

## Part II: Design Review Board Applications

### 13.9 DESIGN REVIEW

#### A. Historic Review and Architectural Review Overlay Districts

This section provides the process for Design Review Board review within the Historic Review and Architectural Review Overlay Districts.

#### B. Purpose

##### 1. Historic Review

It is hereby declared that the protection, enhancement, and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational, and general welfare of the public. The City of Saratoga Springs has many significant historic, landscape, architectural, and cultural resources that constitute its heritage, therefore the historic review process is intended to:

- a. Protect and enhance the landmarks and historic districts which represent distinctive elements of the City's historic, architectural and cultural heritage.
- b. Foster civic pride in the accomplishments of the past.
- c. Protect and enhance the City's attractiveness to visitors thereby providing support and stimulus to the economy.
- d. Ensure the harmonious, orderly and efficient growth and development of the City.

In keeping with this intent, the City hereby establishes a coordinated and comprehensive approach to preserve City Landmarks and Historic Districts, and the procedure for maintaining architectural standards in the construction, alteration and removal of buildings and landscapes within these areas.

##### 2. Architectural Review

The City finds that appropriate architectural design and the consistent quality of building exteriors directly contribute to the positive value of real property, the enhancement of community character, and the health, safety, and general welfare of the City's residents. Therefore, the intent of this section is to provide architectural standards for the construction, maintenance, and enhancement of structures within designated areas of the City.

#### C. Delegation to Design Review Board

The Design Review Board ("Board") is hereby charged with the responsibilities of administering and carrying out the intent, process and actions established in this Section.

#### D. Composition of Design Review Board

##### 1. Appointments

The Board shall consist of seven members, to be appointed by the Mayor, to represent to the extent possible a broad cross-section of the community with demonstrated experience in historic preservation, architectural development and local history in addition to the following:

- a. At least one shall have demonstrated commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field.
- b. At least one shall be an architect or related design professional.
- c. At least one shall be a local realtor or other real estate professional.
- d. At least one shall have construction experience working with historic buildings.
- e. All members shall be residents of the City of Saratoga Springs including at least one resident of a Historic District and one resident of an Architectural Review District.

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### 2. Term of Office

The term of each Board member shall be five years beginning on July 1 and members shall serve on a rotating schedule. Initial terms may be for lesser years so as to effectuate a staggered sequencing of member terms. On an alternating basis, two member terms will expire one year with one member term expiring the next year. A member whose term has expired may serve until replaced.

### 3. Vacancy

If a vacancy occurs other than by expiration of a term, it shall be filled by appointment by the Mayor for the unexpired term.

### 4. Removal

Any member, or alternate member, may be removed by the Mayor for cause and after public hearing.

### 5. Alternate Members

The Mayor may appoint up to two alternate members to serve in the place of Board members who are unavailable to attend a meeting due to recusal or other absence.

- a. In the selection of alternate members, preference may be given to former Board members or other residents that demonstrate the experience and knowledge considered for original appointments and as identified in 13.9.D.1 above.
- b. Full Board attendance is encouraged at all meetings. When fewer than six members are able to attend a meeting, alternate members shall be called upon to serve in the place of an absent member.
- c. When serving in the place of a member, the alternate member shall have the full rights and obligations of a member. Alternate members not serving in place of a member may not participate as a Board member in the discussion of agenda items at Board meetings or workshops or any subcommittee thereof. In the event a Board member is available to once again serve with regard to a matter because he/she is no longer absent or recused, the alternate member will no longer serve with regard to said matter.
- d. All provisions of law relating to Board member eligibility, terms, vacancy in office, removal, compatibility of office and service on other boards, training, continuing education, compensation, and attendance shall apply to alternate members, except that there shall be no requirement that an alternate member be a property owner in an historic or architectural review district.

