

Village of Lancaster Local Law _____ of the year 2022

A Local Law to amend Chapter 184 “Historic Districts and Landmarks Preservation” of the Village Code of the Village of Lancaster

Whereas the Village Board of the Village of Lancaster, upon the recommendation of the Village of Lancaster Historic Preservation Commission, wishes to amend Chapter 184 “Historic Districts and Landmarks Preservation” of the Village Code to accommodate more fully the provisions of the Model Landmarks Preservation Local Law for New York State Municipalities proposed by The New York State Historic Preservation Office and wishes also to revise other provisions of the Village Code affected by such amendment to Chapter 184;

Now;

Be it enacted by the Village Board of the Village of Lancaster, New York as follows:

1) Chapter 184 “Historic Districts and Landmarks Preservation” of the Village Code is hereby amended to read as follows:

Chapter 184. Historic Districts and Landmarks Preservation

§ 184-1. Title.

This chapter shall be known and may be cited as the Village of Lancaster Historic District and Landmarks Preservation Chapter.

184-2. Purpose.

The Village Board of Trustees finds that there exist within the Village of Lancaster 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 Lancaster Village, to contribute to the aesthetic value of the Village and to promote the general good, welfare, health and safety of the Village and its residents. The purpose of this chapter is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of buildings, structures, signs, features, improvements, sites, and areas within the Village that reflect special elements of the Village’s historic, architectural, cultural, economic or aesthetic heritage for the following reasons:

- A. To foster public knowledge, understanding, and appreciation in the beauty and character of the Village and in the accomplishments of its past;
- B. To ensure the harmonious, orderly, and efficient growth and development of the Village;

- C. To enhance the visual character of the Village by encouraging new design and construction that complements the Village's historic buildings;
- D. To protect and promote the economic benefits of historic preservation to the Village its inhabitants and visitors;
- E. To protect property values in the Village;
- F. To promote and encourage continued private ownership and stewardship of historic structures;
- G. To identify as early as possible and resolve conflicts between the preservation of historic landmarks/districts and alternative land uses;
- H. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment; and
- I. To increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.

§184-3 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.

184-4. Historic Preservation Commission.

There is hereby created a Commission to be known as the "Village of Lancaster Historic Preservation Commission" which at times shall hereinafter be referred to in this chapter as the "Commission".

A. Membership: The Commission shall consist of a minimum of five members and a maximum of seven members. In addition, the Commission may have up to two alternate members.

B. Appointments: Members and alternate members of the Commission shall be appointed and designated by the Village Board of Trustees. No person appointed to the Commission can also serve as a member of the Village Board of Trustees.

C. Term of Office:

(1) Vacancies created by reason of the expiration of the term of appointment of current members and current alternate members shall be filled by the Village Board during the Village Board annual organizational meeting. The term of appointment or reappointment for members and alternate members of the Commission shall be four years.

(2) Vacancies occurring in the Commission other than by the expiration of a term of office shall be filled at the time the vacancy is created by appointment of the Village Board. Any such appointment shall be for the unexpired portion of the term of the replaced member. The appointment must be made in accordance with the qualification criteria set forth at § 184-4.D.

(3) Subject to the limiting provisions of §184-4.A., the Village Board may at any time increase the number of members or alternate members if in the discretion of the Village Board such is warranted. If the number of members or alternate members is increased, the term of newly added members or alternate members shall not exceed 4 years. In determining the term of newly added members or alternate members, the Village Board shall undertake a good faith effort to sustain a consistent array of staggered terms.

D. Qualifications: To the extent available in the community and vacancies to be filled exist, Commission members shall include:

- (1) An architect.
- (2) A historian.
- (3) A licensed real estate sales person.
- (4) An attorney.
- (5) A resident of a historic district.

(6) A local teacher/school administrator.

(7) One who shall have demonstrated significant interest in and 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.

(8) All members shall have a known interest in historic preservation and architectural development within the Village of Lancaster.

E. Compensation: Members shall serve with compensation as determined by the Village Board of Trustees.

F. Training and attendance requirements:

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

(2) To be eligible for reappointment to the Commission, a member shall have completed the training approved by the Historic Preservation Commission.

(3) Training requirements may be waived or modified by resolution of the Commission when, in the judgment of the Historic

Preservation Commission, it is in the best interest to do so.

(4) No decision of the Commission shall be voided or declared invalid because of a failure to comply with paragraph H.

(5) Members must not have more than three unexcused absences in a calendar year or they may be subject to dismissal from the Commission by the Village Board upon the recommendation of the Historic Preservation Commission.

§184- 5. Organization.

A. Chairperson and Vice Chairperson; designation and duties.

(1) The Chairperson and Vice Chairperson of the Commission shall be elected by and from among the members of the Commission.

(2) The Chairperson and Vice Chairperson shall have the right to vote in all matters before the Commission.

