

City of Jamestown, New York Local Preservation Ordinance (LPO)

June 2021

A LOCAL LAW relating to the establishment of landmarks, historic districts, interior landmarks, and scenic landmarks in the City of Jamestown, New York.

I. Title.

This local law will be known and cited as the City of Jamestown, New York Local Preservation Ordinance (LPO).

II. Purpose.

The Jamestown City Council finds that there exists within the City of Jamestown places, sites, structures and buildings of historic or architectural significance, antiquity, uniqueness of exterior design or construction, which should be conserved, protected, and preserved to maintain the architectural character of the City of Jamestown; to contribute to the aesthetic value of the City of Jamestown; and to promote the general good, welfare, health and safety of Jamestown and its residents.

The purpose of this local law is to promote the general welfare of the community by providing for the identification, protection, enhancement, perpetuation, and use of buildings, structures, signs, features, structures, sites, and areas within the City of Jamestown that reflect special elements of the City of Jamestown's historical, architectural, cultural, economic or aesthetic heritage for the following reasons:

- A. To foster public awareness, knowledge, understanding, appreciation, and civic pride in the beauty and character of the City of Jamestown and its accomplishments of its past and perseverance.
- B. Provide a framework for appropriate reinvestment in the City's landmarks and historic districts that ensures new design and construction, sequence of implementation, complements the City's historic resources, and conforms to the standards of the historic district.
- C. To ensure an informed, balanced, intentional, and auspicious development and advancement of the City of Jamestown as a once and future city of appeal and function.
- D. To enhance the visual character of the city by encouraging design and construction that is in alignment with the City of Jamestown's historic buildings.
- E. To protect and advance the economic benefits of historic preservation to the City of Jamestown, its residents, workers, and visitors.
- F. To protect and advance property values in the City of Jamestown.
- G. To promote and foster private ownership and stewardship of historic structures.
- H. To identify as early as possible and resolve conflicts between the preservation of historic landmarks/districts and alternative land uses.
- I. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

III. Enabling Authority.

Pursuant to Article 5, § 96-a; Article 5-G, Article 5-J and Article 5-K, § 119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historic Preservation Law; and § 10 of the Municipal Home Rule Law; it is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the cultural, economic and general welfare of the public.

IV. Preservation Board.

This ordinance hereby mandates the creation of a Board that will be known as the City of Jamestown Preservation Board.

A. Membership

The Board must consist of no fewer than five (5) members.

B. Appointments:

Board members will appointed by the City of Jamestown mayor and confirmed by the City Council. All Board representatives' membership is contingent upon meeting one or more identified qualifications. No person appointed to the Board can also serve as a member of the City of Jamestown City Council establishing the Board.

C. Qualifications:

To the extent possible, Board members must be required to have the following expertise:

1. At least one (1) Board member must be a historian; architectural historian, or historic preservationist
2. At least one (1) Board member must be a state-licensed real estate professional;
3. At least one (1) Board member must have demonstrated involvement in a local or regional historic preservation group, employment or volunteer activity in the field of preservation planning, or other serious interest in the field; and
4. At least one (1) Boarder must be an architect or structural engineer

All members must have a known interest in historic preservation and planning within the City of Jamestown.

In the event that the City Council determines that any of the positions described in the above and subsections cannot be filled by persons so qualified, the City Council may fill any such position by appointing persons qualified.

D. Terms of Office:

The terms for all members of the Board must be staggered and fixed so that the term of one member must expire at the end of the calendar year in which all such Board members were initially appointed. The terms of the remaining members must be so fixed that one term must expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, their successor must be appointed for a term which must be equal in years to the number of members of the Board.

E. Vacancies:

Vacancies occurring in the Board other than by expiration of term of office must be filled by appointment of mayor. Any such appointment must be for the unexpired portion of the term of the replaced member, and the appointment must be made in accordance with the criteria established above for original appointments.

F. Reappointments:

Members may serve for no more than a maximum of two (2) full three-year terms before stepping down from the Board. A previous appointee may be reappointed after a two-year hiatus from the Board. Each member must serve until the appointment of a successor, or until they serve two consecutive three year terms. The term limits imposed by this subdivision may be waived or modified by local law of the City of Jamestown City Council upon recommendation of the Board when, in the judgment of the City Council it is in the best interest to do so.

G. Compensation:

Members must serve without compensation.

H. Training and attendance requirements:

1. Each member of the Board must complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties.
2. Training received by a member in excess of four (4) hours in any one year may be carried over by the member into succeeding years in order to meet this requirement. Such training must be approved by the City of Jamestown City Council and may include, but not be limited to, training provided by a municipality, regional or county planning office or Board, county planning federation, state agency, statewide municipal association, college or other similar entity.
3. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

4. To be eligible for reappointment to the Board, a member must have completed the training approved by the City of Jamestown City Council.
5. The training may be waived or modified by resolution of the City Council when, in the judgment of the City of Jamestown City Council, it is in the best interest to do so.

No decision of the Board must be voided or declared invalid because of a failure to comply with this subdivision.

V. Preservation Board Organization.

A. Chairperson; designation and duties.

1. The City of Jamestown City Council may designate the chairperson of the Board. In the absence of the City Council's designation, the chairperson of the Board must be designated by vote of an affirmative majority of the members of the Board.
2. The chairperson must have the right to vote in all matters before the Board.
3. All meetings of the Board must be held at the call of the chairperson and at such other times as the Board may determine by affirmative vote. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

B. Secretary: The City of Jamestown City Council must appoint a secretary to serve as secretary to the Board. At the time of service, the secretary must not also serve as member of the Board. The secretary must keep a record of all resolutions proceedings, and actions of the Board, as well as attendance of Board members.

C. Quorum: A simple majority of the Board members must constitute a quorum for the transaction of business. An affirmative majority vote of the full Board is required to approve any resolution, motion or other matter before the Board.

VI. Preservation Board Records and Annual Report.

A. Records:

The Board must be subject to the provisions of the Public Officers Law, including Article 7 related to the Open Meetings Law. The Board records must be readily available to the public. The vote or failure to vote of each Board member must be recorded. If any Board member abstains from voting based on a conflict of interest or otherwise, the member must also state his or her reason(s) or ground(s) for doing so on the record.