## E. Authority and Duties

1. The Design Review Board reviews and approves historic review and architectural review applications.
2. The Design Review Board will promote the following objectives in the Historic Review Overlay District:
  - a. To prevent the demolition or destruction of significant structures, terrain, landscape, or scenic views.
  - b. To eliminate existing incongruous structures or other blighting factors and prevent the creation of any new such conditions.
  - c. To preserve and enhance the historic context and setting within the Historic District.
  - d. To assure architectural compatibility such as aesthetic, historical and architectural values, architectural style, design, arrangement, texture, material, and color.
  - e. To encourage and maintain appropriate protective restrictions such as easements, covenants, or similar agreements.
  - f. To improve the integrity of the Historic Districts through economic and other incentives.
3. Employ experts, staff and legal counsel, or appoint such citizen advisory committees as may be required to carry out Board duties within the Council-approved budget.
4. Administer on behalf, and at the request, of the City Council any full or partial interest in real property that the City may have received.

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- 5.** Accept and administer on behalf of the City such grants and funding as may be appropriate for the purposes of this Article.
- 6.** Recommend to the City Council the adoption of ordinances designating properties or structures having special historic, community, cultural or architectural value as landmarks or Historic Districts.
- 7.** Keep a register of all properties and structures that have been designated as landmarks or historic districts including all information required for each designation.
- 8.** Propose or sponsor the nomination of landmarks and historic districts to the National Register of Historic Places and review and comment on any National Register proposed nominations submitted to the City Council or State Historic Preservation Office.
- 9.** Maintain a directory of architectural styles.
- 10.** Develop specific design guidelines for the alteration, construction or removal of landmarks or property and structures within historic districts.
- 11.** Conduct surveys to identify historically and architecturally significant properties, structures, landmarks and areas that exemplify the cultural, social, economic, political or architectural history of the Nation, State or City.
- 12.** Inform and educate the citizens of Saratoga Springs concerning the historic and architectural heritage of the City.
- 13.** Advise and guide property owners on physical and financial aspects of preservation, renovation, rehabilitation and reuse, on procedures for inclusion on the National Register of Historic Places, and on participation in State and Federal historic preservation programs.
- 14.** Confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques or markers.
- 15.** Request advisory opinions from the City Council, the Planning Board and any other body, agency or department of the City on any matter before the Board.
- 16.** Review and make advisory recommendations on any matter referred to the Board by the City Council, the Zoning Board of Appeals, the Planning Board and any other body, agency or department of the City.
- 17.** Recommend to the City Council zoning amendments, policy initiatives and programs to protect historic properties and implement the intent and objectives of this Article.
- 18.** Develop a preservation component in the Comprehensive Plan of the City of Saratoga Springs and recommend it to the Planning Board and the City Council.
- 19.** Exercise all other powers conferred upon it by the City Council.

**F. Applicability**

**1. Historic Review Applicability**

The following actions are subject to historic review when occurring on City Landmarks and within Historic Review Overlay Districts:

- a.** Construction, rehabilitation, alteration, or exterior change to a structure that requires the issuance of a building or demolition permit.
- b.** Installation of an awning, sign, or sign structure that requires a building or sign permit, or such modification with respect to size, materials, illumination, method of attachment, and color.
- c.** Creation of additional paved area or repair to existing paved areas.
- d.** Installation of telecommunications facilities.
- e.** Regardless of the requirement for a building or demolition permit, any material change to the exterior appearance of a structure that affects the historical characteristics and context of the district including:
  - i.** Addition or removal of exterior architectural features.
  - ii.** Installation, removal, or change of materials on exterior building elements including but not limited to roof, siding, windows, doors, porches, and the like.
  - iii.** Enclosure or screening of building openings including but not limited to windows, doors, porches, and the like.
  - iv.** Installation of accessory utility, mechanical or miscellaneous structures to the exterior of a building including but not limited to mechanical equipment, solar panels, wind turbines, radio or satellite transmission/reception devices, and the like.
- f.** Construction or alteration of a fence or wall visible from the public right-of-way, excluding alleys.
- g.** The following actions within a front yard setback:
  - i.** Installation, removal, or change in material of driveways or walkways
  - ii.** Installation or removal of vegetative screening that exceeds three feet in height.
  - iii.** Installation of accessory utility structures or radio/satellite transmission/reception devices of two feet or more in diameter.
  - iv.** Installation, removal, or change in Tier 2 solar energy systems.
- h.** Change of the exterior color of any structure within a nonresidential zoning district.
- i.** Additional actions as set forth in item K.4 below occurring on or to a City Landmark.
- j.** The following actions are exempt from historic review:
  - i.** Ordinary maintenance or repair of any exterior feature that does not involve a change in design, material, color, or outer appearance.
  - ii.** Installation of accessory freestanding objects including but not limited to sculpture, tree houses, play equipment, clocks, fountains, flagpoles, basketball hoops, and the like.
  - iii.** Installation of individual window air conditioning units, and radio or satellite antennas/receivers less than two feet in diameter.
  - iv.** Replacement in-kind of any exterior feature that is deteriorated beyond repair.