B. Secretary: The Village Board of Trustees shall appoint a secretary to the Commission who may or may not have been appointed a member or alternate member of the Commission. The secretary shall keep a record of all resolutions, proceedings, and actions of the Commission, as well as attendance of Commission members.

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

§184- 6. Records and Annual Report.

A. Records: The Commission shall be subject to the provisions of the Public Officers Law, including Article 7 related to the Open Meetings Law. Commission records shall be readily available to the public. The vote or failure to vote of each Commission member shall be recorded. If any Commission 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 Commission shall submit an annual report of its activities to the Mayor, each other member of the Village Board of Trustees and the Village Clerk and make such recommendations to the Village Board as the Commission deems necessary to carry out the purposes of this chapter.

§184-7. Promulgation of Regulations; Meetings.

A. Regulations: The Commission may recommend to the Village Board of Trustees regulations relating to any subject matter over which the Commission has jurisdiction pursuant to this chapter. Any such recommendation may be adopted by local law or resolution of the Village Board of Trustees.

B. By-Laws: The Commission may approve by-laws that are consistent with the regulations adopted by the Village Board of Trustees. Consistent with the regulations adopted by the Village Board of Trustees and subject to the notice provisions of the New York Open Meetings Law such by-laws may provide for the time and place of holding regular meetings and the calling of special meetings.

C. Meetings: Regular meetings shall be held at least once a month unless canceled for lack of business by Commission resolution or the Chairperson. Written notice of cancellation shall be timely provided to the other Commission members, the Village Board and the Village Clerk. All regular or special meetings of the Commission shall be conducted in a manner consistent with the notice provisions of the New York Open Meetings Law and shall be open to the public. Special meetings may be called by the Chairperson , by Commission resolution or as otherwise provided by Commission by-laws.

§184- 8. Committees.

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

§184- 9. Powers and Duties of the Historic Preservation Commission.

A. General and Advisory Powers. The Commission shall, from time to time:

(1) Evaluate an application for a Certificate of Appropriateness; approve, approve with modifications, or deny any proposal for exterior changes to or demolition of an individual landmark or structure within a historic district

(2) Recommend to the Village Board of Trustees additional regulations to be adopted by local law or resolution that may be necessary for the Commission to conduct its business, consistent with the scope and intent of this chapter;

(3) Recommend to the Village Board of Trustees 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 Village Board of Trustees individual landmarks, interior landmarks, scenic landmarks and historic districts to be adopted by resolution or local law, and from time to time changes thereto;

(5) Recommend to the Village Board of Trustees proposals for the acquisition of preservation easements or other interests in real property;

(6) Recommend to the Village Board of Trustees additional criteria to be adopted in local law to be used when evaluating applications for a Certificate of Appropriateness;

(7) Recommend to the Village Board of Trustees the approval, approval with modifications, or denial of certificate of economic hardship applications submitted pursuant to **§184-20** *et seq.*

(8) Recommend to the Village Board of Trustees the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this chapter;

(9) Recommend acquisition of a landmark structure by the Village government where its preservation is essential to the purposes of this chapter and where private preservation is not feasible.

(10) Report on matters referred to it by the Village Board of Trustees.

(11) Review any local laws or regulations, including existing landmarks or historic preservation laws or regulations of the Village, and recommend to the Village Board of Trustees any changes and amendments thereto;

(12) Maintain an inventory of locally-designated historic resources or districts within the Village and publicize the inventory;

(13) Conduct investigations, prepare maps, reports and recommendations in connection with its advisory authority relating to the planning, development and administration of the Village landmarks preservation policies, regulations and local law as needed, provided the total expenditures of said Commission shall not exceed the appropriation provided by the Village Board of Trustees together with any public or private grant funding received by the Village for the Commission to undertake its landmarks preservation powers and duties.

(14) When in the discretion of the Commission such is appropriate, without requiring the submission of an application for a Certificate of Appropriateness evaluate and respond to an inquiry relating to ordinary maintenance and repair of historic resources, historic properties or historic landmarks

(15) Perform other functions that the Village Board of Trustees may designate by resolution or local law.

(16) Upon the adoption of Village of Lancaster the Local Law of the year 2022, enacting revisions of Chapter 184, the Commission shall assure that Village Clerk is in possession of current information identifying existing individual landmarks, interior landmarks, scenic landmarks and historic districts.

§184-10. Cooperation of Village Departments.

All Village departments shall, upon request of the Commission, assist and furnish available permits, plans, reports, maps and statistical or other information which the Commission may require for its work.

§184- 11. Criteria and Designation of Individual Landmarks, Historic Districts, Interior Landmarks and Scenic Landmarks.

A. Individual Landmark: The Commission may recommend to the Village Board of Trustees an individual property for designation as an individual landmark if it:

(1) exemplifies or possesses special character, or historic or aesthetic interest of value as part of the political, economic, or social history of the Village;

(2) is identified with persons or events significant in local, state, or national history;

(3) embodies the distinguishing characteristics of a type, period or method of construction or design style, or is a valuable example of the use of indigenous materials or craftsmanship; or is representative of the work of a designer, architect or builder;

(4) represents an established and familiar visual feature of the community by virtue of its unique location or singular physical characteristic, represents an established and familiar visual feature of the community; or

(5) has yielded or may be likely to yield information important in prehistory or history.

