

Historic Property Overlay District Summary of Code Changes

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§230-21A

A. Purpose

- In recognition of the designation of the Our Lady of Victory (OLV) Campus as a National Historic Landmark the City of Lackawanna has sought to provide additional protection for the campus and its property by enacting a zoning overlay district. This overlay district will create an additional set of standards to meet if development was to occur on the OLV Campus. The purpose statement for the overlay district outlines the importance of historic sites and their sensitivity to development. The intent statements included allow for the code official or planning & development board member to clearly communicate the goal for development.

B. Intent

- Overlay zoning districts are meant to add to a base zoning district and not to stand alone when mapped. The Historic Property Overlay (HPO) District will act as an extra layer of review.

C. Permitted Uses

- The principal uses of the OLV Campus include a place of worship, a school, and multi-family housing, professional offices, and health care facilities. In order to prevent the introduction of new principal uses onto the OLV Campus the permissions for commercial uses including retail, and restaurants have been drafted as prohibited.

D. Accessory Uses

- The accessory uses permitted within the HPO follow the regulations of the base districts with the exception of Public Parking. Public Parking was added as a permitted accessory use due to the large parking lot located on the corner of South Park Avenue and Baker Alley. This provides the City an option to secure a license agreement or other measure to provide public parking for the Lackawanna's Central Business District along Ridge Road. If there is existing professional office uses within the OLV Campus, they will remain permitted as customarily ancillary to a principal land use.

E. Dimensional Requirements

- In an effort to maintain the OLV buildings' physical conformity with the current zoning ordinance standards, dimensional standards within the HPO District will follow the base zoning district.

F. Design Standards

- To ensure that the style and historic character of the OLV Campus is maintained, new design standards are proposed that seek to promote consistency across building materials and façade aesthetics. The OLV buildings are primarily built of brick and masonry with metal trim and glass features. To ensure that these materials are used in future development, standard "1" limits the use of building materials to brick, masonry, metal and a combination thereof. Certain lower quality finishes are prohibited including EFIS, vinyl siding, and glass block.
- Further, by requiring all visible building facades to be of the same design and materials, a higher quality of design and development is encouraged. This standard will also help to create a better visual aesthetic that aligns with the OLV Campus.

G. Sign Regulations

- All signs within the HPO will follow the size, style, and location requirements set forth in §203-41 of City Code. To provide additional protection within the HPO, pole and window signs will not be permitted as sign types. These types of signs are not found on the OLV Campus and could take away from the established historic character.

§230-71(C)(2)(a)[1] & [2]

Site Plan Review Procedure

- In addition to the existing requirements for a site plan application submittal, applicants will have to provide elevation drawings that demonstrate the proposed building façade or changes to, and the materials used. This will assist the Planning and Development Board in making a determination on the consistency of the project on the proposed site plan review criteria listed in §230-71(4)(a)[1][f]

§230-71(4)(a)[1][f]

Site Plan Review Criteria

- The City of Lackawanna is not a NYS Certified Local Government, and therefore does not have adopted Historic Preservation enabling legislation. This means that NYSHPO is the decision-making authority for all historic properties within the City. On a local level, this can create a discrepancy on what are truly important factors in historic preservation when it comes to the proposed alteration of a historic structure. In order to provide the City of Lackawanna, additional site plan criteria are established for properties within the HPO. These criteria are based on the approval criteria for a Certificate of Appropriateness, which would be issued by a local preservation board. The Certificate of Appropriateness criteria focus on how a proposed alteration or other development impacts historic cultural resources and what mitigating factors are necessary for consistency. The Planning and Development Board will be charged with determining if a

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proposed action meets the proposed criteria, the same way they do with existing criteria [a] through [e] in this section.