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### 2. Architectural Review Applicability

The following actions are subject to architectural review by the Design Review Board when occurring within the Architectural Review Overlay District:

- a. Construction, renovation, alteration, or exterior change to a structure that requires the issuance of a building or demolition permit.
- b. Installation of an awning, sign or sign structure that requires a building or sign permit, or such modification with respect to size, materials, illumination, method of attachment, and color.
- c. Creation of additional paved area or repair to existing paved areas.
- d. Change of the exterior color of any structure within a nonresidential district.
- e. Installation of telecommunications facilities, regardless of location, in accordance with Section 8.4.DDDDD.
- f. For nonresidential and multi-family projects: Installation of accessory utility, mechanical or miscellaneous structures to the exterior of a building including but not limited to mechanical equipment, wind turbines, radio or satellite transmission/reception devices, and the like where visible from the public right-of-way, excluding alleys.
- g. Installation, removal, or change in Tier 1 solar energy systems.
- h. The following actions are exempt from architectural review:
  - i. Ordinary maintenance or repair of any exterior feature that does not involve a change in design, material, or outer appearance.
  - ii. Any action having received historic review approval.

### G. Procedure

#### 1. General

- a. The Planning Department Staff will refer to the Design Review Board all actions identified in this Article that require historic or architectural review approval. The Design Review Board will not accept any application for review that includes a lot for which there is an outstanding, unresolved written violation from the City that is not the subject of the application.
- b. An eligible applicant for historic or architectural review approval must be the owner, lessee or purchaser under contract for the involved parcel. A lessee and purchaser under contract must have the permission of the current property owners to submit an application for historic or architectural review approval.
- c. All applicable fees must be paid.
- d. In rendering its decision on any application, the Design Review Board must comply with all applicable provisions of the State Environmental Quality Review Act (SEQRA) and its implementing regulations.

#### 2. Process

- a. Within 62 days of the determination by the Design Review Board that the application is complete, or the close of the public hearing, a written decision must be issued. This time frame may be extended by mutual consent of the applicant and the Design Review Board.
- b. Four affirmative votes are required to pass a motion regarding an application before the Design Review Board. If four affirmative votes cannot be attained on a motion within this 62day period, unless extended by mutual consent of the applicant and the Design Review Board, the application is denied by default.
- c. The Design Review Board may request an advisory opinion of the Planning Board or any administrative department or agency in its evaluation of an application for historic review.

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d. The Design Review Board may approve as submitted or approved with conditions. The Design Review Board may impose appropriate conditions in connection with its approval including those related to nature and quality of building materials, manner of construction, and design and other building elements. The Design Review Board may also deny an application provided the Board finds that such construction, alteration, or demolition would be in opposition to the intent and objectives of this section, and that the finding is not based on personal preference as to taste or choice of architectural style.

e. Prior to the granting of final approval by the Design Review Board, an applicant may seek preliminary approval for the general mass and scale of a proposed structure. This preliminary approval is subject to a SEQRA determination and constitutes approval of the footprint and proportions of the proposed structure, including any proposed rooftop structures, and its compatibility with the surrounding neighborhood. Preliminary approval does not constitute approval of elevations and other facade and roofline details. Unless noted within the preliminary approval, an applicant must obtain final approval by the Design Review Board prior to issuance of a building permit.

f. Every Design Review Board decision must be signed and dated by the Board Chairperson and document the circumstances of the case and the findings on which the decision is based.

g. The Design Review Board decision will be filed in the Office of the City Clerk within five business days of the decision and a copy provided to the applicant and to the Building Department.

h. For projects in the Historic District approved after the effective date of this Ordinance, a Notice of Approval will be issued by Planning Department Staff and provided to the applicant within five business days of the filing of the Design Review Board decision. The general presentation and typical content of the Notice of Approval shall be on a form approved by the Design Review Board.

