



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: April 17, 2013

Sponsored by Council Members: Webb, Mihalko, Motsavage, Matzo, Rennia, Papastrat

Introduced by Committee: Planning & Community Development

ORDINANCE

entitled

AN ORDINANCE AUTHORIZING VARIOUS
AMENDMENTS TO CHAPTER 18 OF THE
CODE OF THE CITY OF BINGHAMTON,
REGARDING THE COMMISSION ON
ARCHITECTURE AND URBAN DESIGN'S
APPROVAL PROCEDURES

WHEREAS, the Council of the City of Binghamton wishes to amend the Code of the City of Binghamton § 18-78, *Certificate of Appropriateness for Alterations or New Construction Affecting Landmarks or Properties within Historic Districts* and §18-80, *Certificate of Appropriateness Application Procedure* to improve design approval procedures.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That § 18-78, *Certificate of Appropriateness for Alterations or New Construction Affecting Landmarks or Properties within Historic Districts*, of the Code of the City of Binghamton is hereby deleted and replaced as follows:

§ 18-78, Certificate of Appropriateness for Alterations or New Construction Affecting Landmarks or Properties within Historic Districts [Amended 4-21-10 by Ord. No. 19-2012]

- A. No person shall carry out any exterior alteration, restoration, reconstruction, new construction, or moving of a landmark or property within a local historic district, nor shall any person make any material change in the appearance of such property, its light fixtures, signs, awnings, fences, steps, paving or other exterior elements which affect the appearance and cohesiveness of the landmark or historic district, without first obtaining a Certificate of Appropriateness from the Commission.
- B. Administrative Certificate of Appropriateness. Notwithstanding Subsection A above, certain minor exterior alterations, restorations and material changes which conform to the standards established in the most recently adopted City of Binghamton Historic Design Guidelines and the Secretary of the Interior's Standards for Historic Preservation may be approved on behalf of the Commission and issued an Administrative Certificate of Appropriateness by the Historic Preservation Planner, or any other City-contracted qualified professional meeting the Professional Qualifications referenced in the Code of Federal Regulations, 26 CFR Part 61 in the fields of History, Architectural History, Architecture, or Historic Architecture; such

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approval shall be made in consultation with the Senior Planer and/or the Chair of the Commission. Activities which may be eligible for an Administrative Certificate of Appropriateness are limited to the following:

- (1) Painting of exterior wooden or metal materials and previously painted masonry materials with colors as pre-approved from time to time by the Commission.
- (2) Roofing
 - (a) Replacement of existing roofing materials with roofing materials original to the structure as supported by documentation.
 - (b) In-kind replacement of roofing materials with new roofing materials to be substantially similar to the existing in design, composition and color.
 - (c) In-kind replacement of existing rubber roofing materials on a flat roof provided: (1) it is not visible from the public right-of-way; (2) it does not obscure or cover any skylights; and (3) it does not require removal or replacement of existing wall coping materials.
 - (d) Replacement of non-original gutters and downspouts with new gutters and downspouts of an appropriate material and color; straps or hangers must be hidden.
- (3) Minor ornamentation (such as, but not limited to, fascia, spindles, brackets, shutters, and skirting)
 - (a) In-kind replacement of existing minor ornamentation with new minor ornamentation of the same material(s) and to substantially match the existing in size, location, design and color.
 - (b) Reintroduction of historic minor ornamentation based on documented evidence of its original presence.
- (4) Masonry repointing, using an appropriate mortar with a joint to match the existing joint.
- (5) Light fixtures
 - (a) Replacement of non-original light fixtures with new fixtures of a period appropriate design.
 - (b) Ground lighting for the purposes of illumination of existing ground signage.
 - (c) Must be in compliance with §410-25(j) of the City of Binghamton Code of Ordinances
- (6) Windows or doors
 - (a) Replacement of non-original or deteriorated windows or doors with new windows or doors of a period appropriate material, size, operation, design and color when there are no alterations to the existing opening(s), location(s), lintel(s), sill(s) or trim
 - (b) Replacement of deteriorated window elements (such as, but not limited to, jambs, muntins, glazing, stiles, or rails) with new window elements to match the existing in materials, size, operation, design and color when repair of the existing window elements is not possible due to their condition.
- (7) Mechanical (such as, but not limited to HVAC, exterior vent pipes and exhaust systems)
 - (a) Installation of new mechanical systems when restricted to areas not visible from the public right-of-way and installed in such a way as to be reversible without resulting in damage to the historic fabric of the structure.
 - (b) Replacement of existing mechanical provided it does not exceed any existing in size by more than ten percent (10%) and is not visible from the public right-of-way.
- (8) Awnings
 - (a) Installation of new awning fabric, to be canvas or treated fabric, on an existing awning frame.

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- (b) Awnings with signage require full review by the Commission.
 - (9) Accessibility Ramps. Construction of a new accessibility ramp may be approved if it is: (1) in compliance with the standards of the Americans with Disabilities Act (ADA); (2) located and designed such that it is not visible from the public right-of-way; and (3) designed and constructed to be compatible with the architecture and materials of the building.
 - (10) Site Features
 - (a) Installation of new, period appropriate fencing along the rear property line.
 - (b) In-kind replacement of existing fencing along any rear or side property line with new fencing of a substantially similar style, material, height and color.
 - (c) In-kind replacement of existing steps with new steps of a period appropriate in design, materials and color.
 - (d) Construction or replacement of brick, stone, concrete patios, or other paved, non-vehicular areas, which are not readily visible from the public right-of-way and are compatible in material, location and design with the historic character of the property.
 - (11) One time extension of a valid Certificate of Appropriateness, issued within the previous twelve (12) months, for a period of no more than six (6) months, provided the parameters of the project have not changed from those approved in the original Certificate of Appropriateness.
- C. If it is determined by Planning Staff or the Chair of the Commission that a proposed project seeking an Administrative Certificate of Appropriateness is likely to have a significant impact on the historic character of the structure or the historic district, Staff shall be authorized to forward the application to the Commission for full review at the next available meeting.
- D. Denial of an Administrative Certificate of Appropriateness application shall result in the application being forwarded to the Commission for full review at the next available meeting.

Section 2. That §18-80, *Certificate of Appropriateness Application Procedure*, of the Code of the City of Binghamton is hereby deleted and replaced as follows:

§ 18-80. Certificate of Appropriateness Procedure [Amended 4-21-10 by Ord. No. 19-2012]

- A. Prior to the commencement of any work requiring Certificate of Appropriateness, the owner shall file an application for such a certificate with the City. The application shall contain:
- (1) Name, address and telephone number of applicant;
 - (2) Location and photographs of property;
 - (3) Elevation drawings of proposed changes, if available;
 - (4) Perspective drawings, including relationship to adjacent properties, if available;
 - (5) Samples of color or materials to be used;
 - (6) 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
 - (7) Any other information which may be deemed necessary in order to visualize the proposed work

Section 3. That this Ordinance shall take effect immediately. I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 4/17/13. Approved by the Mayor on 4/18/13.



Introductory No. 013-30

Permanent No. 013-29

Sponsored by City Council Members:
Webb, Mihalko, Motsavage, Matzo, Rennia, Papastrat

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THE COMMISSION ON ARCHITECTURE AND
URBAN DESIGN'S APPROVAL PROCEDURES

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date APRIL 17, 2013

Chugala Holmes
City Clerk

Date Presented to Mayor APRIL 18, 2013

Date Approved APRIL 18 2013

Matthew T. Ry
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia	✓			
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	7	0	0	0

Code of the City of Binghamton

Adopted Defeated

7 Ayes 0 Nays 0 Abstain 0 Absent