

**TOWN OF COVENTRY
ORDINANCE
OF THE
TOWN COUNCIL**

NO. _____

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

ARTICLE 19 - HISTORICAL AREA ZONING

§ 19-1 AUTHORITY:

This Chapter is adopted in accordance with R.I.G.L. § 45-24-51 et seq. and R.I.G.L. § 45-24.1-1 et seq., as amended.

§ 19-2 PURPOSE:

The purpose of this Ordinance is to safeguard the heritage of the Town by preserving a district or districts in the Town which reflect or reflects elements of its cultural, social, economic, political and architectural history; stabilize and improve property values in that district; foster civic beauty; strengthen the local economy; promote the use of the district for the education, pleasure & welfare of the citizens; and, where feasible promote low and moderate housing opportunities.

§ 19-3 DEFINITIONS:

The following terms shall have the following respective meanings:

- (a) Alteration: An act that changes one (1) or more of the exterior architectural features or its appurtenances, including but not limited to the erection, construction, reconstruction, or removal of any structure or appurtenance.
- (b) Appurtenances: Features other than primary or secondary structures which contribute to the exterior historic appearance of a property, including but not limited to paving, doors, windows, signs, materials, decorative accessories, fences, and historic landscape features.
- (c) Certificates of Appropriateness: A certificate issued by the Town of Coventry Historic District Commission established under this Chapter indicating approval of plans for alteration,

construction, repair, removal, or demolition of a structure or appurtenances of a structure within a historic district. Appropriate for the purpose of passing upon an application for a Certificate of Appropriateness means not incongruous with those aspects of the structure, appurtenances, or the district which the Commission has determined to be historically or architecturally significant.

(d) Construction: The act of adding to an existing structure or erecting a new principal or accessory structure or appurtenances to a structure, including but not limited to buildings, extensions, outbuildings, fire escapes, and retaining walls.

(e) Demolition: An act or process that destroys a structure or its appurtenances in part or in whole.

(f) Historic District: A specific division of a town as designated by ordinance of the Town of Coventry pursuant to this Chapter. A historic district may include one (1) or more structures.

(g) Removal: The relocation of a structure on its site or to another site.

(h) Repair: A change meant to remedy damage or deterioration of a structure or its appurtenances.

(i) Structure: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including but not limited to buildings, gazebos, billboards, outbuildings, decorative and retaining walls, and swimming pools.

§ 19-4 DESIGNATION OF HISTORIC DISTRICTS:

(a) For the purposes of this Chapter, the boundaries of Historic Districts are established as shown on a map entitled "Historic District Map," which Map is filed in the office of the Coventry Town Clerk. Such Map is hereby incorporated as a part of this Chapter.

(b) It is the intent of this Chapter that historic property owned by the Town of Coventry within the boundaries of designated historic districts as shown on the "Historic District Map" shall not be exempt from the provisions of this Chapter.

(c) For purposes of this Ordinance, the "Historic District" is defined as Assessor's Plat 45 Lots 30 & 31 and is further depicted in map attached hereto.

(d) From time to time, the Town Council may amend the "Historic District Map" so as to add or delete properties contained within the "Historic District" or create additional "Historic Districts."

§ 19-5 HISTORIC DISTRICT COMMISSION:

(a) Establishment. There is hereby established a Historic District Commission to carry out the purposes of this Chapter.

(b) Membership and Appointment.

(1) The Commission shall consist of five qualified members, who are residents of the Town of Coventry, to be appointed by the Town Council. Members shall be appointed for three (3) year terms, except that the initial appointments of some of the members shall be for less than three years so that the initial appointments are staggered and so that subsequent appointments do not reoccur at the same time. Members shall be eligible for reappointment.

(2) Members of the Commission shall have a demonstrated interest in historic preservation and shall serve without compensation.

(3) The Town Council shall have the right to name an auxiliary member to the Commission in addition to the regular members, which auxiliary member shall sit as an active member, upon the request of the Chairperson of the Commission when and if a regular member of the Commission is unable to serve at any meeting of the Commission.

(c) Organization of the Commission.

(1) The Commission shall organize annually and, by election, shall select from its membership a Chairperson, Vice-Chairperson and a Secretary.