- i. The Notice of Approval must be posted or displayed in a prominent location on the property where the approved project is taking place and must be visible from the public right-of-way.
- ii. The Notice of Approval must be posted or displayed before any work on the project begins and must remain on display for the full duration of the project.
- iii. The Notice of Approval may be removed upon receipt of a certificate of occupancy, certificate of completion, or Building Department written approval.

i. The Design Review Board Chairperson has the authority to approve minor modifications to existing Design Review Board approvals if the Chairperson deems the changes are not material, substantial, or substantive in nature and are not contrary to the intent of the original decision. The Design Review Board Chairperson must issue all administrative approvals in writing and report them to the Design Review Board.

### 3. Permits

a. Upon approval of historic or architectural review and confirmation of compliance with any required conditions, the Building Department may issue building, sign, or demolition permits associated with the application. No building, sign, or demolition permit will be issued in the event of a denial.

b. For actions subject to historic or architectural review but not requiring a building, sign, or demolition permit, the Building Department will perform inspections as necessary to confirm compliance with Design Review Board approval and any required conditions.

c. Upon confirmation of the completion of an approved action requiring historic or architectural review, and any required conditions, the Building Department may issue a certificate of occupancy.

### 4. Expiration and Extensions

a. Unless otherwise specified or extended by the Design Review Board, Board approvals expire 18 months following the filing date of the Board's written decision if the applicant has not complied with any required conditions and started actual construction, or otherwise implemented this approval. Actual construction is defined as the fastening or placing of construction materials in a permanent manner, the excavation of a basement, or the demolition or removal of any existing structure if no new construction is approved.

b. The Design Review Board may grant up to two 18 month extensions for historic review approval provided that the application for extension was properly submitted prior to the expiration date of either the original

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historic review approval or the first extension. When requesting an extension, it is the applicant's responsibility to demonstrate that there have been no significant changes to the site or neighborhood, and that the circumstances and findings of fact by which the original historic review approval was granted have not significantly changed.

### H. Historic Review Approval Standards

#### 1. Historic Review

The following standards apply to review of historic review applications:

##### a. Preserve Rather Than Remove

Distinguishing original features of a structure or site are essential to the historic quality and character of that site. Distinguishing original qualities or character of a structure, site, and/or its environment must be preserved and protected to the maximum extent possible. Destruction or alteration of any historic material or distinctive architectural feature should be avoided.

##### b. Repair Rather Than Replace

Distinctive architectural features that characterize a structure or site must be repaired rather than replaced whenever possible. If replacement is necessary, the replacement materials should match the original in composition, design, color, texture, and other visual qualities.

##### c. Promote Historical Accuracy

Repair or replacement of architectural features should be based on historical evidence rather than on conjectural designs or the incorporation of elements from other structures.

##### d. Recognize Significance of Historical Time Periods

Structures and sites should be recognized and preserved as products of specific historical period(s). Changes that occurred over time are evidence of the history and development of a structure or site and may have acquired historical significance in their own right.

##### e. Compatible Contemporary Design

Contemporary design for alterations and additions to existing properties may be encouraged provided it does not destroy significant historical, architectural, or cultural material and is compatible with the size, scale, color, material, and character of the site or surrounding neighborhood. Incompatible alterations shall be discouraged.

##### f. Structures and Sites Treated with Sensitivity

Archaeological resources affected by any project must be protected and preserved to the maximum extent possible. Activities that will damage historic building materials or site features shall be discouraged. Historic structures are to be cleaned with the gentlest means possible.

#### 2. Design Considerations

For actions subject to review, the Design Review Board will evaluate whether the proposed alteration or construction is compatible with the subject structure, site, and neighboring properties in the historic district with regard to:

##### a. Height

The Design Review Board must consider whether the height of the proposed structure is compatible with the historic form and context of the site and neighboring properties and with any specific zoning district intent.

##### b. Scale

The Design Review Board must consider whether the scale of the proposed structure is compatible with the relationship of the building and its architectural elements to neighboring structures, and character of historic setting.

##### c. Mass and Open Space

The Design Review Board must consider whether the relationship of the dimension and mass of a building to the open space between it and adjoining buildings is compatible with the character of the neighboring area and with any specific zoning district intent.

