

TOWN OF NORTH KINGSTOWN, RHODE ISLAND
PUBLIC HEARING

NOTICE is hereby given that pursuant to Section 45-23-53 of the Rhode Island General Laws, the Town Council of the Town of North Kingstown will conduct a Public Hearing at the Town Hall Council Chambers, 80 Boston Neck Road, North Kingstown, Rhode Island at 7:00 p.m. on Monday, **October 20, 2025**, for the purpose of discussing the following proposed ordinance text amendment:

ORDINANCE NO. 25-XX

AN ORDINANCE IN AMENDMENT OF CHAPTER 21 OF THE CODE OF ORDINANCES, TOWN OF NORTH KINGSTOWN, ENTITLED, “ZONING”, ARTICLE XIII, ENTITLED, “HISTORICAL ZONING”, SECTION 21-333, ENTITLED, “DEFINITIONS”, AND SECTION 21-335, ENTITLED, “POWERS AND PROCEDURES OF HISTORIC DISTRICT COMMISSION”

Note: Words set as strikeover are to be deleted from the ordinance; all underlined text is to be added to the ordinance.

The Town Council of the Town of North Kingstown hereby ordains:

SECTION 1. That Chapter 21, Article XIII of the Code of Ordinances, entitled, “Historical Zoning”, Section 21-333, entitled, “Definitions” is hereby amended to add the following:

In kina means any maintenance, repair, or replacement which does not result in any change of design, type of material or appearance of the structure or its appurtenances.

SECTION 2. That Chapter 21, Article XIII of the Code of Ordinances, entitled, “Historical Zoning”, Section 21-335, entitled, “Powers and procedures of historic district commission” is hereby amended as follows:

Sec. 21-335. Powers and procedures of historic district commission.

- (a) The historic district commission shall, within 12 months of the date the historical zoning takes effect:
- (1) Adopt and publish all rules and regulations necessary to carry out its function under this article; provided, however, any such rules and regulations shall be approved by the town council; and
 - (2) Publish such standards as necessary to inform historic district residents, property owners, and the general public of those criteria by which the commission shall determine whether to issue a certificate of appropriateness. The commission may amend these standards as reasonably necessary, and it shall publish all amendments.
- (b) Before a property owner may authorize or commence construction, alteration, repair, removal or demolition affecting the exterior appearance of a structure or its appurtenances within the historic district, the owner must apply for and receive a certificate of appropriateness from the commission or the planning director/designee as determined within this section. In applying, the owner must comply with application procedures as established by the commission pursuant to RIGL 1956, § 45-24.1-1 et seq., and this article.

The commission shall require the owner to submit information which is reasonably necessary to evaluate the proposed construction, alteration, repair, removal or demolition, including but not limited to plans, drawings, photographs or any other information set forth in the application procedures. The owner of the property must obtain a certificate of appropriateness for the project, whether or not state law requires a permit from the building inspector. The building inspector shall not issue a permit until the commission has granted a certificate of appropriateness.

(c) Approving authority

(1) Administrative approval. The following shall require design review and approval by the planning director or his/her designee including:

a. In-kind repairs or replacements, signage which does not require zoning relief, mechanical units that meet zoning setback requirements and are not visible from any public right-of-way, storm windows, chimney caps, minor modifications to previously approved plans, and one-year extensions to unexpired Certificates of Appropriateness.

b. In the event an application would be denied by planning staff, the application must be referred to the commission for full review. The planning director or his/her designee reserves the right to refer any application to the commission for full review.

c. Staff shall provide a list of administrative approvals to the Historic District Commission at each meeting, which have been granted after the most recently held meeting.

(2) Historic district commission approval. All other applications, unless specified as an exemption in the Rules & Regulations, shall require design review and approval by the Historic District Commission.

(d) In reviewing plans, the historic district commission shall give consideration to the following:

- (1) The historic and architectural significance of the structure and its appurtenances;
- (2) The way in which the structure and its appurtenances contribute to the historical and architectural significance of the district; and
- (3) The appropriateness of the general design, arrangement, texture, materials and siting proposed in the plans.

The commission shall pass only on exterior features of a structure and its appurtenances and shall not consider interior arrangements.

- (d) All decisions of the commission shall be in writing. The commission shall articulate and explain the reasons and bases of each decision on a record, or if the decision is not to issue a certificate of compliance, the commission shall include the bases for its conclusion that the proposed activity would be incongruous with those aspects of the structure, appurtenance or the district which that commission has determined to be historically or architecturally significant. The commission shall send a copy of the decision to the applicant.
- (e) If an application is submitted for construction, repair, alteration, removal or demolition affecting the exterior appearance of a structure or its appurtenances 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, including sale of the structure to any purchaser willing to preserve such structure, or unless the commission votes to issue a certificate of appropriateness for such proposed construction, alteration, removal or demolition, the commission shall file with the building inspector its rejection of such application.
- (f) If any structure is deemed so valuable for the period of architecture it represents and important to the neighborhood within which it exists, the commission may file with the building inspector its certificate of appropriateness for such application if any of the circumstances under which a certificate of appropriateness might have been given under subsection (e) of this section are in existence or if:

- (1) Preservation of such structure is a deterrent to a major improvement program which will be of substantial benefit to the community;
 - (2) Preservation of such structure would cause undue or unreasonable financial hardship to the owner, taking into account the financial resources available to the owner including sale of the structure to any purchaser willing to preserve such structure; or
 - (3) Preservation of such structure would not be in the interest of the majority of the community.
- (g) When considering an application to demolish or remove a structure of historic value, the commission shall assist the owner in identifying and evaluating alternatives to demolition, including sale of the structure in its present site. In addition to any other criteria, the commission also shall consider whether there is a reasonable likelihood that some person or group other than the current owner is willing to purchase, move and preserve such structure and whether the owner has made continuing, bona fide and reasonable efforts to sell the structure to any such purchaser willing to move and preserve such structure.
- (h) In circumstances where historic district commission review may overlap with historic reviews of the state historic preservation commission, it shall be the obligation of the historic district commission to arrange a coordinated review process with the state agency. This coordinated review shall be arranged within the time limitations established through the local commission's rules of procedure for its own review of an application. The purpose of the coordinated review shall be to minimize the potential for conflicting opinions on matters related to historic preservation on the part of the local and state authorities. The historic district commission shall solicit the written comments of the state historic preservation commission.

SECTION 3. This Ordinance shall take effect upon passage and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

First Read at the Town Council Meeting of September 22, 2025 and referred to the Town Council Meeting of October 20, 2025 for Second Reading and Consideration of Adoption.

Jeannette Alyward
Town Clerk

Proposed amendments may be altered or amended prior to the close of the Public Hearing without further advertising, as a result of further study or because of the views expressed at the Public Hearing. Any such alteration or amendment must be presented for comment in the course of said Public Hearing.

Copies of the proposed amendment and other pertinent information may be examined at the Department of Planning and Development or the Town Clerk's Office in the North Kingstown Municipal Offices Building, 100 Fairway Drive, Monday through Friday, 8:30 AM to 4:30 PM.

The Town will provide interpreters for the deaf and hard of hearing provided three (3) days' notice is provided by calling 294-3331, Ext. 122.