B. Historic District: The Commission may recommend to the Village Board of Trustees a group of properties within the Village for designation as an historic district if a majority of properties therein:

(1) contain properties which meet one or more of the criteria for designation as a landmark and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated a landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district; and

(2) constitute a unique section of the Village by reason of possessing those qualities that would satisfy such criteria.

C. Interior Landmark: Subject to paragraph F, the Commission may recommend to the Village Board of Trustees the interior of a property for designation as an interior landmark if such interior has special historic or aesthetic interest or value as part of the development, heritage or cultural characteristics of the Village, state or nation and:

(1) it is customarily open or accessible to the public; or

(2) it is an interior into which the public is customarily invited.

D. Scenic Landmark: Subject to paragraph F., the Commission may recommend to the Village Board of Trustees a landscape feature or group of features for designation as a scenic landmark. Recommendations for designation must be accompanied by such historic and architectural information as is required by the Commission to make an informed recommendation.

E. The boundaries of each proposed and designated landmark and historic district shall be specified in detail with reference to the tax map identification number and shall be filed, in writing, in the Village Clerk's office and there made available for review by the public.

F. Properties that have achieved significance only within the past fifty (50) years are not eligible for designation as an Interior or Scenic Landmark unless they are:

(1) Integral parts of historic districts that meet the criteria for designation; or

(2) If they are properties of exceptional importance.

§184- 12. Notice and Open meeting Requirements for Proposed Designation.

All Commission regular and special meetings shall be subject to the New York State Open Meetings Law (New York Public Officers Law § 100 *et seq.*). The Commission shall consider proposing to the Village Board the designation of interior landmarks, scenic landmarks or historic districts pursuant to the following procedure:

A. Initiation of Proposed Designation. Designation of a historic landmark, interior landmark, scenic landmark, or historic district may be proposed by the Commission, by the owner of an encompassed property, at times hereinafter referred to as “applicant”, or by any resident of the Village, at times hereinafter referred to as “applicant”.

B. Not later than 7 days prior to first open meeting during which the designation of a historic landmark, interior landmark, scenic landmark, or historic district is to be considered, the Commission shall forward notice of the proposed designation and of the meeting to the applicant(s), if any, to each other owner of an encompassed property as shown by the records of the Town Assessor, to the Building Inspector, the Code Enforcement Officer, the Village Planning Commission and the Village Clerk.

C. The Commission may invite submission of written comments on the proposed designation.

D. The Commission, applicant(s), and any other interested parties may present testimony or documentary evidence at an open meeting which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark, interior landmark, scenic landmark, or historic district.

E. Work Moratorium: Once the designation of an historic landmark, interior landmark, scenic landmark, or historic district has been proposed, the Commission may recommend to the Village Board that a moratorium be put in place, prohibiting any work relating to the historic landmark, interior landmark, scenic landmark, or historic district proposed for designation as long as the proposed designation is under active consideration by the Commission and until the proposed designation has been resolved.

F. Commission Record: The Commission shall compile a public record relative to the considered designation. In addition to testimony or documentary evidence received at any open meeting, the record may also contain reports, public comments, expert testimony, or other evidence offered outside of the open meeting, but submitted for the Commission's consideration by the date of the meeting. At a minimum, the record of the designation shall contain any application(s) which may have been submitted, Commission and/or staff reports, any comments made at an open meeting and the Commission's decision to deny the designation or to recommend to the Village Board approval, or approval with modifications of the pending designation.

G. Commission Decision: The Commission shall by resolution either deny the pending designation or recommend to the Village Board approval or approval with modifications of the pending designation, setting forth in writing the reasons for the recommendation. If designation of an historic landmark, interior landmark, scenic landmark, or historic district was proposed by an applicant, such Commission resolution shall occur within 90 days after the close of the first open meeting during which the designation of an historic landmark, interior landmark, scenic landmark, or historic district was considered. The Commission may agree with all applicant(s) in writing, to extend the time period within which a proposed designation may be resolved. Within 7 days of resolution the Commission shall send by regular mail notice of its resolution to any applicant and to each other owner of an encompassed property as shown by the records of the Town Assessor.

H. Failure to Send Notice. Failure to send any notice by mail to any property owners where the address of such owner is

not a matter of property tax records shall not invalidate any proceedings in connection with the proposed designation.

I. Amendment or Rescission. The Commission may propose to the Village Board the amendment or rescission of any designation of an interior landmark or scenic landmarks or historic district in the same manner and using the same procedures as followed for designation.

