase shall not exceed 120% of the estimated costs of improvements as
94 recommended by the Technical Review Committee or as recommended by the Municipal Engineer
95 and Director of Public Works.

96
97 (e) At the expiration of the approval period, if all required improvements are not complete, the
98 Zoning Board shall review the status of improvements and may implement one of the following
99 actions:

100
101 [1] Require the developer to extend the duration of the entire improvement guarantee;

102
103 [2] Reduce the amount of the improvement guarantee to cover the estimated costs of remaining
104 improvements; or

105
106 [3] Authorize the Administrative Officer to take the steps necessary to ensure completion of the
107 remaining work by using the improvement guarantee funds.

108
109 (f) If at any time during the guarantee period the procedures, implementation measures, methods,
110 materials, and/or schedules of construction are determined by the Zoning Board not to be in
111 compliance with the approved plans, the Board may, after proper notification to the developer,
112 authorize the use of improvement guarantee funds to insure proper compliance.

113
114 (2) Form and amount of guarantee. The developer shall submit to the Zoning Board an
115 improvement guarantee in an acceptable form of "Financial Security" as authorized and defined
116 in the Town of Coventry Code of Ordinances, Part II General Legislation, Chapter 123. ~~the form~~
117 ~~required by the Zoning Board and based upon the recommendation of the Town Manager. Said~~
118 ~~guarantee shall be payable to the Town of Coventry.~~

119
120 (3) Conditions.

121
122 (a) Establishment of reliability. The Town Manager shall establish the reliability of the person,
123 persons, or company furnishing the required improvement guarantee to the developer.

124
125 (b) Binding agreement. Acceptance of the required improvement guarantee by the Zoning Board,
126 certification by the Town Treasurer of the receipt of such guarantee(s), and the recording of such
127 action in the minutes of the Zoning Board meeting shall constitute a binding agreement between
128 the principal, surety, and the Town of Coventry.

129
130 (4) Duration and release of guarantee.

131
132 (a) Term of duration of the required improvement guarantee shall begin with the date of acceptance
133 of such instrument of guarantee by the Zoning Board.

134
135 (b) Expiration. The required improvement guarantee shall be condition on the faithful completion
136 of construction and installation of required improvements to the land within a period of one year.

137 Said guarantee shall have a minimum expiration date of one year after completion of said
138 improvements as certified by the Municipal Engineer in coordination with the Director of Public
139 Works and shall contain the provision that same may be released to the developer only upon the
140 due authorization of the Coventry Town Council.

141
142 (c) Release of guarantee. At the end of the one-year period, the developer may apply to the Town
143 Council at a regularly scheduled meeting for the release of the improvement guarantee. This
144 application shall be accompanied by certificates from the Director of Public Works, Municipal
145 Engineer, the Town Surveyor, and the Zoning Board that all required improvements have been
146 installed, constructed, and completed within the specified time limit and in accordance with the
147 specifications contained in these regulations.

148
149 (d) Approval of release. Certificates for release of the improvement guarantee shall be promptly
150 executed by the Town Council upon receipt of the prescribed certificates of completion of required
151 improvements from the Director of Public Works, Municipal Engineer, the Town Surveyor, and
152 the Zoning Board.

153
154 (5) Extension of time. If, due to circumstances beyond the control of the developer, the
155 construction or required improvements to the land cannot be completed in the prescribed time, the
156 Zoning Board may grant a one-time extension for a period not to exceed 90 days. During such
157 time extension, the guarantees shall remain in full force.

158
159 (6) Default.

160
161 (a) Conditions of default.

162
163 [1] The Town of Coventry shall hold the developer and surety in default of guarantee should the
164 developer:

165 [a] Fail to meet all specifications for construction of required improvements to the land.

166
167 [b] Fail to properly notify the Director of Public Works and the Municipal Engineer of the
168 beginning and completion of all phases of construction of required improvements to the land.

169
170 [c] Fail to protect existing improvements and/or properly repair such improvements should damage
171 occur during construction of the development.

172
173 [d] Fail to clean debris from the site and adjacent areas upon completion of construction within the
174 development.

