

PLANNING DEPARTMENT

MEMORANDUM

TO: Town Solicitor's Office

FROM: Doug McLean, Director of Planning and Development

DATE: January 24, 2024

SUBJECT: Comparison of Notice Requirements

This memo provides a brief overview of notice requirements for zoning applications for variances and special use permits in several different municipalities across the state. The purpose of this comparison is to show any variations in notice requirements and to provide context to the existing notice requirements in the Coventry Zoning Ordinance for the same types of applications.

The Coventry Zoning Ordinance contains the following notice requirements for Special Use Permits under Section 255-420:

Notice Radius Measured from Property Boundary (feet)	Zone
200	R-20
500	VRC, VMC, GB, BP, I1, I2
1,000	RR-2, RR-3
2,000	RR-5

The current approach is to assign the notice distance by zoning district. The notice distance should be related to who is directly impacted by the development proposal. A very large lot will provide additional buffering between the use and abutters, while a very small lot will provide significantly less buffer due to the smaller land area dedicated to the proposed use, resulting in more abutters being proximate to the subject use. Increasing the notice area by zoning district and making it very large for areas of town with larger lot sizes does not correlate to notifying potentially impacted individuals. Impact, in this case, is mitigated by noticing those in close proximity.

Notice requirements should generally not be a function of the zoning district because wide variations in lot sizes will create an imbalanced notification method whereby those in zones that require larger lots that are

relatively unimpacted by the proposed use will receive direct notification and those in zones that require smaller lot sizes that are potentially impacted will not receive any direct notification.

In a review of zoning ordinances across the state, we have found the most common method of notification is to set a standard distance (typically 200 feet) and allow that to apply universally. There are some circumstances where a specific type of use or development pattern requires a different notice distance. The table below provides the findings of that review for your consideration.

Comparison of Notice Requirements		
Municipality	Required Notice Distance (feet)	Comments
Warwick	200	Notice increases to 400 feet in the A-40 district, or when more than 50% of the parcels which are residentially zoned within 200 feet are zoned A-40
North Kingstown	200	Requires 500 feet for planned unit developments
Smithfield	200	
Cranston	400	Not explicitly stated in the ordinance. Found on city website.
Hopkinton	200	Notice increases to 500 feet for applications made for solar installations on contaminated sites.
Richmond	200	
Exeter	200	
North Smithfield	200	
Burrillville	200	
Glocester	200	
South Kingstown	200	
Tiverton	200	
Middletown	200	
Newport	200	

For dimensional variance and special use permit applications, Planning staff recommends modifying the current abutter notification requirements to a standard 500 feet for all zoning districts, except for the R-20 zoning district which shall remain at 200 feet. For Special Use Permit applications, this modification represents a net reduction in notice radii for the RR-2, RR-3, and RR-5 zoning districts, and status quo for all other districts. For Variance applications, this represents a net increase in notice radii for all zones except the R-20 zoning district, which is held at status quo.

For use variance applications, Planning staff recommend maintaining the existing notice radii currently in effect for special use permits so that notice coverage will be appropriately-scaled in instances when non-residential uses are proposed for lots in the RR-2, RR-3, and RR-5 zoning districts.

This specific ordinance change is reflected in the DRAFT Ordinance documents dated 1/24/25. It should be noted, if there is a particular land use of concern that the Town feels requires a larger notification distance, the Town is within its ability to reasonably set that standard differently.