B. Annual Reports:

The Board must submit an annual report of its activities to the mayor and the City of Jamestown City Council and make such recommendations to the City Council as the Board deems necessary to carry out the purposes of this local law.

VII. Powers and Duties of the Preservation Board.

A. General and Advisory Powers.

1. Review any local laws or regulations, including existing landmarks or historic preservation laws or regulations in the City of Jamestown, and recommend to the City Council any changes and amendments thereto;
2. Recommend to the City Council additional regulations to be adopted by local law that may be necessary for the Board to conduct its business, consistent with the scope and intent of this local law;
3. Recommend to the City Council specific criteria for regulations to be adopted by local law that identify and catalogue significant historic landmarks, and from time to time advise it on suggested changes thereto;
4. Recommend to the City Council landmarks and historic districts to be adopted by local law, and from time to time changes thereto;
5. Maintain an inventory of locally-designated historic resources or districts within the City of Jamestown and publicize the inventory;
6. Recommend to the City Council additional criteria to be adopted in local law to be used when evaluating applications for a Certificate of Appropriateness;
7. Recommend to the City Council proposals for the acquisition of preservation easements or other interests in real property;
8. Conduct investigations, prepare maps, reports, and recommendations in connection with its advisory authority relating to the planning, development and administration of the City of Jamestown landmarks preservation policies, regulations and local law as needed. The total expenditures of said Board must not exceed the appropriation provided by the City of Jamestown City Council together with any public or private grant funding received by the City of Jamestown for the Board to undertake its preservation powers and duties.
9. Report on matters referred to it by the City Council. The City Council may by resolution provide for the referral to the Board for a report on any matter or class of matters that impact the municipality's landmarks preservation local law, policies, regulations or administrative processes before final action is taken thereon by the City Council or other office of said City of Jamestown having final authority over said matter. The City Council may further stipulate that final action thereon must not be taken until the Board has

submitted its report thereon, or has had a reasonable time, to be fixed by the City Council in said resolution, to submit the report.

D. Administrative Reviews.

In accordance with the regulations adopted by the City Council for landmarks and historic preservation purposes, the Board

1. Must conduct
 - a) Design Reviews
 - b) Construction Reviews
2. Must evaluate with: Approval (A); Approval with modifications (AM); Denial (D):
 - a) Applications for a **Certificate of Appropriateness** for exterior alterations to a designated individual landmark or property situated within a designated historic district resulting from any such application;
 - b) Applications for a **Certificate of Economic Hardship**
 - c) Applications for a **Certificate of Appropriateness for Demolition, Deconstruction, Removal, or Relocation**;
 - d) Applications/building permit for ordinary maintenance and repair
3. Will perform other functions that the City Council may designate by local law.
4. May designate or advise designation of a historic district under this historic preservation local law.
 - a) Said historic district is not to be construed as a zoning district under the City of Jamestown local law.
 - b) Nothing contained in this historic preservation local law must be construed as authorizing the Board to adopt a law, by-law or regulation that regulates or limits the height and bulk of buildings, regulates and determines the area of yards, courts and other open spaces, regulates density of population or regulates or restricts the locations of trades and industries or creates zoning districts for any such purpose.

E. Preservation Board Promulgation of Regulations; Meetings.

1. Regulations:

The Board may recommend to the City Council regulations relating to any subject matter over which the Board has jurisdiction under this local law. Any such recommendation may be adopted by local law of the City Council.

2. By-Laws; meetings

The Board may approve by-laws that are consistent with the regulations adopted by the City Council. Such by-laws must provide for the time and place of holding regular meetings; and may provide for the calling of special meetings by the chairperson or by written request of at least two members of the Board. Regular meetings must be held at least once a month. All regular or special meetings of the Board must be consistent with the notice provisions of the New York Open Meetings Law and must be open to the public.

F. Preservation Board Committees.

The Board may, in its by-laws, establish permanent or ad hoc committees consisting of no less than three current members of the Board for assignments assigned to it by the full Board.

G. Cooperation of City of Jamestown Departments.

All City of Jamestown departments will, upon request of the Board, assist and furnish available permits, plans, reports, maps and statistical and other information that the Board may require for its work.

VIII. Creating, Designating, and Amending Historic Districts

A. Authority

The City Council, after considering the recommendations of the Preservation Board and the Planning Commission under this section, may do any of the following:

1. Create and designate a new historic district.
2. Amend an existing historic district
 - a) An amendment may include a boundary adjustment or an amendment of standards specific to that historic district, provided that the amendment complies with this chapter.
3. Reject a proposed historic district designation.

B. Criteria

An historic district shall be of particular historic, architectural, or cultural significance to the City of Jamestown, as indicated by at least one of the following criteria:

1. The district is associated with broad patterns of cultural, political, economic or social history of the nation, state or community.
2. The district is associated with the lives of important persons, and/or with important events in national, state or local history.
3. The district encompasses an area of particular archaeological or anthropological significance.
4. The district embodies the distinguishing characteristics of an architectural type inherently valuable for its representation of a period, style, or method of construction, or of indigenous materials or craftsmanship.
5. The district is representative of the work of a master builder, designer or architect.

C. Process

1. Request

Any person may request the creation or amendment of a historic district. The person shall submit the request to the Department of Development, to the attention of the Principal Planner, on a form approved by the Preservation Board. The request shall clearly describe the proposed historic district or amendment, and shall clearly explain and document why the request should be approved. The Principal Planner shall promptly notify the Preservation Board of each request and shall review the request for completeness. The Principal Planner may ask the requester to submit additional information and documentation as needed. When the Principal Planner finds that the request is complete, the Principal Planner shall refer the request to the Preservation Board.

2. Review and action by Jamestown Preservation Board

Whenever the Preservation Board receives a complete and accurate, the Preservation Board shall publish a hearing notice under and hold a public hearing on the request. Following the public hearing, the Preservation Board shall recommend approval, disapproval, or approval subject to changes specified by the Commission. The Preservation Board shall forward its recommendation to the Jamestown Planning Commission.