175
176 [e] Fail to complete required improvements to the land within the time prescribed.

177
178 [f] Fail to correct improvement deficiencies evident within one year of the completion of said
179 improvement.

180
181 [g] Fail to correct improvement deficiencies evident within one year of the completion of said
182 improvement.

183
184 [2] Within the time periods of the improvement guarantee, the Zoning Board shall make any and
185 all tests and inspections necessary to determine if any conditions of default exist. The Board shall
186 require the developer to pay any inspection fee.

187
188 (b) Certification of default.

189
190 [1] Should any of the conditions cited above occur, the Municipal Engineer and agents retained by
191 the Zoning Board shall certify in writing to the Zoning Board that the developer has not complied
192 with the requirements of these regulations, the Municipal Engineer shall further certify the extent
193 of noncompliance and the conditions thereof.

194
195 [2] The Zoning Board shall submit in writing to the Town Council its concurrence with or
196 disapproval of the determination of the Municipal Engineer.

197
198 (c) Execution of guarantee. The Town Council shall, under the provision to Title 45, Chapter 23-
199 46-11 of the General Laws of Rhode Island (1956 as amended), execute only that portion of the
200 guarantee which shall be necessary to correct the deficiency for which the developer and surety
201 are held in default.

202
203 (d) Payment of surety. Upon notification to the surety by the Town Council that the developer has
204 been held in default of guarantee, the surety shall promptly pay to the Town of Coventry that
205 portion of the guarantee which shall be necessary to correct the deficiency for which the developer
206 and surety are held in default.

207
208 (7) Partial releases. Partial releases or reductions in the guarantee amount may also be authorized
209 at any time prior to the expiration of final approval. A written request for release or reduction of
210 any improvement guarantees shall be made to the Town Council, which shall act thereon upon
211 receipt of a recommendation from the Zoning Board.

212
213 **Section 2.** This ordinance shall take effect upon its passage and final adoption.

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229 Approved as to Form:

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John-Paul A. Verducci – Town Council President

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Daniel O. Parrillo – Town Manager

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257 Certification Actions by Town Clerk:

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THE TOWN OF COVENTRY

ORDINANCE OF THE TOWN COUNCIL

IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES,
2008 PART II – GENERAL LEGISLATION,
CHAPTER 255, ARTICLE XXI – Special Regulations – Solar Power Generators

Ordinance No. 2026-16

The Town Council of the Town of Coventry hereby ordains as follows:

Section 1. The Town of Coventry Code of Ordinance, Part II General Legislation is hereby amended by amending the following Chapter and Sections of Article XXI:

Article XXI, Chapter 255 — Zoning (Special Regulations – Solar Power Generators)

§ 255-2140 Ground-mounted solar installations.

A. Minor solar installations. Minor solar installations are permitted in all zones as an accessory use. Minor solar installations shall comply with all dimensional requirements for accessory structures as required by Article IX of this chapter.

B. Medium and major solar installations.

(1) All medium and major solar installation require the issuance of a use variance pursuant to Article IV of this chapter.

(2) Medium solar installations covering more than 20,000 square feet of area shall require minor land development approval from the Planning Commission pursuant to Coventry's Subdivision and Land Development Regulations.

(3) Unless otherwise specified by this article, medium solar installations shall meet all applicable zone requirements for accessory structures, including but not limited to lighting, and signage.

C. Major solar installations.

(1) All major solar installations require the issuance of a use variance pursuant to Article IV of this chapter and major land development approval from the Planning Commission pursuant to Article V of the Coventry Subdivision and Land Development Regulations.

D. General design standards for all ground-mounted solar installations.

45 (1) Ground-mounted solar installations shall not exceed 12 feet in height as measured from the
46 original grade of the ground surface to the highest point of the solar installation, including the top
47 of any support structure or panel. The Planning Commission may allow heights exceeding 12 feet
48 in nonresidential zones for solar parking lot canopies.

49
50 (2) No removal of topsoil or unnecessary grading/disturbance of the ground is permitted as part of
51 the installation or maintenance of a ground-mounted solar installation. Any topsoil that must be
52 moved shall be stored and stabilized on-site for future use.