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§ 230-21A Historic Property Overlay – HPO

- A. Purpose: The Historic Property Overlay (HPO) District is meant to provide additional protections to buildings, properties, and features that are deemed architecturally and/or culturally significant to the City of Lackawanna. Development that occurs within the Historic Property Overlay District must be consistent with the style of existing buildings and features on site and other buildings and features within the district. This district is intended to:**
- 1) Promote the protection and enhancement of the historic buildings, sites and districts which represent distinctive elements of Lackawanna’s historic, architectural and cultural heritage as well as archaeological sites;**
 - 2) Foster civic pride in the accomplishments of the past; and**
 - 3) Protect and enhance Lackawanna’s attractiveness to visitors and the support and stimulus to the economy thereby provided.**
- B. The Historic Preservation Overlay District regulations and procedures are intended to be imposed in addition to those of the underlying zoning district**
- C. Permitted Uses: All uses permitted within the underlying zoning district are permitted within the Historic Property Overlay District with the exception of the following uses:**
- 1) Pedestrian-oriented commercial uses, including retail and/or personal service establishments, restaurants, hotels, private clubs**
- D. Accessory Uses: All accessory uses permitted within the underlying zoning district are permitted within the Historic Property Overlay District. Additionally, the following uses are permitted as subordinate to a permitted principal use:**
- 1) Public Parking**
 - 2) Uses that are customarily incidental to the principal use**
- E. Dimensional Requirements: The dimensional requirements of the base zoning district shall be met for all properties within the Historic Property Overlay District.**
- F. Design Standards**
- 1) Exterior wall surfaces of buildings shall be of masonry, brick, metal or a combination thereof. Exterior building walls shall not include Exterior Insulation Finish Systems (EFIS), vinyl siding, glass block, or vertical aluminum or metal siding.**

- 2) **Any side or rear wall facing a street right of way or a residential district shall be comprised of the same exterior finish materials as the building front.**

G. Sign Regulations.

- 1) **Signs within the Historic Property Overlay District shall follow the requirements of §230-41.**
- 2) **The following sign types are prohibited within the Historic Property Overlay District:**
 - a. **Pole sign**
 - b. **Window sign**

§ 230-33 Fencing.

- A. Front yard fencing may not exceed three feet in height.

i. Front yard fencing is prohibited within the Historic Property Overlay District.

§230-71(C)(2) Site Plan Review

Application. Copies of the final site plan and supplementary information along with the application and appropriate fees for site plan review shall be submitted to the City Zoning Officer in a quantity to be determined by the City Zoning Officer for distribution to the City Engineer, Fire Department, Police Department, Planning and Development Board and other review agencies as required (ex. County Planning Department, New York State Department of Transportation where project is on or affects state highways).

(a) Properties that are within the Historic Property Overlay District will be required to submit the following, in addition to all other applicable site plan application requirements:

[1] Elevation drawings to include the existing and proposed facade design;

[2] Description of color, style and construction materials in place on all existing structure(s) and proposed improvements on site.

§230-71(C)(4) Site Plan Review

- [1] Approve upon a finding that:
 - [a] The proposed site plan is consistent with the development plan, if one is required.
 - [b] The proposed site plan is consistent with the intent, objectives and specific requirements of this chapter.

- [c] Adequate services and utilities will be available prior to occupancy.
- [d] The site plan is consistent with all applicable laws.
- [e] If a stormwater pollution prevention plan (SWPPP) was submitted in accordance with § 230-71D(35), the site plan and SWPPP comply with the requirements of Article XII of this chapter. [Added 2-5-2008]

[f] For properties with the Historic Property Overlay District the Planning and Development Board will also determine that the proposed action is consistent with the features of the district or the buildings within. To make this finding, the following criteria must be met, to the satisfaction of the Planning and Development Board:

1. **The design and character of the proposed development is compatible with the existing features of the district.**
2. **The proposed development is of appropriate scale in relation to adjacent properties and buildings.**
3. **Building design features including façade materials, proportion and arrangement of windows and doors, and roof shape are consistent with existing buildings within the district.**