3. Review and action by Jamestown Planning Commission

Upon the recommendation by the Preservation Board for the creation or amendment of a historic district, the Jamestown Planning Commission shall review the proposed creation or amendment and make its recommendation to the City Council. Planning Commission shall make its recommendation within ninety (90) days after receiving the Preservation Board recommendation, and at least thirty (30) days before the City Council holds a public hearing on the proposal.

4. Review and action by Jamestown City Council

Whenever the Preservation Board recommends the creation or amendment of a historic district, the City Council shall do all of the following after considering that recommendation and the recommendation of Planning Commission:

- a) Hold a public hearing on the district proposed by the Preservation Board.
- b) Adopt, adopt with modifications, or reject the ordinance proposed by the Preservation Board.

IX. Historic District Requirements

A. General

The request or proposal to create a historic district shall do all of the following:

- 1. Clearly delineate the boundaries of the historic district.
- 2. Specify the rationale for creating the historic district.
- 3. Identify historic resources in the historic district, including landmarks, landmark sites, and properties constructed during the district's period of significance.
- 4. Establish development standards and guidelines for reviewing development in the district, as provided in sub. (2) below.

B. Development Standards and Guidelines [tbd]

In any proposed district or structure under this section, the Preservation Board will consider including the following as standards or guidelines:

- 1. With regard to any designated landmark and new structure located on a lot that lies within two hundred (200) feet of a designated historic resource and existing structure shall be visually compatible with that historic resource, particularly in regards to:
 - a. Bulk and massing.
 - b. In the street elevation of a structure, the facade's proportion of width to height.
 - c. The proportions and relationships between doors and windows in the street and publicly visible facade.
 - d. The proportion and rhythm of solids to voids, created by openings in the facades.
 - e. Colors and patterns used on all facades.
 - f. The design of the roof.
 - g. The landscape treatment.
 - h. The texture and materials used in all facades.
 - i. The existing rhythm created by existing structure masses and spaces between them shall be preserved.
 - j. The amount, shape, and pattern of open spaces shall be sensitive to the character of the district.

- k. The landscape plan shall be sensitive to the individual structure, its occupants and their needs.
- l. All street facades shall blend with other structures via directional expression. When adjacent structures have a dominant horizontal or vertical expression, this expression shall be carried over and reflected.
- m. Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the historic character of the district.
- n. Gross volume, height, and other quantitative measurements of the proposed structure shall be sensitive to similar quantitative measurements of historic resources within two hundred (200) feet of the proposed structure.

X. Property Owners' Affirmative Maintenance and Repair Requirement

A. Ordinary maintenance; repair

- 1. Nothing in this local law must be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a historic landmark, or property within a historic district that does not involve a change in design, building materials, color or outward appearance.
- 2. The Board may evaluate and decide, without public hearing, whether proposed work constitutes ordinary maintenance and repair, or requires a Certificate of Appropriateness.

B. No owner or person with an interest in real property designated as an individual landmark or located within an historic district may permit the property to fall into an irretrievable state of disrepair. Maintenance must be required, consistent with the Property Maintenance Code of New York State - Uniform Fire Prevention and Building Code, and all other applicable local regulations.

C. Every owner or party/entity in charge of a property on a landmark site or in an historic district must keep in good repair:

- 1. All exterior portions of such structures and
- 2. all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such structure to deteriorate, decay or become damaged or otherwise to fall into a serious state of disrepair.

Examples of prohibited disrepair include, but are not limited to:

- 3. deteriorated or crumbling exterior plasters, mortar or facades;
- 4. deteriorated or inadequate foundation;

5. defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;
6. deteriorated walls or other vertical structural supports that split, lean, list or buckle due to defective material or deterioration;
7. members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;
8. ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;
9. defective or insufficient weather protection for roofs, foundation or exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering, which may cause or tend to cause deterioration, decay or damage;
10. fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety;
11. any fault or defect in the building or structure which renders it not properly watertight or otherwise compromises the life and character of the building or structure.

D. Interiors

Every owner or person in charge of an structure to an interior landmark must keep in good repair:

1. all portions of such interior landmark and
2. all other portions of the structure which, if not so maintained, may cause or tend to cause the interior landmark contained in such structure to deteriorate, decay, or become damaged or otherwise to fall into a serious state of disrepair.

E. Every owner or person in charge of a scenic landmark must keep in good repair all portions thereof.

XI. Demolition-by-Neglect

The owner of a landmark, structure on a landmark site, or structure in a historic district, may not allow the property to reach a state with the accepted and recognized term of, “demolition-by-neglect”.

A. Notice of Demolition-by-Neglect.

If the Chief Code Enforcement Officer and Building Inspector believes that a landmark or historic district structure is undergoing Demolition-by-Neglect, the Chief Code Enforcement Officer and Building Inspector shall give written notice of that belief to the owner of the structure. The Chief Code Enforcement Officer and Building Inspector shall give a copy of the notice to the Principal Planner and the Preservation Board.

B. Public Hearing

Upon a the Preservation Board's receipt of a notice of Demolition-by-Neglect, the Preservation Board shall issue a hearing notice and hold a public hearing to determine whether the structure is undergoing Demolition-by-Neglect. The Board shall hold the public hearing within ninety (90) days of receiving the notice.

C. Preservation Board Finding

If, after a public hearing, the Preservation Board finds that a landmark or structure is undergoing Demolition-by-Neglect, it shall report its finding to the City Council, the Chief Code Enforcement Officer and Building Inspector, and Corporation Counsel. A Preservation Board finding of Demolition-by-Neglect is prima facie evidence of Demolition-by-Neglect for purposes of any administrative or civil court action, and also constitutes a determination that a public nuisance exists.

D. Appeal of Preservation Board Finding

A. An appeal from the Preservation Board finding may be taken to the City Council by

- 1.the owner of the affected structure
- 2.the Councilperson of the Ward in which the property is located
- 3.by the owners of twenty percent (20%) of the number of parcels of property within two hundred (200) feet of the subject property, measured according.

B. An appeal shall be filed with the City Clerk within ten (10) days after the Preservation Board makes its finding. The appeal shall include the name and address of each petitioner, and shall specify the grounds for appeal. The City Clerk shall forward the petition to the City Council.