§184- 13. Designation by the Village Board of individual landmarks, interior landmarks, scenic landmarks and historic districts

Upon receipt of the recommendation of the Commission, the Village Board may consider the recommended designation of an individual landmark, interior landmark, scenic landmark, historic district or changes thereto.

If the Village Board resolves to consider the Commission recommendation of the designation of an individual landmark, interior landmark, scenic landmark, historic district or changes thereto, the Village Board shall select a date for such consideration of the Commission recommendation to be held during a regular or special meeting not sooner than 30 days in the future.

Upon the Village Board designating such a date for consideration of the Commission recommendation, the Village Clerk shall within 7 days thereof provide the secretary of the Commission a public hearing notice providing the date time and place selected by the Village Board for consideration of the Commission recommendation. The Village Clerk shall also at least four days prior to the date of such hearing publicize the public hearing notice in the official paper and post the hearing notice at the Village Municipal Building. The Commission shall, at least seven days before such hearing, mail the public hearing notice to the applicant(s), if any, and to each other owner of an encompassed property as shown by the records of the Town Assessor and provide to the Village Clerk not later than one day before the hearing written confirmation of such mailing.

§184-14. Certificate of Appropriateness for Alteration, Demolition, Relocation or New Construction Affecting Individual Landmarks, Interior Landmarks, Scenic Landmarks or Historic Districts.

A. The Commission is responsible for the approval or disapproval of proposals for exterior changes to a historic property designated under this chapter. Except as permitted by **§ 115-8**. "Vacation or demolition of building or structure" and **§115-9**. "Emergency repair or enclosure of building or structure" of Chapter 115 "Buildings, Unsafe" of the Village

Code, no person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or relocation of a landmark or property within a historic district, nor shall any person make any material change in the exterior appearance of such a property, its light fixtures, signs (excluding portable signs), sidewalks, fences, steps, paving, exterior windows (including the application of paint or other opaque covering for a duration exceeding two weeks) or other exterior elements visible from a public street or alley which affects the appearance and cohesiveness of the of the individual landmark or historic district, without first obtaining a Certificate of Appropriateness from the Historic Preservation Commission.

B. The effective term of a Certificate of Appropriateness shall be limited to one year from the date of issuance. Thereafter, an application for a Certificate of Appropriateness must be renewed.

C. All changes to Village and Town-owned property affecting an individual landmark or within a historic district shall be subject to the provisions of this chapter.

D. The Village Clerk's Office shall receive and file all applications issued for any individual landmark, or landmarks or historic district to which this chapter applies. The Clerk's Office shall transmit a copy of any such application to the Commission.

E. The Commission may require that the application for Certificate of Appropriateness be supplemented by such additional information or materials as may be necessary for a complete review by the Commission. The Commission 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 chapter.

F. The Certificate of Appropriateness required by this chapter shall be in addition to and not in lieu of any building permit or other land use approval that may be required by any other local law or regulation of the Village of Lancaster.

§ 184-15 Criteria for Issuing a Certificate of Appropriateness.

A. Certificate of Appropriateness; general criteria: The Commission shall approve the issuance of a Certificate of Appropriateness only if it determines that the proposed work will not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the individual landmark or if the proposed work is within a historic district, that the proposed work will not have a substantial adverse effect on the aesthetic, historic, or architectural significance of the property itself, the district or neighboring properties in such district.

B. In making this determination, the Commission's decision to approve, approve with modification(s) or deny an application for a Certificate of Appropriateness for an individual landmark, interior landmark or scenic landmark will be guided by the Secretary of the Interior's Standards for Treatment of Historic Properties and by the following principles of compatibility:

(1) properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;

(2) any alteration of existing properties shall be compatible with the surrounding historic district; and

(3) new construction shall be compatible with the historic district in which it is located;

C. In applying the principles of compatibility set forth in paragraph B. of this section, the Commission shall consider the following factors:

(1) the general design and character of the proposed alteration or new construction relative to existing features of the property or improvement;

(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.

D. In approving an application for a Certificate of Appropriateness, the Commission shall find that the building or structure for which the permit was requested, if erected or altered in accordance with the submitted plan or with stated modifications, would be consistent with the spirit and intent of this chapter, would not be visually offensive or inappropriate by reason of poor quality of exterior design, monotonous similarity or visual discord in relation to the sites or surroundings, would not mar the appearance of the area, would not impair the use, enjoyment and desirability or reduce the values of properties in the area, would not be detrimental to the character of the neighborhood, would not prevent an appropriate development and utilization of the site or of adjacent lands and would not adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the community.

E. Where the Commission grants a Certificate of Appropriateness under circumstances where the permitted activity is likely to uncover or affect archaeological resources, the Commission shall require reasonable efforts to protect and preserve such resources. Where such protection and preservation is not feasible, the Commission shall nonetheless impose appropriate and reasonable conditions to insure that the archaeological resource is made accessible for a reasonable period to qualified persons.

F. In approving an application for a Certificate of Appropriateness, the Commission shall not review changes

to exterior paint colors upon painted surfaces except in instances of unpainted brick.