53
54 (3) To the maximum extent practicable, all ground-mounted solar installations shall be located so
55 as to take advantage of existing cleared land. Clearing of forest or woodland shall be avoided to
56 the greatest extent practicable.

57
58 (4) To the maximum extent practicable, all cleared areas below and surrounding a ground-mounted
59 solar installation shall be maintained in a vegetated state to stabilize soils and prevent erosion.

60
61 (5) To the maximum extent practicable, all electrical connection and distribution lines shall be
62 located entirely within the structure of the solar installation, underground, or within the structure
63 to which the installation is supplying energy. Electrical equipment between the installation and the
64 utility connection may be above-ground if required by the utility.

65
66 E. Supplemental design standards and requirements for major and medium solar installations.

67
68 (1) Whenever development plan review is required for a major or medium solar installation, the
69 application shall include:

70
71 (a) The proposed site layout detailing any landscape changes, including but not limited to any
72 clearing of trees or forest that has occurred during the 24 months prior to application;

73
74 (b) A diagram of all electrical components;

75
76 (c) A description of the major system components to be used;

77
78 (d) An operation and maintenance plan including measures for maintaining safe access to the
79 installation, stormwater controls, as well as general procedures for operational maintenance of the
80 installation;

81
82 (e) A decommissioning plan in conformance with this chapter, including an acceptable form of
83 “Financial Security” as authorized and defined in the Town of Coventry Code of Ordinances, Part
84 II General Legislation, Chapter 123 as proof of financial surety for the removal of the solar
85 installation;

86
87 (f) Proof that the appropriate utility company authority has been notified of the applicant's intent
88 to construct a solar distributed generation facility and to submit an interconnection application
89 (required with initial submission at pre-application or master plan phase);

90

- 91 (g) Proof of utility interconnection approval (required not later than preliminary plan phase);
92
93 (h) Any memorandum of lease, easement, or utility/distribution agreements;
94
95 (i) Proof of liability insurance;
96
97 (j) The contact information for the project contractors;
98
99 (k) A shading analysis;
100
101 (l) A viewscape analysis demonstrating that the reasonable steps have been taken in the siting of
102 the proposed solar installation to reduce negative impacts on rural and forested viewscales;
103
104 (m) A landscape plan (where required); and,
105
106 (n) Additional documents may be required by the Planning Commission. The Planning
107 Commission may waive requirements of the land development review process upon written
108 request of the applicant at pre-application.
109
110 (2) Setbacks and coverage. All medium and major solar installations shall maintain the property
111 line setbacks for nurseries or greenhouses as set forth in dimensional regulations (Code § 255-610
112 of this chapter). Maximum lot coverage shall be 15%.
113
114 (3) Buffers. All medium and major solar installations shall maintain a vegetated buffer between
115 the installation and all property boundaries to screen the solar installation from view from abutting
116 properties and roads. Buffers may be incorporated into the required setback area.
117
118 (a) Medium solar installations in residential zones shall maintain a vegetated buffer of not less than
119 20 feet.
120
121 (b) Major solar installations in residential zones shall maintain a vegetated buffer of not less than
122 40 feet. A buffer plan prepared by a registered landscape architect and incorporating native species
123 from the Rhode Island Native Plant Database shall be submitted as part of the project's application
124 for major land development.
125
126 (c) All access roads through the buffer shall be angled or curved to obstruct views of the solar
127 installation.
128
129 (d) Existing vegetation shall be supplemented with additional native species where necessary to
130 ensure that the buffer adequately screens the solar installation from view beyond the property
131 boundaries on a year-round basis.
132
133 (e) Medium and major solar installations in industrial, commercial and business zones may request
134 permission from the Zoning Board of Review or, in the case of a Unified Development Review,
135 the Planning Commission to use a reduced ten-foot hybrid buffer that combines a vegetated buffer

136 with solid or slatted security fencing to both secure and obscure view of the panels. The ten-foot
137 hybrid buffer shall be extended to 20 feet where the solar installation abuts a residential zone.

