

TOWN OF SOUTH KINGSTOWN CHARTER & MUNICIPAL CODE PROVISIONS PERTAINING TO HISTORIC DISTRICTS

Town Charter

Sec. 4930. - Historic district commission.

There shall be an historic district commission which shall consist of seven (7) members to be appointed by the town council president each for a term of three (3) years. These members shall be electors of the town. Any vacancy during the unexpired term of a member shall be filled by the town council president for the remainder of the term. The board shall have such powers and duties as shall be set forth in the general laws and public laws of the state and ordinances of the town.

Town Code

Ch. 2, Art. III - Boards & Commissions

Sec. 2-41. - Historic district commission.

The historic district commission was established by Section 4930 of the Home Rule Charter of 1968, pursuant to the authority contained in Title 45, Chapter 24.1 of the Rhode Island General Laws. The jurisdiction and duties of the commission are provided in Article 21 of the Zoning Ordinance. The commission reviews plans for construction, demolition, relocation, and exterior alterations of structures located in designated historic districts, and reviews plans for alterations to historic cemeteries.

Ch. 14, Art. II – Historic Districts

Sec. 14-16. - Purpose.

The regulations set forth in this article have been made to safeguard the heritage of the town by preserving districts which reflect elements of its cultural, social, economic, political and architectural history, to stabilize and improve property values in such districts, to foster civic beauty, to strengthen the local economy and to promote the use of such historic districts for the education, pleasure and welfare of the citizens of the town.

Sec. 14-17. - District map.

For the purpose of this chapter, the boundaries of historic districts are hereby established as shown on a map entitled "Historic District Map," filed at the office of the town clerk. The map is hereby made part of this chapter.

Sec. 14-18. - Erection, alteration, etc., of buildings within district.

- (a) Within any district shown on the historic district map, no new structure shall be erected and no existing structure shall be altered, repaired, moved or demolished in any manner affecting the exterior appearance or location of such structure until a certificate has been issued by the historic district commission in accordance with the provisions of this article. The regulations pertaining to the various zoning districts which may be included within any historic district shall apply, together with the additional requirements as set forth in this article.

- (b) Nothing in this article shall be construed to prevent routine maintenance or repair of any structure within the historic district; nor shall anything in this article be construed to prevent the construction, alteration, repair, moving or demolition of any structure under a permit issued by the building inspector prior to December 14, 1959.

Sec. 14-19. - Actions to correct violations.

Where there is a violation of any provision of this article or a violation in connection with any action or decision of the historic district commission or the zoning board of review relative to this article, the town solicitor shall institute appropriate action to prevent, enjoin, abate or remove such violation.

Sec. 14-20. - Appeals.

- (a) Any person jointly or severally aggrieved by a decision of the historic district commission shall have the right of appeal concerning such decision to the zoning board of review. Procedures for the filing of such an appeal shall be identical to the procedures used in filing of any appeal under the zoning regulations.
- (b) Any person jointly or severally aggrieved by a decision of the zoning board of review on a matter of appeal under this article may appeal to the supreme court of the state by writ of certiorari.

Ch. 14, Art. III –Historic District Commission

Sec. 14-36. - Established.

There is hereby established a historic district commission to carry out the purpose of this chapter.

Sec. 14-37. - Composition; appointment and terms of office of members; filling vacancy in office; officers rules of procedure.

- (a) The historic district commission shall consist of seven (7) members, resident in the town, to be appointed by the president of the town council. Members shall be appointed for a term of three (3) years; except, that the initial appointment of two (2) members shall be for one (1) year, two (2) members for two (2) years and three (3) members for three (3) years. Members shall be eligible for reappointment.
- (b) When a vacancy in the commission occurs, the town council president shall make an interim appointment for the remainder of the unexpired term.
- (c) In making appointments to the commission, the town council president may consult with any duly organized historic or preservation society which may submit a list of qualified citizens for the town council president's consideration.
- (d) The commission shall organize annually by electing from its membership a chairman, vice-chairman and secretary and may adopt any rules of procedure deemed necessary in discharging its duties.

Sec. 14-38. - Meetings.

All meetings of the historic district commission shall be open to the public and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the commission before it reaches its decision. The commission shall keep a record of its proceedings and action, which shall be on file for public view at the office of the building inspector.

Sec. 14-39. - Procedure for approving removal, erection, repair, etc., of structures within district.

- (a) Any person proposing to erect a structure or to alter, repair, move or demolish an existing structure, within a historic district, in any manner affecting its exterior appearance or location shall file an application for the same with the building inspector of the town, who shall forward the application, together with all maps and pertinent data, to the historic district commission.

- (b) In reviewing plans the commission shall give consideration to:
 - (1) The historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area;
 - (2) The relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area;
 - (3) The general compatibility of exterior design, arrangement, texture and materials proposed to be used;
 - (4) To any other factor, including aesthetic, which it deems to be pertinent.
- (c) The commission shall pass only on exterior features of a structure and shall not consider interior arrangements, nor shall it disapprove applications except in regard to these considerations.
- (d) It is the intent of this chapter that the commission be strict in its judgment of plans for structures deemed to be valuable according to studies performed for districts of historic or architectural value. It is also the intent of this chapter that the commission shall be lenient in its judgment of plans for structures of little historic value or for plans for new construction except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area. It is not the intent of this chapter to limit new construction, alteration or repairs to any one (1) period of architectural style.
- (e) In the case of an application for repair or alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure which the commission deems so valuable to the town, state or nation that the loss thereof will be a great loss to the town, state or nation, the commission shall endeavor to work out with the owner an economically feasible plan for the preservation of such structure. Unless the commission is satisfied that the retention of such structure constitutes a hazard to public safety which hazard cannot be eliminated by economic means available to the owner or unless such proposed construction, alteration and repair will not in the opinion of the commission materially impair the historic value of the structure, the commission shall file with the building inspector its rejection of such application. In the absence of a change in such structure arising from casualty, no new application for the same or similar work shall be filed within one (1) year after such rejection.
- (f) In the case of any structure deemed to be valuable for the period of architecture it represents and importance to the neighborhood within which it exists, the commission may file with the building inspector its approval of such application if any of the circumstances under which approval might have been given under the preceding paragraph are in existence, or if:
 - (1) Such structure is a deterrent to a major improvement program which will be of substantial benefit to the community;
 - (2) Retention of such structure would cause undue financial hardship to the owner; or
 - (3) The retention of such structure would not be in the interest of the majority of the community.
- (g) Moving of structures of historic or architectural value may be permitted as an alternative to demolition.

Sec. 14-40. - Certificates of approval; rejection of plans.

The historic district commission shall file with the building inspector its certificate of approval or rejection of all plans submitted to it for review. No work shall begin until such certificate shall have been filed, but in the case of rejection such certificate shall be binding upon the building inspector, and no permit shall be issued in such case. The failure of the commission to act within forty-five (45) days from the date of application filed with it, unless an extension is agreed upon mutually by the applicant and the commission, shall be deemed to constitute approval.