G. In considering an application for a Certificate of Appropriateness, except with respect to a designated interior landmark, the Commission shall not consider changes to interior spaces or to architectural features that are not visible from a public street or alley.

§ 184-16 Additional criteria as to a Certificate of Appropriateness for demolition of an individual landmark or of a structure located in a historic district.

A. The applicant for a Certificate of Appropriateness for demolition of an individual landmark or of a structure located in a historic district must establish to the Commission's satisfaction, a plan of reuse or redevelopment of the affected property.

B. The applicant for an income-producing property shall 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) efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(4) In deciding upon such application for demolition, the Commission 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.

(5) A Certificate of Appropriateness as to the demolition of an individual landmark or of a structure located in a historic district may be granted only if a site plan therefore has been

approved by the Village Planning Commission and, if necessary, a variance granted by the Village Zoning Board of Appeals as to the demolition and as to a replacement project approved by the Commission.

C. Before approving the Certificate of Appropriateness for demolition of an individual landmark or of a structure located in a historic district, the Commission may suspend the application for up to one hundred and eighty (180) days to allow the applicant to consult in good faith with the Commission, local preservation groups, and the public in a diligent effort to seek a less intrusive alternative to demolition.

§184-17. Certificate of Appropriateness Application Procedure.

A. Prior to the commencement of any work requiring a Certificate of Appropriateness, the property owner shall file an application for a Certificate of Appropriateness with the Village Clerk's Office with any application fee which may be required.

B. In those instances wherein a site plan review or variance is required pursuant to the Code, the site plan review shall occur by the Planning Commission and/or the application for a variance considered by the Zoning Board of Appeals prior to consideration of a Certificate of Appropriateness by the Historic Preservation Commission.

C. The application for Certificate of Appropriateness shall contain:

- (1) the name, address, telephone number and e-mail address of applicant;
- (2) the property location
- (3) photographs of property relevant to the proposed changes;
- (3) drawings of proposed changes, if requested;

(4) perspective drawings of proposed changes, including relationship to adjacent properties, if requested;

(5) product information of building materials to be used, including their proposed color if requested;

(6) samples of building materials to be used, if requested; shall be submitted at the time of the open meeting.

(7) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, and a plan showing the sign's location on the property; and any other information which the Commission may deem necessary in order to visualize the proposed work.

D. Upon receipt of all the information required, the Commission shall place the application on the agenda of the next regularly scheduled meeting. At regularly scheduled meetings of the Commission, the Commission shall consider those complete applications for a Certificate of Appropriateness which have been submitted to the Village Clerk not later than two weeks prior to said regularly scheduled meeting. Adjournments and continuances of a hearing may be permitted by the Commission for good cause with notice thereof to the applicant.

E. At any time subsequent to the submission of a completed application, during an open meeting or otherwise, the Commission shall have the authority to determine that the proposed work constitutes ordinary maintenance, repair or replacement in kind for which a Certificate of Appropriateness is not required.

F. No building permit shall be issued for such proposed work until a Certificate of Appropriateness has first been issued by the Historic Preservation Commission. The expiration of the effective term of a Certificate of Appropriateness as provided at **§ 184-14.B** of this chapter shall not negate the validity of a building permit issued during the effective term of the

Certificate of Appropriateness. The Certificate of Appropriateness required by this chapter shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the Village of Lancaster.

§184-18. Certificate of Appropriateness Open Meeting Requirements.

A. The granting or denial of an application for a Certificate of Appropriateness by the Commission shall be during an open meeting. Notice of the open meeting shall be made public on the Village of Lancaster website and on the Commission website at least 7 calendar days prior to the open meeting date. The property owner and any interested party may present testimony or documentary evidence regarding the proposal at the open meeting, which will become a part of the record. The record may also contain staff reports, public comments, and other evidence offered outside of the open meeting, but presented by the open meeting date.

B. Within 30 days after the close of the open meeting, the Commission shall approve, approve with conditions or modifications, request additional information, deny the Certificate of Appropriateness or exercise the discretion afforded by **§184.16.C**. In the event, however, that the Commission shall 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 open meeting, then the Commission shall have a period of up to one additional 30-day period from the date of any such finding within which to act upon such an applications.

C. As to an application for a Certificate of Appropriateness for the demolition of an individual landmark or of a structure located in a historic district, the Commission shall take one of the following actions:

(1) Approve the Certificate of Appropriateness as to as to the demolition of an individual landmark or of a structure located in a historic district.

(2) Approve the Certificate of Appropriateness as to the demolition of an individual landmark or of a structure located in a historic district subject to a declared waiting period of up to

one hundred twenty days to consider relocation. During the waiting period the Commission may investigate relocation of the building (on site) or modification of the building for future uses in a way which preserves the architectural and historic integrity of the building. The Commission may modify the terms of approval to accommodate findings during the continuance.

(3) Deny the permit.