##### d. Proportion

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The Design Review Board must consider whether the proposed structure and its architectural elements, including front facades, windows, doors, and bays, are consistent with the dominant proportion of neighboring structures and site.

### **e. Directional Expression**

The Design Review Board must consider whether the directional expression of a building and its architectural elements are compatible with the dominant horizontal or vertical expression of the neighboring buildings.

### **f. Architectural Rhythm**

The Design Review Board must consider whether the architectural, rhythmic pattern resulting from repeated elements such as window and door openings, columns, arches, and other facade elements is consistent within the subject structure and consistent with neighboring structures.

### **g. Front Setback**

The front setback for the building line of all new construction must be compatible with neighboring buildings and any specific zoning district intent.

### **h. New Construction and Additions**

New construction and additions should be undertaken such that their removal will not impair the original historic form and integrity of the structure and site and the surrounding historic site.

### **i. Treatment of Major Building Elements**

#### **i. Doors**

Existing historic doors and door openings must be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered. Where doorways must be altered to meet current building code and safety requirements, doors and entrance ways must be designed to respect the exterior architectural character of the building.

#### **ii. Windows**

Existing historic windows and window openings must be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered.

#### **iii. Roofs**

Features that give a roof its essential historic and architectural character must be retained and rehabilitated whenever possible. Roof designs for new structures must be compatible with neighboring buildings. Exterior mechanical equipment must be minimized and screened from view.

### **j. Materials**

Materials used in new construction must be compatible with those traditionally used in the neighboring area. Contemporary materials may be acceptable provided that the overall texture, color, and details of the building are compatible with neighboring buildings.

### **k. Colors**

Architectural features of historic buildings must be restored with colors and finishes appropriate to the nature of the materials and to the historic character of the building. Where historically documented colors are not used, colors must be appropriate to the building's predominant architectural style(s). Colors used in new construction must be compatible with neighboring buildings.

### **I. Architectural Review Approval Standards**

The Design Review Board must evaluate whether the proposed alteration or construction is compatible with the subject structure, site, and neighboring properties in the architectural review overlay district with regard to:

#### **1. Height**

The Design Review Board must consider whether the height of the proposed structure is compatible with the historic form and context of the site and neighboring properties and with any specific zoning district intent.

#### **2. Scale**

The Design Review Board must consider whether the scale of the proposed structure is compatible with the relationship of the building and its architectural elements to neighboring structures and community character.

#### **3. Mass and Open Space**



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The Design Review Board must consider whether the relationship of the dimension and mass of a building to the open space between it and adjoining buildings is compatible with the character of the neighboring area and with any specific zoning district intent.

### 4. Proportion

The Design Review Board must consider whether the proposed structure and its architectural elements, including front facades, windows, doors, and bays, are consistent with the dominant proportion of neighboring structures and site.

### 5. Directional Expression

The Design Review Board must consider whether the directional expression of a building and its architectural elements are compatible with the dominant horizontal or vertical expression of the neighboring buildings.

### 6. Architectural Rhythm

The Design Review Board must consider whether the architectural, rhythmic pattern resulting from repeated elements such as window and door openings, columns, arches, and other facade elements is consistent within the subject structure and consistent with neighboring structures.

### 7. Front Setback

The front setback for the building line of all new construction must be compatible with neighboring buildings and any specific zoning district intent.

### 8. New Construction and Additions

New construction and additions should be undertaken such that their removal will not impair the original historic form and integrity of the structure and site.

### 9. Treatment of Major Building Elements

#### a. Doors

Existing historic doors and door openings must be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered. Where doorways must be altered to meet current building code and safety requirements, doors and entrance ways must be designed to respect the exterior architectural character of the building.

#### b. Windows

Existing historic windows and window openings must be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered.

#### c. Roofs

Features that give a roof its essential historic and architectural character must be retained and rehabilitated whenever possible. Roof designs for new structures must be compatible with neighboring buildings. Exterior mechanical equipment shall be minimized and screened from view.

### 10. Materials

Materials used in new construction must be compatible with those traditionally used in the neighboring area. Contemporary materials may be acceptable provided that the overall texture, color, and details of the building are compatible with neighboring buildings.