(2) The Commission shall:

(a) adopt and publish rules and regulations necessary to carry out its functions under the provisions of this Chapter;

(b) adopt and publish standards of review which should be in harmony with the Secretary of the Interior's *Standards and Guidelines for Rehabilitating Historic Buildings, 36 CFR 67*, or similar standards of the Rhode Island Historic Preservation and Heritage Commission, as may be amended, within twelve (12) months following the adoption of this Chapter 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 from time to time amend these standards as reasonably necessary, and it shall publish all such amendments.

(c) Such rules, procedures and standards and any additions and amendments thereto shall be submitted to the Council for its approval and shall, thereon, become part of this Chapter.

(4) Conduct of Business

(a) The Chairperson shall preside over all Commission meetings and shall have the right to vote.

(b) The Vice-Chairperson shall, in the case of absence or disability of the Chairman, perform the duties of the Chairperson.

(c) All meetings of the 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 reaches its decision.

(d) The Secretary shall keep a record of all resolutions, proceedings, finding of fact, decisions and actions and such record shall be on file for public view at the office of the Coventry Town Clerk.

(e) All meetings of the Commission shall be open to the public pursuant to the provisions of the Open Meetings Law. The Commission shall keep a record of its resolutions, proceedings, decisions and actions.

(f) Three (3) members shall constitute a quorum and the concurring vote of a majority of the members present shall be necessary for either approval or rejection of any plans before the Commission for review and for establishing or amending Commission rules, regulations and standards of review.

(d) Powers and Procedures

(1) Certificate of Appropriateness Required

(a) 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 any designated Historic District, the owner must apply for and receive a Certificate of Appropriateness from the Commission approving such construction, alteration, repair, removal or demolition.

(b) In applying for a Certificate of Appropriateness, a property owner must comply with the application procedures as established by the Commission pursuant to Chapter 45-24.1 et seq. of the General Laws, as amended, and the provisions of this Chapter.

(c) A Certificate of Appropriateness is necessary only if a building permit is required for such construction, alteration, repair, removal or demolition. The Building Official may not issue a permit until the Commission has granted a Certificate of Appropriateness.

(2) Application for Certificate of Appropriateness

(a) Applications for Certificates of Appropriateness shall be filed with the Commission at the Office of the Planning Department, who shall determine if such application is complete and who shall forward complete applications, together with all maps, plans, and other data to the Commission. Incomplete applications shall be returned to the applicant within thirty-five (35) working days of receipt of the Planning Department.

(b) 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 site plans, elevation drawings, photographs or other information deemed appropriate by the Commission and set forth in the Commission's rules and regulations adopted pursuant to this Chapter.

(c) In reviewing the applications and plans, the Commission shall give consideration to:

(1) the historic and architectural significance of the structure and its appurtenances;

(2) the contribution of the structure and its appurtenances to the historical and architectural significance of the District;

(3) the appropriateness of the general design, arrangement, texture and material proposed in the plans; and

(4) 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.

(e) The following are special considerations regarding valuable historic resources and demolition:

(1) In the case of an application for construction, repair, or alteration, removal, or demolition affecting the exterior appearance of a structure or its appurtenances which the Commission deems so valuable to the Town of Coventry, State or Nation that the loss thereof will be a great loss to the Town of Coventry, State or Nation, the Commission shall endeavor to resolve with the owner an economically feasible plan for the preservation of such structure.

(2) 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 the sale of the structure

to any purchaser willing to preserve such structure, the Commission shall file with the Building Official & Planning Department its rejection of such application.

(3) Unless the Commission votes to issue a Certificate of Appropriateness for such construction, alteration, and repair, removal and demolition, the Commission shall file with the Building Official & Planning Department its rejection of such application.

(4) In the absence of change in such structure arising from casualty, no new application for the same or similar work shall be filed within one year after such rejection.

(5) In the case of any structure deemed to be valuable for the period of architecture it represents and important to the neighborhood within which it exists, the Commission may file with the Building Official & Planning Department its Certificate of Appropriateness for such application if any of the circumstances under which a Certificate of Appropriateness might have been given under the proceeding paragraph are in existence, or if:

(a) preservation of such structure is a deterrent to a major improvement program which will be of substantial benefit to the community;

(b) 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

(c) preservation of such structure would not be in the best interest of the majority of the community.