D. All decisions of the Commission shall be in writing. The Commission's decision shall state the reasons for denying or modifying any application. A copy shall be sent to the applicant by mail, and a copy filed with the Building Department and Village Clerk within ten days of the date of the decision.

E. In all instances, the decision shall advise the applicant that, pursuant to the procedure set forth at **§ 184-25** of this chapter, any person aggrieved by the decision of the Commission relating to a Certificate of Appropriateness application may appeal to the Clerk of the Village of Lancaster for review of the decision of the Commission by the Village Board of Trustees.

§184-19. Expiration of Approval; Extension of Approval

Certificates of appropriateness shall be valid for twelve (12) months, after which time the owner shall apply for a new certificate if he/she still wishes to undertake work on the property. At least two months prior to expiration of the twelve month period the owner may apply, in writing, for an extension and shall explain the reasons for the extension request. The Commission may grant up to two extensions of up to twelve months each.

§184-20. Certificate of Economic Hardship Process and Criteria.

A. An applicant whose Certificate of Appropriateness for a proposed alteration of a historic property or the demolition of an individual landmark or of a structure located in a historic district has been denied may apply for relief in the form of a certificate of economic hardship on the ground of economic hardship. The Village Clerk's Office shall distribute and receive and file all certificate of economic hardship

applications. The Clerk's Office shall transmit a copy of any such application to the Commission. The Commission may require that the certificate of economic hardship application be supplemented by such additional information or materials as may be necessary for a complete review by the Commission.

B. A complete application includes the conclusion of all activities under **§ 184-20.E.** 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 chapter.

C. In order to prove the existence of economic hardship related to a proposed alteration, the applicant shall establish that the denial of a Certificate of Appropriateness will prevent the property owner from earning a reasonable but not necessarily the most profitable return on investment or a reasonable usage of a private residence.

D. The Commission, with the aid of such experts as it deems necessary, shall, in consultation with the applicant, endeavor to develop a plan whereby the improvement may be preserved and perpetuated in such manner as to effectuate the purpose of this chapter, and also rendered capable of earning a reasonable return.

E. Consultation; plan development. The applicant shall consult in good faith with the Commission, 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.

F. Economic Hardship; criteria. In all cases other than a proposed demolition of an individual landmark or of a structure located in a historic district, the applicant shall prove the existence of economic hardship by demonstrating to the Commission:

- (1) that the alleged hardship relating to the property in question is unique, and does not

apply to a substantial portion of the district or neighborhood;

(2) that the requested relief, if granted, will not alter the essential character of the neighborhood; and

(3) that the alleged hardship has not been self-created. An applicant whose Certificate of Appropriateness for a proposed demolition of an individual landmark or of a structure located in a historic district has been denied shall further establish that the denial of a Certificate of Appropriateness will prevent the applicant from earning a reasonable return on investment regardless of whether that return represents the most profitable return possible, or a reasonable usage of a private residence.

G. Upon consideration of an application for a Certificate of Appropriateness as to as to the demolition of an individual landmark or of a structure located in a historic district, the Commission may request the following items:

(1) Current level of economic return;

(2) 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;

(3) Annual gross and net income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(4) Remaining balance on the mortgage or other financing secured by the property and annual debt-service, if any, during the prior three years;

(5) Real estate taxes for the previous four years and assessed value of the property

according to the two most recent assessed valuations;

(6) All appraisals obtained within the last two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

(7) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;

(8) Any state or federal income tax returns relating to the property for the last two years;

(9) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, 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;

(10) Feasibility of alternative uses for the property that could earn a reasonable economic return;

(11) 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;*

(12) Cost estimates for the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a Certificate of Appropriateness;

(13) Estimated market value of the property: (a) in its current condition; (b) after completion of the proposed alteration or demolition; and

(c) after renovation of the existing property for continued use;

(14) 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;

(15) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property; and

(16) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

G. The Commission, in recommending to the Village Board the granting of a certificate of economic hardship, shall recommend 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.

H. The Commission shall render a decision on the certificate of economic hardship application within 60 days following its receipt of a complete application. Failure of the Commission to render a decision on the certificate of economic hardship application within 60 days following its receipt of a complete application or a dispute between the Commission and the applicant as to whether a completed application has been submitted shall be deemed a Commission recommendation to the Village Board that the application has been denied. Upon the written request of the applicant the Commission shall promptly report such to the Village Clerk for purposes of the application of **§ 184-21**.

I. Commission decision.

(1) If the Commission finds that the applicant's burden of proof has not been met, the Commission shall promptly report to the Village Board that the Commission recommends to the

Village Board denial of the application for a certificate of economic hardship.

(2) If the Commission finds that the applicant's burden of proof has been met, the Commission shall promptly report to the Village Board that the Commission recommends to the Village Board that the application for a certificate of economic hardship be granted.

(3) The decision of the Commission on the certificate of economic hardship application shall be in writing and shall state the reasons for the recommendation that it be granted or denied. A copy shall be sent to the applicant by mail and a copy submitted to the Building Department Building Inspector, Code Enforcement Officer and Village Clerk.