### 11. Colors

Colors used in new construction must be compatible with neighboring buildings. Architectural features of historic buildings must be restored with colors and finishes appropriate to the nature of the materials and to the historic character of the building. Where historically documented colors are not used, colors must be appropriate to the building's predominant architectural style(s).

### 12. Rural Design Characteristics

Proposed alteration or construction subject to Architectural Review within the Rural Residential zoning district should be evaluated for compatibility with the rural design standards of Section 16.10 to the extent possible for elements within the Design Review Board's purview.

### J. Demolition

#### 1. General

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- a. The Design Review Board must determine whether the proposed structure has architectural or historic significance.
- b. Significance includes having particular important associations within the context of the architecture, history, or culture of Saratoga Springs or region and may include listing as contributing on the State and National Registers of Historic Places.

### 2. Structures with No Architectural or Historic Significance

The Design Review Board may approve an application for demolition if it finds that the demolition is consistent with the intent and objectives of this Section and that the structure proposed to be demolished has no historic or architectural significance.

### 3. Structures with Architectural or Historic Significance

- a. For the proposed demolition of a structure with architectural or historical significance, the applicant must demonstrate good cause as to why such structure cannot be preserved. The applicant must provide the following:
  - i. The applicant must document good faith efforts in seeking an alternative that will result in the preservation of the structure including consultation with the Design Review Board and the Saratoga Springs Preservation Foundation. The relocation of structures may be permitted as an alternative to demolition.
  - ii. The applicant must document efforts to find a purchaser interested in acquiring and preserving the structure.
  - iii. The applicant must demonstrate that the structure cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, which would result in a reasonable return.
  - iv. The applicant must submit evidence that the property is not capable of earning a reasonable return regardless of whether that return represents the most profitable return possible. "Dollars and cents proof" is required to demonstrate such hardship.
  - v. Application for demolition of a structure with historic or architectural significance must include acceptable post-demolition plans for the site. Such plans include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project. The Design Review Board may condition the issuance of a demolition approval on the applicant's receipt of all other necessary approvals and permits for the post- demolition plan.
- b. The Design Review Board will schedule a public hearing on an application for demolition of a structure with historic or architectural significance. Notice is required as indicated in Section 13.3.

### 4. Determination of Jeopardy to Health, Safety, and Welfare of Community

- a. In cases where an applicant has sought demolition approval on the basis that a structure represents an imminent danger to the health, safety, and welfare of the community, the Design Review Board will refer the application to the Building Inspector for review and report pursuant to City Code Section 118 Unsafe Structures.
- b. The Building Inspector's report is advisory to the Design Review Board.
- c. The Design Review Board will review the Building Inspector's report and make a determination that the structure can or cannot reasonably be repaired in such a way as to remove the imminent danger.

### 5. Demolition of Historic Structures by City

- a. The City, through its Code Enforcement Officers or other appropriate municipal officials, may seek demolition of a structure listed individually or as a contributing structure in an historic district on the National Register of Historic Places in New York Supreme Court under N.Y. Executive Law 382.

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b. Prior to filing such an application, the matter must be referred to the Design Review Board for an advisory opinion as to whether the structure can or cannot be reasonably repaired in such a way as to remove the cause for demolition.

c. The Design Review Board has 30 days to render a written advisory opinion unless extended by mutual consent. The City may also seek advisory recommendations from local preservation organizations.

### 6. Emergency Demolition

If the Building Inspector or Fire Chief, determines that the structure is in danger of imminent collapse or is an immediate danger to public safety, he/she may order the structure demolished immediately in accordance with City Code, Chapter 118. The Building Inspector or Fire Chief will issue a report to the Design Review Board stating the reasons for the order.

### 7. Court Action

The Design Review Board has no authority to act otherwise in cases where an appropriate legal action or procedure has resulted in a judgment or order by a Court of competent jurisdiction that a structure endangers the health, safety, and welfare of the public and must be demolished.

## K. Designation of Landmarks and Historic Districts

### 1. Designation

Any proposed designation of landmarks or historic districts constitutes an amendment to this Ordinance and is subject to all public hearing, property owner notification, and other applicable provisions of this Ordinance.

a. Once the City Council has accepted for review a proposed designation, no building or demolition permits will be issued until the City Council has made its designation determination.

b. Prior to action on a proposed designation, the City Council must request an advisory opinion from the Design Review Board. The Design Review Board has 30 days to render a written advisory opinion unless extended by mutual consent. The opinion must contain a favorable recommendation only if the Design Review Board finds that the proposed revision is not contrary to the intent and objectives of this Article.