§ 19-6 DEMOLITION:

(a) If the Commission is presented with an application for the removal, relocation, alteration or demolition of a structure, its accessories and finds that the approval of such an application would pose a significant threat or total loss to the Town, State or nation, it shall endeavor to work out with the owner an economically feasible plan for the preservation of the structure, accessories, and/or stone wall.

(b) Applications for demolition shall require proof that the retention of the structure, accessory or stone wall would constitute a public safety hazard as defined by the Rhode Island Building

Code, R.I.G.L. § 23-27.3-100.0 et seq., which cannot be eliminated by any economic means available to the owner. If the Commission remains unconvinced that retention is a hazard, the Commission shall forward its rejection of the application for demolition to the Building Official.

(c) If any of the following conditions apply, the Commission may approve the application for a certificate for demolition, relocation, removal or alteration of a structure:

(1) Preservation of such structure is a deterrent to a major improvement program which will significantly benefit the Town.

(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 the sale of the structure to any purchaser willing and able to preserve such structure.

(3) Preservation of such structure would not be in the best interest of the community as a whole.

(d) Alternatives to demolition and removal.

(1) When considering an application to demolish or remove a structure of historic, cultural, architectural or archaeological value, the Commission shall assist the owner in identifying and evaluating alternatives to demolition.

(2) In addition to any other criteria, the Commission shall also consider whether there is a likelihood that some person or group of persons other than the current owner is willing to purchase, move and preserve such structure or accessory and whether the owner has made continuing, bona fide and reasonable efforts to sell the structure to any such purchaser.

§ 19-7 FAILURE OF THE COMMISSION TO ACT:

The failure of the Commission to act within forty five (45) days from the date an application is deemed complete by the Planning Department shall be deemed to constitute approval, unless an extension is agreed upon mutually by the applicant and the Commission. In the event, however, that the Commission shall make a finding of fact that the circumstances of a particular application require further time for additional study and information than can be obtained within the aforesaid period of forty five (45) days, then and in said event, the Commission shall have a period of up to ninety (90) days within which to act upon such application.

§ 19-8 EXCEPTIONS:

Nothing in this Chapter shall be construed to prevent painting, routine maintenance or repair of any structure within a Historic District, provided that such maintenance or repair does not result

in any change of design, type of material, or appearance of the structure or appurtenance; nor shall anything in this Chapter be construed to prevent the construction, alteration, repair, moving, or demolition of any structure under a permit issued by the Building Official prior to the passage of this Chapter.

§ 19-9 ENFORCEMENT AND PENALTIES:

Where there is a violation of any of the provisions of this Chapter or of any action taken pursuant thereto, the Town Solicitor may institute an appropriate action to prevent, enjoin, abate or remove such violation.

In addition thereto, a fine may be imposed pursuant to the provisions of Chapter 1, Article I § 1-2 of the Code of Ordinances of the Town of Coventry, as amended.

§ 19-10 APPEALS:

Any person aggrieved by a decision of the Historic District Commission shall have the right to appeal such decision to the Zoning Board of Review. When hearing appeals from the Commission decisions, the Zoning Board of Review shall not substitute its own judgment for that of the Commission, but must consider the issue upon the findings and the record of the Commission. The Zoning Board of Review shall not reverse a Commission decision except on a finding of prejudicial procedural error, clear error or lack of support by the weight of the evidence in the record. All decisions of the Zoning Board of Review shall be in writing. Any person aggrieved by a decision of the Zoning Board of Review under this Chapter may appeal to the Superior Court of Rhode Island in the same manner as set forth in R.I.G.L. § 45-24-69.

§ 19-11 EFFECTIVE DATE:

This ordinance shall take effect upon its adoption. The Keeper of the Zoning Ordinance Map is hereby authorized to make the adopted change to the map.