§184- 21. Consideration by the Village Board of certificate of economic hardship applications.

In instances when a Certificate of Appropriateness has been denied, no building permit or other land use approvals shall be issued unless the Village Board grants the certificate of economic hardship application. Upon receipt of the recommendation of the Commission the Village Board shall select a date for consideration of the Commission recommendation to be held during a regular or special Village Board meeting not sooner than 30 days in the future. At that time a public hearing on the certificate of economic hardship application shall be conducted at which an opportunity will be provided to the applicant, the public and Commission representatives to present their views on the certificate of economic hardship application.

Upon the Village Board designating such a date for consideration of the Commission recommendation, the Village Clerk shall within 7 days provide the secretary of the Commission a public hearing notice providing the date time and place selected by the Village Board for consideration of the Commission recommendation. The Village Clerk shall also at least four days prior to the date of such hearing publicize the public hearing notice in the official paper and post the hearing notice at the Village Municipal Building. The Commission shall, at least seven days before such hearing, mail the public hearing notice to the applicant and provide to the Village Clerk not later than one day before the hearing written confirmation of such mailing.

The Village Board shall grant the certificate of economic hardship application only upon a finding that the criteria set forth in **§§184-20.C and F.** have been satisfied by the applicant. If the certificate of economic hardship application is granted, the Village Board shall approve only such work as is necessary to alleviate the hardship.

§184-22. Affirmative Maintenance and Repair Requirement

A. Nothing in this chapter shall 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 or outward appearance.

B. No owner or person with an interest in real property designated as a landmark or included within an historic district shall permit the property to fall into a serious state of disrepair. Maintenance shall 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 person in charge of an improvement on a landmark site or in an historic district shall keep in good repair:

(1) all of the exterior portions of such improvements and

(2) all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a serious state of disrepair. Examples of types of prohibited disrepair include, but are not limited to:

(a) deteriorated or crumbling exterior plasters, mortar or facades;

(b) deteriorated or inadequate foundation;

(c) defective or deteriorated flooring or floor supports or any structural floor members of

insufficient size to carry imposed loads with safety;

(d) deteriorated walls or other vertical structural supports that split, lean, list or buckle due to defective material or deterioration;

(e) 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;

(f) 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;

(g) 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;

(h) 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;

(i) 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 improvement to an interior landmark shall keep in good repair:

(1) all portions of such interior landmark and

(2) all other portions of the improvement which, if not so maintained, may cause or tend to cause the interior landmark contained in such improvement 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 shall keep in good repair all portions thereof.

§184- 23. Demolition of an individual landmark or of a structure within the historic district.

A. Demolition of an individual landmark or of a structure located in a historic district shall be allowed only if one of the following criteria are satisfied:

1) An economic hardship application has been granted permitting the demolition,

2) Demolition is undertaken by the Village Code Enforcement Officer pursuant to **§115-8** of Village Code Chapter 115 "Buildings, Unsafe", or

3) The Commission has granted a Certificate of Appropriateness permitting the demolition.

§184-24. Enforcement and Violations; Penalties

A. All work performed pursuant to a Certificate of Appropriateness or certificate of economic hardship issued under this chapter shall conform to the requirements expressly stated in the certificate or reasonably implied therefrom. It shall be the duty of the Code Enforcement Officer 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 or certificate of economic hardship has not been met, or upon notification of that fact by the Historic Preservation Commission, the Code Enforcement Officer shall issue a stop work order and all work shall immediately cease. No further work shall 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 chapter in the absence of a Certificate of Appropriateness or a certificate of economic hardship may be required by the Village Board to restore the property and its site to its appearance prior to the violation.

C. If, in the judgment of the Commission, a violation of this chapter 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 Commission shall notify the Building Inspector. If, upon investigation, the Code Enforcement Officer 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 Code Enforcement Officer shall order such remedies as are necessary and consistent with this chapter and shall provide written notice thereof to the secretary of the Commission.

D. Penalties. A violation of this chapter is deemed an offense punishable by fine as follows:

(1) First Offense: A first conviction for violation of this chapter shall result in a fine not exceeding \$350;

(2) Second Offense: A second conviction for violation of this chapter, if the occurrence or any element thereof that leads to conviction occurred within a period of five years from the date of first conviction, shall result in a fine not less than \$350 nor more than \$700;

(3) Third and Subsequent Offenses: A third or subsequent conviction for a violation of this chapter, if the occurrence or any element

thereof that leads to conviction occurred within a period of five years from the date of first conviction, shall result in a fine of not less than \$700 nor more than \$2000.

(4) In addition to any penalties imposed under this chapter, continued violations of this chapter shall be punishable in any other manner provided under other local regulations, and state and federal law.