C. Council shall hold a public hearing regarding any appeal it receives.

D. Following a public hearing, Council may, by favorable vote of two-thirds ($\frac{2}{3}$) of its members, reverse or modify the Preservation Board finding, with or without conditions, or may refer the matter back to the Board with or without instructions, if it finds that the Commission's decision is contrary to applicable standards under this subchapter.

E. Abatement by the City

If the Preservation Board finds that a landmark or structure is undergoing Demolition-by-Neglect, the Chief Code Enforcement Officer and Building Inspector may proceed under the non-summary abatement procedures to repair the landmark or structure to abate the nuisance. The cost of the required repairs shall be paid by the property owner, or shall be imposed as a special charge against the property.

F. Acquisition by City

If the Preservation Board finds that a landmark or structure is undergoing Demolition-by-Neglect, the City Council may authorize the City to acquire the property under New York State § [x], if necessary through the initiation of condemnation proceedings.

XII. Certificate of Appropriateness (CA) for Alteration, Demolition, Deconstruction, or New Construction Affecting Individual Landmarks or Historic Districts.

The City of Jamestown Preservation Board is responsible for the approval or disapproval of proposals for exterior changes to a historic property designated under this local law.

- A. No person may do any of the following in a historic district without the issuance of a Certificate of Appropriateness (CA) issued:
 - 1. Construct a new structure.
 - 2. Materially alter the exterior of an existing structure.
 - 3. Demolish, deconstruct, or relocate an existing structure.
 - 4. Install a sign.
 - 5. Divide any lot, consolidate any lot, or voluntarily grant any easement on any lot if doing so may distract from the historic character of the district.
- B. No person is permitted to carry out any exterior alteration, restoration, reconstruction, demolition, deconstruction, new construction, or move of a designated historic landmark or property within a designated historic district without first obtaining a Certificate of Appropriateness that authorizes such work from the City of Jamestown Preservation Board.
- C. All changes to City of Jamestown-owned property affecting an individual landmark or within a historic district must be subject to the provisions of this local law.
- D. The Department of Development will receive and file all applications issued for any individual landmark, or landmarks or historic district to which this local law applies. The Department of Development will transmit a copy of any such application to the Board.
- E. The Board may require that the application for Certificate of Appropriateness be supplemented by additional information or materials as may be necessary for a complete review by the Board. The Board may impose such reasonable conditions

or restrictions as it deems necessary or appropriate on a case-by-case basis to promote or achieve the purpose of this local law.

XIII. Criteria for Issuing a Certificate of Appropriateness.

The Board will approve the issuance of a Certificate of Appropriateness (CA) if

1. it determines that the proposed work will not have a substantial adverse effect on the aesthetic, historical, or architectural significance, and value of the individual landmark or;
2. if proposed work within a historic district will not have a substantial adverse effect on the aesthetic, historical, or architectural significance of the property itself, the district or neighboring properties in such district.

B. In making this determination, the Board's decision is rendered as:

1. Approval (A)
2. Approval with Modification/s (A-M)
- or
3. Denial (D)

C. The Board will refer to and apply the **adopted Design Guidelines [tbd]** for the review of CA applications for each individual landmark, interior landmark, scenic landmark, or historic district. These design guidelines, subject to the approval of the City Council, shall not be inconsistent with the [xth] edition of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and shall be considered in accordance with the following factors:

1. the general design and character of the proposed alteration or new construction relative to existing features of the property or structure;
2. the scale and visual compatibility of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
3. texture and materials, and their relation to similar features of the property and other properties in the neighborhood;
4. visual compatibility with surrounding properties, including proportion of the property's facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties on streets, including setback; and
5. the importance of historic physical and visual features to the significance of the property.

F. In approving an application for a Certificate of Appropriateness, the Board must find that the building or structure for which the permit was requested, if erected, altered, deconstructed, or demolished in accordance with the submitted plan or with stated modifications, would be consistent with the spirit and intent of this local law; any presentation that is considered visually offensive, incoherent or illegible;

inappropriate, substandard quality or design, monotonous similarity, is at the discretion, determination, and decision of the Board.

Additionally, the approval of an application for a Certificate of Appropriateness, in relation to the sites or surroundings, the building or structure would not

1. mar the appearance of the area
2. impair use, enjoyment and desirability
3. reduce the values of properties in the area
4. be misaligned with the character of the neighborhood
5. prevent an appropriate development and utilization of the site or of adjacent lands
6. adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the community.

- G. Where the Board grants a Certificate of Appropriateness under circumstances where the permitted activity is likely to uncover or affect archaeological resources, the Board must require reasonable efforts to protect and preserve such resources.

Where such protection and preservation is not feasible, the Board must nonetheless impose appropriate and reasonable conditions to insure that the archaeological resource is made accessible for a reasonable period to qualified persons.

- H. In approving an application for a Certificate of Appropriateness, the Board must not review changes to exterior paint colors.

XIV. Certificate of Appropriateness Application Procedure.

- A. Prior to the commencement of any work requiring a Certificate of Appropriateness, the property owner must file an application for the appropriate permit with
1. the City of Jamestown Chief Inspection and Code Enforcement Officer
 2. Preservation Board.

- B. The application for Certificate of Appropriateness must contain:

1. name, address, and telephone number of applicant;
2. building permit application number as assigned by the building department
3. location and photographs of property;
4. elevation drawings of proposed changes, if available;
5. perspective drawings, including relationship to adjacent properties, if available;
6. samples of building materials to be used, including their proposed color;

- C. If the proposal includes signs or lettering, then a scale drawing showing

1. the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination
2. the sign's location on the property

- 3.any other information which the Board deems necessary or relevant and requires in order to visualize the proposed work.
- D. Upon receipt of all the information required herein, the Board must deem the application complete and must place the application on the agenda of the next meeting of the Board.
 - D. Upon submission of a complete application, the Board has the authority to, without public hearing and notice:
 1. determine whether the proposed work constitutes ordinary maintenance and repair for which a Certificate of Appropriateness is not required;
 2. approve work which is considered replacement-in-kind;
 3. approve work that is of any other type that has been previously determined by the Board to be appropriate for delegation to staff.
 - E. The Board is required to report to the Jamestown City Council on a monthly basis on all activities for which applications were submitted and decisions were made without any public hearing and notice.

