

## MEMORANDUM

**TO:** City Council

**FROM:** Nicholas M. Ward-Willis

**RE:** Potential HDLO Zoning Amendments

**DATE:** September 6, 2019

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At the August 26, 2019 City Council meeting there was an extended discussion regarding Chapter 134 of the Code, Historic Districts and Landmark Overlay Zone. The following items were to be discussed at a future work session to consider further amendments to the HDLO Code:

- 1) Examine the phrase “open to the public” set forth in Section 134-6.
- 2) Examine the language in Section 134-6 concerning a Certificate of Appropriateness for a change to an architectural feature that is visible from a public street or way, public property or public building. The focus should be on what is considered an appropriate public view and how is that defined with respect to view from a public building or public property.
- 3) Should the Code regulate the color of a building?
- 4) Should there be an administrative certificate of appropriateness to streamline the process?
- 5) Should the Code specifically list exempt categories?
- 6) Should the defined phrase “Exterior Architectural Features” include the last sentence which brings into the definition non-structural improvements on the property such as fences, trees, driveways, etc. It was discussed that some properties could contain significant exterior architectural feature and the solution might be that at the time of landmarking the Council be required to specifically

identify that in addition to the structure being landmarked, are there any exterior architectural features that are deemed to be landmarked and should be protected or regulated.

- 7) Examine whether there should be a separate criteria for homes versus larger buildings and how to address regular maintenance of homes.
- 8) The City wanted to examine whether there were additional funding mechanisms that can be made available for landmarked properties.
- 9) We will prepare a resolution requesting the County and School District adopt the tax abatement set forth in Section 199-10.

At the September 3, 2019 public hearing on the proposal to add 35 properties to the HDLO, a number of comments were made by the public, which, after review by staff, can be summarized as follows:

1. Clarify the process of making changes to the property.
2. What incentives will the city provide for property owners who are already exempt from paying property taxes?
3. The interior of buildings should not be regulated – already have this covered in # 1
4. What are the tax benefits? – already covered in # 8
5. The process will be too costly – already covered in # 8

As explained to the Council earlier, state law does not permit the Council from granting any local tax incentives other than the one offered in City Code Section 199-10 (which is authorized under NYS Real Property Tax Law Section 344-a). Additionally, the City has granted the maximum benefit offered under RPTL Section 344-a. If the City wanted to offer a real property tax incentive greater than presently allowed, the City would have to ask for Home Rule Legislation, which requires approval from the Assembly, Senate and Governor.