Proposed by Councilperson: *Nancy P. Cuth* on 2-7-2013 2013

Posted by Town Clerk: on 2-7 2013

Introduced at Town Council Meeting: on _____ 2013

Advertised in Kent County Daily Times: on _____ 2013

on _____ 2013

on _____ 2013

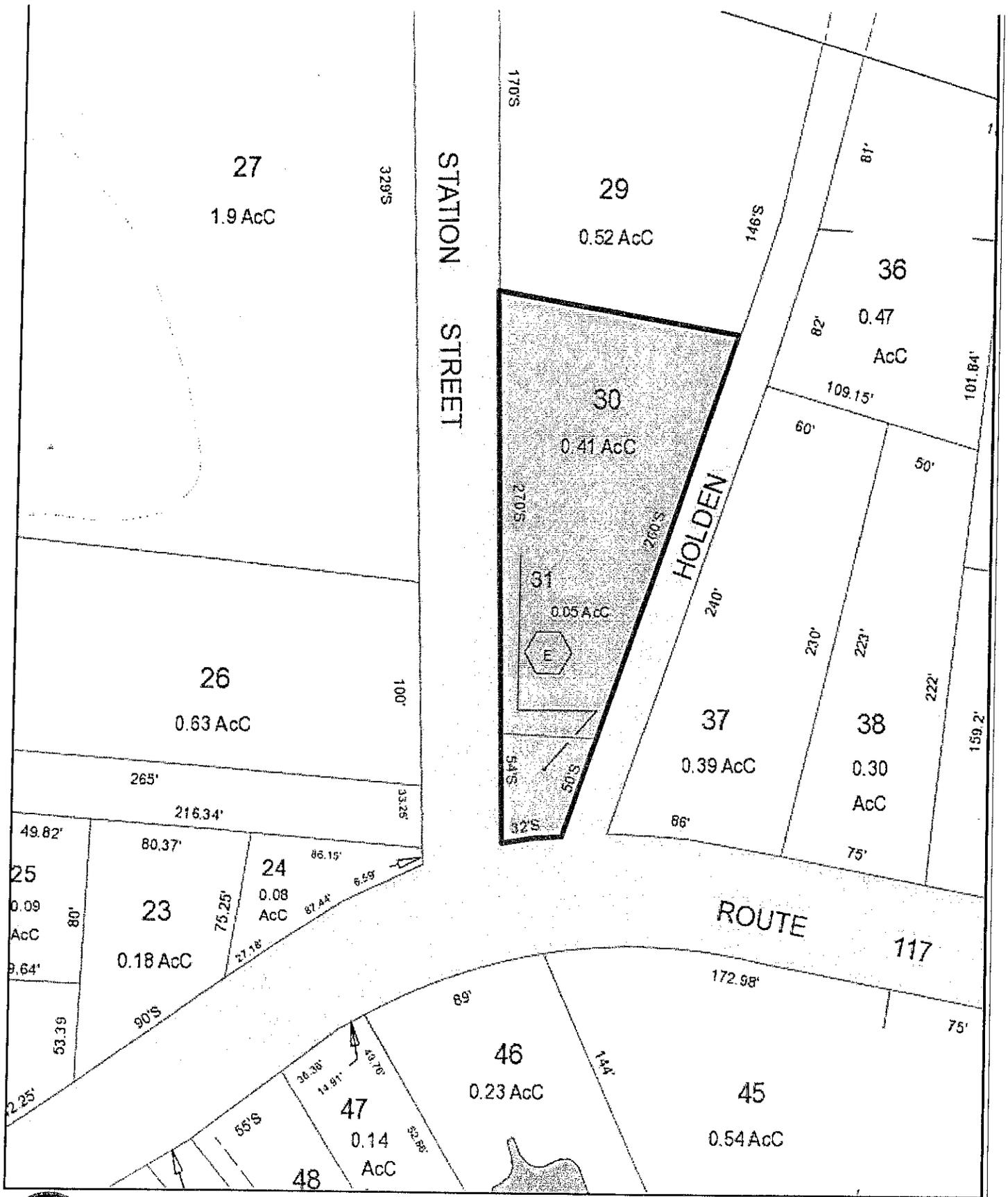
Public Hearing Held: on _____ 2013

Duly Adopted:

on _____ 2013

Attest: _____
(Town Clerk)

on _____ 2013



Paine House Historic District
Coventry, RI