XV. Certificate of Appropriateness Public Notice Requirements.

- A. Upon application for a Certificate of Appropriateness, public notice of the proposal must be posted by the owner or owner's representative on the property for a minimum of ten days. This notice must remain in place until a decision to approve or deny the Certificate of Appropriateness has been made. The notice must specify the proposed work, the time and place of the public hearing, and to whom and by when any public comments are to be communicated. The notice must be placed at or near the property line in the front yard so that it will be plainly visible from the street, and, in cases where a property has frontage on more than one street, an additional sign must be placed at or near the property line on any additional street frontage so that the sign will be plainly visible from the street on which it has such additional frontage.
- B. The Board must hold a public hearing prior to rendering a decision on any application for a Certificate of Appropriateness. Notice of the public hearing must be published in a newspaper of general circulation in the Jamestown at least 15 calendar days prior to the public hearing date. The notice must specify the time and place of the public hearing, a brief description of the proposal, and the location where the proposal may be reviewed prior to the hearing. The property owner and any interested party may present testimony or documentary evidence regarding the proposal at the hearing, which will become a part of the record. The record may also contain staff reports, public comments, and other evidence offered outside of the hearing, but presented by the hearing date.
- C. Within 30 days after the close of the public hearing, the Board must approve, approve with conditions or modifications, request additional information, or deny the Certificate of Appropriateness.
- D. In the event, however, that the Board must 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 30-day period after close of the public hearing, then the Board must have a period of up to one additional 62-day period from the date of any such finding within which to act upon such an applications.

- E. All decisions of the Board must be in writing. A copy must be sent to the applicant by certified mail/return receipt requested or courier service with proof of delivery or personal service with proof of delivery, and a copy filed with the Chief Inspection and Code Enforcement Officer and City of Jamestown clerk for public inspection, within ten days of the date of the decision. The Board's decision must state the reasons for denying or modifying any application.

XVI. Expiration or Extension of Approval

Certificates of Appropriateness must be valid for twenty-four (24) months, after which time the owner must apply for a new certificate if he/she still wishes to undertake work on the property.

At least two (2) months prior to expiration of the twenty-four (240 month period the owner may apply, in writing, for an extension and must explain the reasons for the extension request.

The Board may grant up to two (2) extensions of six (6) months each.

A written application for an extension of a Certificate of Appropriateness approval must not be considered an application for a new Certificate of Appropriateness.

XVII. Alteration Hardship

An applicant whose Certificate of Appropriateness for a proposed alteration of a landmark property has been denied may apply for relief on the ground of economic hardship. No building permit or other land use approvals will be issued unless or until the Board grants the hardship application. If the hardship application is granted, the Board must approve only such work as is necessary to alleviate the hardship.

A. Consultation

The applicant must consult in good faith with the Board, local preservation groups, and other interested parties in a diligent effort to seek an alternative that will result in appropriate preservation of the property. The consulting parties may include interested purchasers, as well as preservation and other interested organizations, public agencies, developers, real estate agents and individuals who may be instrumental in developing an economically feasible solution.

B. Economic Hardship Certificate

Following the denial of a Certificate of Appropriateness for alterations, the applicant may request a certificate of economic hardship. Applicant must demonstrate that

1. The applicant cannot realize a reasonable return if compliance with the Board's decision is required, provided, however, that the lack of reasonable return is proven by the applicant to be substantial as demonstrated by competent financial evidence;
2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood

3. That the requested relief, if granted, will not alter the essential character of the neighborhood
- and
4. That the alleged hardship has not been self-created.

C. Public hearing.

1. The Board may hold a public hearing on the hardship application at which an opportunity will be provided for the applicant and public to present their views on the hardship application.
2. If no public hearing is held, the Board must render a decision on the hardship application within 62 days following its receipt of a complete application.
3. A complete application includes the conclusion of all activities under (c) initiated to consult with necessary parties to determine whether the property may be preserved or rehabilitated in a manner that alleviates the hardship that would otherwise result while substantially accomplishing the goals of this local law.
4. A complete application also includes receipt by the Board of all submissions necessary to meet the applicant's burden of proof.

D. Following the submission of a complete application, the Board may schedule a public hearing within a reasonable time and determine within 62 days following to the close of any public hearing held on the application whether the applicant has met his or her burden of proof.

E. Board decision.

- a) A decision of the Board on the hardship application must be in writing and state the reasons for acceptance or denial of application within 62 calendar days.
- b) If the Board finds that the applicant's burden of proof has not been met, then the Board shall deny the application for a certificate of economic hardship.
- c) If the Board finds that the applicant's burden of proof has been met, then the Board shall issue a preliminary determination of landmarks or economic hardship within 62 days of the close of any public hearing held on the application or within 62 days after the Board has received a complete application.
- d) The Board, in the granting of a certificate of economic hardship, must grant the minimum terms deemed necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time

preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

XVIII. Demolition, Deconstruction, Removal, or Relocation of Landmark Buildings and Historic District Properties.

- A. The demolition or deconstruction of an individual landmark, or of a structure located in a historic district is prohibited except in cases of
 - 1. proven and demonstrated economic hardship
 - 2. deliberation by the Department of Development where the DOD has found and expressed the structure to present an imminent threat to the public health, safety and welfare.
- B. Approvals to remove a structure will prioritize deconstruction over demolition.
- C. Any person desiring to demolish or deconstruct a designated historic building must first file an application for a historic building demolition permit with the Department of Development and an application for such certificate with the Board.