E. The Commission shall notify the Village Board of an enforcement matter arising under this chapter and shall refer it to the Code Enforcement Officer. Action to enforce this chapter shall be brought by the Code Enforcement Officer. Remedies authorized under this section, **184-24**, shall be in addition to and not in lieu of any criminal prosecution and penalty.

§184-25. Appeals.

A. Any person aggrieved by a decision of the Commission in response to an application for a certificate of Certificate of Appropriateness may, within 15 days of the decision, deliver to the Village Clerk a written notice of appeal that the decision of the Commission be reviewed by the Village Board of Trustees. The notice of appeal shall identify the applicant, property location and date of decision. Appellate review shall be based on the same record and criteria that was before the Commission.

B. Upon receipt of a notice of appeal, the Village Clerk shall advise the Village Board and the Chairperson of the Commission of the appeal. The Village Board of Trustees shall then schedule a hearing with respect to the appeal, to be conducted not sooner than 30 days nor later than 60 days following the Village Clerk's receipt of the notice of appeal. The hearing may be conducted during a Village Board meeting or special meeting. The Village Clerk shall promptly provide notice to the Chairperson of the Commission and to the applicant of the date and time of the meeting during which the appeal will be heard.

C. The Chairperson of the Commission shall arrange that, not later than seven days prior to the hearing date, all pertinent documents, exhibits and minutes relating to the

record that as before the Historic Preservation Commission, together with a copy of the decision of the Historic Preservation Commission, shall be delivered to the Village Clerk, who shall then promptly disseminate such materials to members of the Village Board.

D. At the time of the hearing, the applicant, individually and/or by legal counsel, and a designated representative of the Commission shall be entitled to be heard.

E. Review of the decision by the Village Board shall be conducted based on the same record that was before the Commission and using the same criteria. The standard of review to be applied by the Village Board of Trustees shall be whether the proceedings before the Commission were conducted properly and in accordance with this chapter and whether the discretion exercised by the Commission deviated materially from what would be reasonable.

§184-26. Definitions

As used in this chapter, 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 historic 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: 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.

Building Department: The Town of Lancaster Building Department.

Code Enforcement Officer: The person so appointed by resolution of the Village Board.

Certificate of Appropriateness: At times referred to as a "COA". An official form issued by the Village Commission 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 chapter and therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the Village'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 Village Board when the denial of a Certificate of Appropriateness has imposed economic hardship upon the applicant as further particularized at **§184-20**.

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

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.

Commission: The Village of Lancaster Historic Preservation Commission established pursuant to **§184-4** of this chapter.

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.

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 historic 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.

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 - An area designated as a historic district by the Village Board pursuant to the provisions of the chapter.

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 **§184-12**.

Historic Preservation Commission: The Village of Lancaster Historic Preservation Commission established pursuant to **§184-4** of this chapter.

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 Significance: The quality of a place, site, building, district or structure based upon its identification with historic persons or events in the Village of Lancaster.

Integrity: The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

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 Village of Lancaster Board of Trustees, pursuant to procedures described in **§ 184-13**.

Listing: The formal entry or registration of a property.

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

Owner: Those individuals, partnerships, corporations, or public agencies holding fee simple title to property.

Preservation: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property including preliminary measures to protect and stabilize the property, which 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.

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.

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 historic, 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.

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.

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.

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 historic 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.

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.

§ 184-27. Severability

If any section, language or segment of this chapter is for any reason held to be invalid or unconstitutional, such holding shall not affect the validity of the remaining sections, language and segments of this chapter.

2) Chapter 144 “Fees” of the Village Code is hereby amended to add §144-2.1 “Certificate of Appropriateness” which shall read as follows:

§144-2.1 Certificate of Appropriateness.

\$25, payable to the Village of Lancaster to be submitted with each application for a Certificate of Appropriateness. The fee shall be refunded if the Village of Lancaster Historic Preservation Commission concludes that work described within the application constitutes ordinary maintenance or repair for which no Certificate of Appropriateness is required.

3) Chapter 257 “Records” of the Village Code is hereby amended to add §257-2.I. which shall read as follows

§257-2.I. Materials to be provided to the Village Clerk pursuant to the provisions of Chapter 184 “Historic Districts and Landmarks Preservation”

4) Chapter 257 “Records” of the Village Code is hereby amended to add §257-3.M. which shall read as follows:

§257-3.M. Materials to be provided to the Village Clerk pursuant to the provisions of Chapter 184 “Historic Districts and Landmarks Preservation” shall be on file in the office of the Clerk-Treasurer, Municipal Building, 5423 Broadway, Lancaster, New York

5) Section 115-12 “Permit required” of Chapter 115 “Buildings, Unsafe” of the Village Code is hereby amended to read as follows:

§ 115-12. Any person, firm, corporation or association wishing to demolish a building or structure in the Village of Lancaster for any reason shall make application for a building permit to the Building Inspector and pay the fee as provided in Chapter 144, Fees, of the Code of the Village of Lancaster.

6) This local law shall become effective the 20th day following its enactment.