138
139 (4) Security. A fence shall surround the perimeter of a major or medium ground-mounted solar
140 installation of no less than seven and no more than 10 feet in height.

141
142 (5) Emergency services. The owner or operator shall provide a copy of the project summary,
143 electrical schematic and site plan to the local fire chief. Upon request, the owner or operator shall
144 cooperate with the local emergency services in developing an emergency response plan. Upon
145 request, the owner or operator shall cooperate with the local emergency services to conduct basic
146 on-site safety and operational training. The owner or operator shall identify a responsible person
147 for public inquiries throughout the life of the solar installation.

148
149 (6) Signage. No signs are allowed on the security perimeter fencing except for a sign displaying
150 the installation name, address and emergency contact information, and trespassing/warning/danger
151 signs to ensure the safety of individuals who may come in contact with the installation. No sign
152 shall exceed four square feet in area. Externally lit signs must be orientated such that the light is
153 directed away from any adjacent properties and traffic arteries.

154
155 (7) Lighting. Lighting of solar installations shall be consistent with local, state and federal law and
156 shall be limited to that required for safety and operational purposes. Light fixtures shall either be
157 approved by the International Dark-Sky Association (IDA) or meet the criteria for such approval
158 and shall be both fully shielded and full cut-off. All lighting fixtures shall be shielded so as to
159 prevent light from being directed onto neighboring properties.

160
161 (8) Removal of solar installations. The property owner and the owner/operators of the solar
162 installation shall be jointly and severally responsible for removing all obsolete, abandoned or
163 unused equipment within 12 months after a solar installation has ceased operations. Removal shall
164 include:

165
166 (a) Physical removal of all systems, structures, equipment, wiring and security from the site both
167 above and below ground.

168
169 (b) All removed components shall be recycled whenever feasible.

170
171 (c) Disposal of all solid and hazardous waste in accordance with local, state and federal waste
172 disposal regulations; and

173
174 (d) Stabilization or revegetation of the site as necessary to minimize erosion. The Town may allow
175 the owner or operator to leave landscaping or designated below grade foundations in order to
176 minimize erosion and disruption to vegetation.

177
178 (9) Decommissioning. Unless otherwise approved in writing by the Planning Commission, all
179 major and medium solar installations shall be removed in accordance with their approved
180 decommissioning plan. Prior to beginning decommissioning operations, the owner or operator
181 shall notify the Building Official by USPS certified mail of the proposed dates for discontinuing

182 operation of the installation and commencing removal activities, and the anticipated date for
183 completing the decommissioning.

184
185 (10) Abandonment. Absent prior written approval from the Planning Commission extending the
186 time for removal of a solar installation for extenuating circumstances, a solar installation shall be
187 considered abandoned when it has been nonoperational for more than one year. If an owner or
188 operator fails to remove a solar installation within 150 days of abandonment, the Town may take
189 unilateral action to remove the solar installation without further notice at the owner's or operator's
190 expense.

191
192 (11) Financial security. Applicants shall provide an acceptable form of "Financial Security" as
193 authorized and defined in the Town of Coventry Code of Ordinances, Part II General Legislation,
194 Chapter 123 ~~a form of surety, either through escrow account, bond or otherwise,~~ to cover the cost
195 of removal in the event the Town must remove the installation and restore the landscape. The
196 amount and form of said Financial Security ~~surety~~ shall be determined by the Planning
197 Commission with review and input by the Town Engineer, Town Finance Director and Town
198 Solicitor and such other Town officials as deemed necessary. As part of any lease agreements, the
199 applicant shall submit a fully inclusive estimate of the costs associated with removal. The Financial
200 Security ~~surety~~ amount established by the Planning Commission shall include a mechanism for
201 calculating increased removal costs due to inflation and any expected salvage or resale value. Such
202 surety will not be required for municipally or state-owned installations.

203
204 (12) Modifications. All material modifications to a solar installation made after issuance of the
205 required building permit shall require approval by the Planning Department. Any addition to the
206 size of the area will require a new application.

207
208 **Section 2.** This ordinance shall take effect upon its passage and final adoption.

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