An applicant must submit the following items:

- 1. Estimated market value of the property:
 - a) in its current condition
 - b) after completion of the proposed alteration
 - c) after completion of proposed demolition or deconstruction
 - d) after renovation of the existing property for continued use
- 2. Current level of structure's economic return;
- 3. Amount paid for the property, date of purchase, party from whom purchased, and relationship between the owner of record, the applicant, and person from whom property was purchased;
- 4. Assessed value of the property according to the two (2) previous assessed valuations;
- 5. Four (4) years' records documenting real estate taxes
- 6. Three (3) years' of records documenting
 - a) Annual gross and net income extracted from the property
 - b) Itemized operating and maintenance expenses
 - c) Depreciation deduction and annual cash flow before and after debt service, if any
 - d) Remaining balance on the mortgage or other financing secured by the property and annual debt-service, if any,

7. Two (2) years' records documenting
 - a) All appraisals obtained by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 - b) Any state or federal income tax returns relating to the property
 - c) Any listing of said property for sale or rent, price or rate asked, and offers received, if any, including testimony and relevant documents regarding: (a) any real estate broker or firm engaged to sell or lease the property, (b) reasonableness of price or rent sought by the applicant, or (c) any advertisements placed for the sale or rent of the property;
 8. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;
 9. Feasibility of alternative uses for the property that could earn a reasonable economic return;
 10. Report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings on the property and their suitability for rehabilitation;
 11. Cost estimates for the proposed construction, alteration, demolition, desconstruction or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a Certificate of Appropriateness;
 12. Expert testimony or opinion on the feasibility of rehabilitation or reuse of the existing structure by an architect, developer, real estate consultant, appraiser, and/or other real estate professional experienced in historic properties and rehabilitation;
 13. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property; and
 14. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.
- D. Demolition or deconstruction of a structure may be contingent upon of a replacement project.
- E. The Board must hold a public hearing and take one of the following actions:
1. Approve the demolition/deconstruction permit
 2. Approve the demolition hardship permit subject to a waiting period of up to one hundred twenty (120) days to considering and calculating alternatives (see Section XX. Demolition Delays)

3. Deny the permit.

During the continuance period, the Board may investigate relocation of the building (on site) or modification of the building for future uses in a way which preserves the architectural and historical integrity of the building.

XIX. Demolition, Deconstruction, Removal, or Relocation Hardship

A. Certificate of Appropriateness for demolition, removal or relocation.

An applicant whose Certificate of Appropriateness for a proposed demolition, removal or relocation of a landmark, resource or property has been denied may apply for relief on the ground of economic hardship.

In order to prove the existence of economic hardship sufficient to justify demolition, removal, or relocation, the applicant must establish that the denial of a Certificate of Appropriateness will prevent the property owner from earning a reasonable return on investment, regardless of whether that return represents the most profitable return possible.

B. Certificate of Appropriateness for demolition.

The applicant for a Certificate of Appropriateness for delay must establish to the Board's satisfaction, an imminent plan of reuse or redevelopment of the affected property. The applicant for an income- producing property must establish that:

1. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and,
2. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and,
3. Proven efforts to find a purchaser interested in acquiring the property and preserving it have failed.

C. In deciding upon such application for removal, relocation or demolition, the Board may consider whether the owner has created his own hardship through waste and neglect, thereby permitting the property to fall into a serious state of disrepair.

Before approving the removal, relocation or demolition of an individual landmark or structure within a historic district, the Board may suspend the application for up to one hundred eighty (180) days to allow the applicant to consult in good faith with the Board, local preservation groups, construction, architectural, engineering and other relevant design and structural subject matter experts, and the public in a diligent effort to seek a less intrusive alternative to demolition.

XX. Demolition Delays

A. Provisions:

1. Applicant property is listed individually or as a contributory historic district component in the National Register of Historic Places
2. Applicant's property has been determined to be eligible for inclusion in National Register of Historic Places; and/orc.Are within a local historic district governed by the city historic district commissions.
- 3.Properties aged 75 years and older.
- 4.If the Chief Code Enforcement Office and Building Inspector determines that the property is not affected by the delay provision, a notice of nonapplicability will be issued to the applicant.
- 5.Should the property be determined as subject to the delay provision, the Chief Code Enforcement Office and Building Inspector will notify the Principal Planner for review of the demolition request.

B. Procedures

Properties meeting the provisional threshold to the process outlined as follows:

- 1.Two (2) publications of legal notice of the applicant's application for a demolition permit. The 1st such notice shall be published not more than ten (10) days after the date on which the application was received by the Principal Planner, and a 2nd notice shall be published not more than five(5) days after the publication of the first notice.
- 2.Not more than five (5) days after the application was received by the Principal Planner, the applicant must post a sign of a size no smaller than 11"x17", said sign to be provided and lettered by the Department of Development staff, on the property proposed for demolition, in a conspicuous place visible from a public street, which sign shall include at least the following: "An application for a permit to demolish this building is pending. For information, contact the Principal Planner's Office, City of Jamestown."
- 3.It is the responsibility of the applicant to insure that all signs shall remain on the property from time of posting until the final demolition.
- 4.Any proceedings are otherwise suspended until evidence of review is issued by either the Chief Code Enforcement Office and Building Inspector or Principal Planner as appropriate.

C. Public response

D. Objections

Any objection by a current City of Jamestown resident

With respect to any application to demolish any building or structure, if a written objection to the issuance of the demolition permit is filed with the Principal Planner by any individual, firm, corporation, organization or other entity within fifteen (15) days following publication of the first legal notice, the Principal Planner shall notify the Chief Code Enforcement Office and Building Inspector accordingly, and the Chief Code Enforcement Office and Building Inspector shall delay acceptance and/or approval of the demolition permit for a period of one hundred twenty (120) days from the date of objection submission.

During that 120 days, applicant is required to explore, examine, and calculate alternatives to demolition including but not limited to stabilization, rehabilitation, and deconstruction.

Applicant is responsible for any and all fees associated with said explorations, examinations, and calculations

1. Upon passage of said one hundred twenty (120) days and the determination by the Board that applicant's exploration, examination and calculation has identified a viable alternative to demolition, the Chief Code Enforcement Office and Building Inspector shall deny the demolition permit provided that all other requirements have met compliance.
 2. Upon passage of said one hundred twenty (120) days and the determination by the Board that any and all alternatives have been exhausted and determined not viable, the Chief Code Enforcement Office and Building Inspector shall proceed with the demolition permit provided that all requirement have been complied with.
- B. If no objection to the demolition of the subject building, structure or part thereof is filed within fifteen (15) days following publication of the first legal notice as specified, the Principal Planner shall notify the Chief Code Enforcement Office and Building Inspector accordingly, and the Chief Code Enforcement Office and Building Inspector shall issue the demolition permit providing that all other requirements have been complied with.
- C. The Principal Planner, with approval of Mayor or Director of Development, may determine and charge an appropriate fee for carrying out the provisions of this chapter, said fee to be reasonable and to be borne by the applicant.
- D. The provisions of this section shall not apply to demolitions ordered because of an emergency or threat to public health or safety.

