

§ 190-28. Historic District Overlay. [Added 8-14-2000]

A. Purpose. The Historic District Overlay zone is intended to provide for the preservation of historic sites, areas, buildings and landmarks located in the City of Batavia and to promote the economic, cultural, educational and general welfare of the public. The purpose of establishing an Historic District Overlay zone is to:

- (1) Safeguard the heritage of the City of Batavia by preserving an area in the City which reflects its cultural, social, economic and architectural history.
- (2) Protect buildings, structures and areas within the district which are recognized as historic sites and landmarks.
- (3) Encourage new development that is compatible with and supportive of the distinctive character of such areas.
- (4) Protect and enhance the City of Batavia's attractiveness to visitors and the support and stimulus to the economy thereby provided.
- (5) Foster community spirit and civic pride in accomplishments of the past.

B. Definitions.

ALTERATION — Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

CONSTRUCTION — The act of adding an addition to an existing structure or the erection of a new principle or accessory structure on a lot or property.

DEMOLITION — Any act or process that destroys in part or in whole a landmark or structure.

OVERLAY — A zoning district that exists in conjunction with and provides alternative or additional regulations applicable to the primary, underlying zoning district shown on the Zoning Map.

REMOVAL — Relocation of a structure on its site to another site.

REPAIR — Any change that is not construction, removal, or alteration.

C. Establishment of Historic District Overlay. Pursuant to these purposes, there is designated in the City of Batavia an overlay zone known as the "Historic District Overlay" zone with the following boundaries:

Beginning at a point at the intersection of the centerlines of Court Street and Main Street; thence southerly a distance of 360 feet along the centerline of Court Street to the intersection of the centerlines of Evans Street and Ellicott Street; thence southerly a distance of 350 feet along the centerline of Evans Street; thence westerly a distance of 162.69 feet across Evans Street and along the southerly property line of a parcel owned by Genesee County; thence northerly 27.83 feet along the easterly property line of said parcel; thence westerly 213.04 feet along the southerly property lines of parcels owned by St. Mary's R.C. Church, the City of Batavia and Cosima Realty, Inc.; thence northerly a distance of 130 feet along the easterly property line of said parcel owned by Cosima Realty, Inc.; thence northwesterly a distance of 133.26 feet along the southerly property line of said parcel; thence westerly a distance of 78.75 feet along the southerly property line of a parcel owned by Dean Lapp; thence southerly a distance of 20 feet along the easterly property line of a parcel owned by Genesee County; thence westerly a distance of 20 feet along the southerly property line of said parcel; thence southerly a distance of 110 feet along the easterly property line of said parcel; thence southwestery a distance of 114.88 feet along the easterly property line of said parcel to the centerline of Tonawanda Creek; thence westerly a distance of 1220 feet along the centerline of Tonawanda Creek; thence northerly a distance of 226.5 feet across Tonawanda Creek and along the westerly property line of a parcel owned by Genesee County to the centerline of West Main Street; thence easterly a distance of 826 feet along the centerline of West Main Street to the intersection of the centerlines of Porter Avenue and West Main Street; thence northerly a distance of 260 feet along the centerline of Porter Avenue; thence easterly a distance of 96.88 feet across Porter Avenue and along the northerly property line of a parcel owned by Genesee County; thence northerly a distance of 33 feet along the easterly property line of said parcel; thence southerly a distance of 32 feet along the westerly property line of said parcel; thence easterly a distance of 354 feet along the northerly property lines of parcels owned by City of Batavia and the United States Government to the centerline of Jefferson Avenue; thence southerly a distance of 200 along the centerline of Jefferson Avenue to the intersection of the centerlines of Jefferson Avenue and Main Street; thence easterly a distance of 400 feet along the centerline of Main Street to the intersection of the centerlines of Main Street and Court Street which is the point of the beginning.

- D. Designation on Zoning Map. Upon approval by the City Council, the Historic District Overlay Zone shall be classified and designated as an "H-O District" on the Official Zoning Map.
- E. Permitted uses. The Historic District Overlay Zone overlays underlying districts. The permitted uses are determined by the underlying zoning districts.
- F. Building height, lot area and yards. The provisions of this chapter governing the permitted height of buildings, the required lot area and the requirements of front, side and rear yards and other applicable provisions of the underlying district shall apply.
- G. Projects requiring review by Historic Preservation Commission.

- (1) Prior to the issuance of a special sign permit, variance, or zoning amendment for a property in the Historic District Overlay, the proposal under consideration shall be referred to the Historic Preservation Commission.
- (2) All plans for construction, alteration, change in exterior color, repair, removal or demolition of structures or erection/installation of a sign, light fixture, sidewalk, fence, steps, paving, or other exterior elements in the Historic District Overlay zone shall be reviewed by the Historic Preservation Commission. The Historic Preservation Commission shall review only such exterior features of the structure as are visible from public streets, sidewalks, greens, parks or alleys and shall not review alterations on the interior of the structure. Ordinary maintenance to a property which does not involve a change in design, material, color, or outward appearance does not need to be reviewed by the Historic Preservation Commission.

H. Review standards and procedures.

- (1) The Historic Preservation Commission shall make a recommendation to the Planning and Development Committee based on the criteria established for review of a certificate of appropriateness in § 100-5 of Chapter 100, Historic Preservation. It shall be unnecessary for the Historic Preservation Commission to act upon a Certificate of Appropriateness unless the property is a locally designated landmark or district.
- (2) The Historic Preservation Commission shall forward the application along with their recommendation and a summary of their reasoning to the Planning and Development Committee. The Planning and Development Committee shall review the application based on the same criteria as the Historic Preservation Commission. The Planning and Development Committee shall approve, approve with modifications or disapprove the proposed alteration, removal, repair, demolition or construction.

I. Application requirements. The application requirements for any project in the Historic District Overlay Zone requiring review by the Historic Preservation Commission shall be the same as outlined in § 100-6A of Chapter 100, Historic Preservation.