### 2. City Landmark Criteria

The City Council may designate an individual property as a landmark if it meets one or more of the following:

a. Possesses special character or archeological, historic, or aesthetic interest or value as part of the cultural, political, economic, or social history of the locality, region, state, or nation.

b. Is identified with historically significant individuals.

c. Embodies the distinguishing characteristics of an architectural style.

d. Is the work of a designer whose work has significantly influenced a particular architectural period or era.

e. Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

### 3. Historic District Criteria

The City Council may designate a group of properties as a Historic District if it meets one or more of the following:

a. Contains properties that meet one or more of the criteria for designation of a landmark

b. By reason of possessing such qualities, constitutes a distinct section of the City.

### 4. Designated City Landmarks

The City Council hereby establishes and designates the following City Landmarks:

a. "Bryan House", 123-125 Maple Avenue, Tax I.D. 165.44-I-31

b. "Drink Hall", 297 Broadway, Tax I.D. 165.67-I-24

Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.

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- c.** "Canfield Casino", East Congress Street, Tax I.D. 165.00-4-1  
Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.
- d.** "City Hall", 474 Broadway, Tax I.D. 165.52-4-37  
Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.
- e.** "Congress Park", Broadway, Tax I.D. 165.00-4-1  
Additional actions requiring review: removal, addition or alteration of any park feature such as, but not limited to: Spit 'n' Spat, Italian Gardens, Thorsvalden vases, Spirit of Life and surrounding stonework and landscaping, Trask stairway, War Memorial and Pavilion, Civil War monument, Brackett gates, Congress Spring Pavilion, Columbian Pavilion, Deer Park Spring Pavilion, Morrissey Rose Garden Fountain, reservoir, iron fencing, wrought iron fence surrounding park, configuration of ponds, walks and roadways, topography, Colonial Revival information booth, 1920s era gateposts, street lights, the Grotto (including sundial, pillars and statuary), informational signage, urns by northern pond, trout pond, benches and other park furniture.  
Only ordinary maintenance or repair is excluded from review.
- f.** "High Rock Park", High Rock Avenue, Tax I.D. 165.52-1-76.1, 165.44-2- lots 6, 22, 23, 24 and 25  
Additional actions requiring review: removal, addition or alteration of any park feature such as structures, sculptures, monuments, pavilions, benches, topography, ponds, vegetation, fences, lights, walkways and roads. Only ordinary maintenance or repair is excluded from review.
- g.** "Central Fire Station", 60 Lake Avenue, Tax I.D. 165.60-2-3  
Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.
- h.** "Gideon Putnam Cemetery", South Franklin Street, Tax I.D. 165.66-2-38  
Additional actions requiring review: removal, addition alteration, or cleaning of any cemetery feature such as grave markers, structures, sculptures, monuments, pavilions, benches, topography, fences, lights, walkways and roads. Only ordinary maintenance or repair is excluded from review.

### L. Prevent Deterioration in Historic Districts

1. No owner or person with an interest in real property designated as a city landmark or designated as a contributing property within a local historic district may permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.
2. Such deterioration includes, but is not limited to:

  - a. Deterioration of exterior walls or other vertical supports.
  - b. Deterioration of roofs or other horizontal members.
  - c. Deterioration of exterior chimneys.
  - d. Deterioration or crumbling of exterior stucco or mortar.
  - e. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors.
3. Any complaint to a City official charged with the enforcement of this Ordinance may be referred to the Design Review Board for an opinion as to whether the condition of the property constitutes a violation of this section.
4. The Design Review Board will review the complaint in a public meeting. A notice of the public meeting must be sent to the property owner no less than 30 days prior to the date of the meeting. The Design Review Board will forward their recommendation to the Zoning Officer.
5. Any property condition identified by the Design Review Board as a violation of this section will be referred to the Zoning Officer for enforcement. The Zoning Officer will issue a report to the Design Review Board summarizing the enforcement efforts undertaken, and any proposed or agreed resolution.