XXI. Enforcement and Violations

- A. All work performed pursuant to a Certificate of Appropriateness issued under this local law must conform to the requirements expressly stated in the certificate or reasonably implied therefrom. It must be the duty of the building inspector to periodically inspect any such work to assure compliance with the certificate and all applicable law. In the

event any requirement included in the Certificate of Appropriateness has not been met, or upon notification of that fact by the Historic Preservation Board, the building inspector must issue a stop work order and all work must immediately cease. No further work must be undertaken on the project as long as a stop work order is in effect.

- B. Any owner or person in charge of a property who demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this local law in the absence of a Certificate of Appropriateness, a finding of economic hardship, or other approval by the Board, may be required by the Jamestown City Council to restore the property and its site to its appearance prior to the violation and will assume all direct and related restoration and reconstruction expenses therein.
- C. If, in the judgment of the Board, a violation of this local law exists that will result in a detrimental effect upon the life and character of a designated historic resource, landmark, property or on the character of a historic district as a whole, the Board must notify the building inspector. If, upon investigation, the building inspector finds non-compliance with the requirements of the Property Maintenance Code of the New York State Fire Prevention and Building Code, or any other applicable law or regulation, the building inspector must order such remedies as are necessary and consistent with this local law and must provide written notice thereof to the secretary of the Board.
- D. The Board must notify the Jamestown City Council of an enforcement matter arising under this local law and must refer it to the Jamestown attorney. Action to enforce this local law must be brought by the City of Jamestown attorney or other attorney designated by the Jamestown City Council. Civil remedies authorized under Section 23 of this local law must be in addition to and not in lieu of any criminal prosecution and penalty.

XXII. Penalties.

A violation of this local law is deemed an offense punishable by a fines

- A. 1st Offense: A first conviction for violation of this local law may result in a fine not exceeding \$[x]
- B. 2nd Offense: A second conviction for violation of this local law, if the occurrence that leads to conviction began within a period of five years from the date of first conviction, may result in a fine not less than \$[x] nor more than \$[x].
- C. 3rd Offense: A conviction for a third or subsequent offense all of which were committed within a period of five years from when the occurrence leading to the first conviction began, must include a fine of not less than \$[x] and more than \$[x].
- D. In addition to any penalties imposed under this local law, continued violations of this local law are punishable under other local regulations, and state and federal law.

XXIII. Appeals.

Any person aggrieved by a decision of the Board relating to a certificate of economic hardship or a Certificate of Appropriateness may, within 15 days of the decision, file a written appeal to the Jamestown City Council for review of the decision. Appellate review must be based on the same record that was before the Board and using the same criteria in this local law.

XXIV. Severability

If any section, subsection, subdivision, paragraph, clause or phrase in this local law, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision must not affect the validity of the remaining sections or portions of this local law, or any part thereof. The City of Jamestown hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this local law, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

XXV. Definitions:

As used in this local law, the following words and phrases have the following meaning:

Acquisition: The act or process of acquiring fee title or other interest in real property, including acquisition of development rights or remainder interest.

Addition: Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.

Alteration: Any act or process, other than demolition or preventative maintenance, that changes the exterior appearance of significant historical or architectural features, or the historic context of a designated landmark, including, but not limited to, exterior changes, additions, new construction, erection, reconstruction, or removal of the building or structure, or grading.

Appropriate: Especially suitable or compatible.

Architectural Significance: The quality of a building or structure based on its date of erection, style and scarcity of same, quality of design, present condition and appearance or other characteristics that embody the distinctive characteristics of a type, period or method of construction.

Building: Any construction created to shelter any form of human use, such as a house, garage or barn, and which is permanently affixed to the land. Building may also refer to a historically related complex, such as a house and a barn.

Chief Inspection and Code Enforcement Officer: The person, or his or her designee, authorized to grant permits for construction, alteration, and demolition pursuant to the codes adopted by the City of Jamestown.

Code Enforcement Officer: The person, or his or her designee, authorized and certified to enforce the New York State Fire Prevention and Building Code. The person, or his or her designee, who is also authorized by the Jamestown City Council to enforce this local law, except where another official is expressly authorized.

Certificate of Appropriateness: An official form issued by the City of Jamestown Board stating that the proposed work on an designated historic landmark is compatible with the historic character of the property and thus in accordance with the provisions of this local law and therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the City of Jamestown's departments may issue any permits needed to do the work specified in the certificate.

Certificate of Economic Hardship: An official form issued by the Board when the denial of a Certificate of Appropriateness has deprived, or will deprive, the owner of the property of all reasonable use of, or economic return on, the property.

Change: Any alteration, demolition, removal or construction involving any property subject to the provisions of this local law.

Character: Defined by form, proportion, structure, plan, style or material. General character refers to ideas of design and construction such as basic plan or form. Specific character refers to precise ways of combining particular kinds of materials.

Compatible: In harmony with location, context, setting, and historic character.

Board: The historic preservation Board established pursuant to section 4 of this article.

Construction: The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Demolish: Any act or process that removes or destroys in whole or in part a building, structure, or resource.

Demolition Permit: A permit issued by the Chief Inspection and Code Enforcement Officer allowing the applicant to demolish a building or structure, after having received a certificate of demolition approval from the Board.

Evaluation: The process by which the significance and integrity of a building, structure, object, or site is judged by an individual who meets the professional qualification standards published by the National Park Service at 36 CFR Part 61 as determined by the State Historic Preservation Office, using the designation criteria outlined in Article 11 of this local law.

Exterior Architectural Features: The architectural style, design, general arrangement and components of all of the outer surfaces of any building or structure.

Feature: Elements embodying the historical significance or architectural style, design, general arrangement and components of all of the exterior surfaces of any landmark or historic resource, including, but not limited to, the type of building materials, and type and style of windows, doors, or other elements related to such landmark or historic resource.

City Council or municipal City Council: The law making or legislative body of a city, town, village or county. In towns, the City Council is the town Board; in villages, the village Board of trustees; in cities, the City Council or the City Council; and, in counties, the county legislature or the Board of supervisors.

Contributing: under construction...

Historic Context: A unit created for planning purposes that groups information about historic properties based on a shared theme, specific time period and geographical area.

Historic District - Local: An area designated as a historic district by this historic preservation local law, and which contains within definable geographic boundaries a significant concentration, linkage or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. An historic district designated under this local law must not be construed as a zoning district of the City of Jamestown, and nothing contained herein must be construed as authorizing the Board to adopt a law, by-law or regulation that regulates or limit the height and bulk of buildings, regulates and determine the area of yards, courts and other open spaces, regulates density of population or regulates or restricts the locations of trades and industries or creates zoning districts for any such purpose.

Historic District – National: under construction...

Historic Fabric: Original or old building materials (masonry, wood, metals, marble) or construction.

Historic Integrity: The retention of sufficient aspects of location, design, setting, workmanship, materials, feeling or association for a property to convey its historic significance.

Historic Landmark: A building, district, site, structure or object significant in American history, architecture, engineering, archeology or culture at the national, State, or local level.

Historic Resource: Any evaluated building, structure, object, or site that potentially meets the designation criteria outlined in Section 11.

Historic Preservation Board: The Preservation Board appointed by the City of Jamestown City Council for the City of Jamestown.

Historic Property: A district, site, building, structure, or object significant in American history, architecture, engineering, archeology, or culture at the national, state, or local level.

Historic Resources Survey: a) the process of systematically identifying, researching, photographing, and documenting historic resources within a defined geographic area, and b) the resulting list of evaluated properties that may be consulted for future designation. For the purpose of this local law, all surveys must be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Identification and Evaluation, as may be amended.

Historic Significance: The cultural quality and/or impact of a place, site, building, district or structure based upon its identification with historic persons or events in the City of Jamestown.

In-kind?

Integrity: The authenticity of a property's historic identity, evidenced by the survival of physical characteristics including, but not limited to design and architectural elements that existed during the property's historic or prehistoric period, and time of construction.

Interior Landmark: Interior landmarks are noted for the portions of their interior that are open to the public.

Inventory: A list of historic properties determined to meet specified criteria of significance.

Landmark: Any building, structure or site that has been designated as a “landmark” by the City of Jamestown City Council, pursuant to procedures described in Section 11 that is worthy of preservation, restoration or rehabilitation because of its historic or architectural significance.

Landmark Alteration Permit: A permit approving an alteration to or demolition of a landmark, or demolition of a historic resource listed in the heritage resource inventory pursuant to the provisions of this local law.

Listing: The formal entry or registration of a property.

Maintain: to keep in an existing state of preservation or repair.

Minor work: Any change, modification, restoration, rehabilitation, or renovation of the features of an historic resource that does not materially change the historic characteristics of the property.

Move: Any relocation of a building or structure on its site or to another site.

National Register Criteria: The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

National Register of Historic Places: The official inventory of the nation's historic properties, districts, sites, districts, structures, objects and landmarks which are significant in American history, architecture, archaeology, and culture, maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 USC. 470 et seq., 36 CFR Sections 60, 63, as may be amended).

Non-contributing: A feature, addition or building, structure, object or site which does not add to the sense of historical authenticity or evolution of an historic resource or landmark or where the location, design, setting, materials, workmanship, history, and/or association of the feature, addition or building, structure, object or site has been so altered or deteriorated that the overall integrity of that historic resource or landmark has been irretrievably lost.

Object: Constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be moveable by nature or design, an object is associated with a specific setting or environment. Examples include boundary markers, mileposts, fountains, monuments, and sculpture. This term may include landscape features.

Owner: Those individuals, partnerships, corporations, or public agencies holding fee simple title to property, as shown on the records of the (Property Records Section) of the City of Jamestown.

Period of Significance: The length of time when a property was associated with important events, activities, or persons, or attained characteristics which qualify it for landmark status. Period of significance usually begins with a date when significant activities or events began giving the property its historic significance; this is often a date of construction.

Preservation: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Preventative maintenance: Any work to prevent deterioration or damage to the structural integrity or any exterior feature of a landmark or historic resource that does not involve a change in design, material or exterior appearance. Such work includes, but is not limited to, painting, roof repair, foundation or chimney work, or landscape maintenance.

Property Type: A grouping of individual properties based on a set of shared physical or associative characteristics.

Reconstruction: under construction...

Rehabilitation: The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features of the property which convey its historical, architectural and cultural values.

Repair: Acts of ordinary maintenance that do not include a change in the design, material, form, or outer appearance of a resource, such as repainting. This includes methods of stabilizing and preventing further decay, and may incorporate replacement- in-kind or refurbishment of materials on a building or structure.

Replacement: under construction...

Restoration: The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Retain: The act of keeping an element, detail or structure and continuing the same level of repair to aid in the preservation of elements, sites, and structures.

Reversible: An addition which is made without damage to the project's original condition.

Scenic Landmark: Scenic landmarks encompass structures that are not buildings, such as bridges, piers, parks, cemeteries, sidewalks, clocks, and trees.

Secretary of the Interior's Standards for the Treatment of Historic Properties: Principles developed by the National Park Service (36 CFR 68.3, as may be amended) to help protect historic properties by promoting consistent preservation practices and providing guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers on how to approach the treatment of historic properties. The Secretary of the Interior Standards for the Treatment of Historic Properties may also be referred to in this local law as "Secretary of the Interior's Standards."

Significant: Having particularly important associations with the contexts of architecture, history and culture.

Site: The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing buildings, structures or other objects. Examples of a site are a battlefield, designed landscape, trail, or camp site.

Stabilization: The act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

Structure: Any assemblage of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

Style: A type of architecture distinguished by special characteristics of structure or ornament and often related in time; also a general quality of distinctive character.

Undertaking: Any project or other action involving the expansion, modification, development or disposition of the physical plant or any site or building.