

Section 1. Title. This Local Law shall establish Section 211-24 of the code of the Town of Greece entitled “Historic Preservation Overlay District (HPOD).”

Section 2. Purpose and Findings. It is the purpose of this Local Law to promote the protection and enhancement of local landmarks by providing opportunities for adaptive reuse where appropriate, and where such adaptive reuse does not detract from the agricultural, cultural, social, economic, political or architectural heritage or character of such local landmark. In accordance with the recommendations of the Town of Greece 2020 Comprehensive Plan Update and 2022 Bicentennial Historic Resources Survey, the Town Board of the Town of Greece finds it to be in the best interest of the Town to establish a Historic Preservation Overlay District (HPOD).

Section 3. Establishment of Historic Preservation Overlay District (HPOD). Part II, Chapter 211, Article III, District Regulations, of the code of the Town of Greece shall be amended to establish Section 211-24, Historic Preservation Overlay District (HPOD), as follows:

§ 211-24 Historic Preservation Overlay District (HPOD)

A. Intent and purpose. In accordance with the recommendations of the Town of Greece 2020 Comprehensive Plan Update and 2022 Bicentennial Historic Resources Survey, the Historic Preservation Overlay District (HPOD) is intended to promote the protection and enhancement of Local Landmarks by providing opportunities for adaptive reuse where deemed appropriate by the Town Board, and where such adaptive reuse does not detract from the agricultural, cultural, social, economic, political or architectural heritage or character of such Local Landmark.

B. Definitions:

(1) Local Landmark. For the purposes of this section, the term “Local Landmark” shall mean a structure designated by the Planning Board as an official landmark pursuant to Chapter 128 of Town of Greece Code (Historic Preservation).

C. Applicability. This overlay may be enacted at the discretion of the Town Board where a Local Landmarks has been designated pursuant to Chapter 128 of Town of Greece Code. The Local Landmark designation is separate and distinct from any state or federal landmark designation. The provisions of this section shall only be applicable to Local Landmarks as defined herein.

D. Special permit uses.

(1) Where the HPOD has been enacted by the Town Board, the Planning Board may grant a special use permit allowing the following uses or mix of uses where such uses are not already permitted in the underlying zoning district.

(a) Low intensity retail and service uses.

(b) Office uses.

(c) Group instruction facilities for 10 participants or less.

(d) Art galleries, museums, and studios.

(e) Other similar uses.

E. Standards for special permit applications to the Planning Board. No special permit shall be granted by the Planning Board unless and until the applicant has demonstrated to the satisfaction of the Board that:

- (1) Access to the site and the size of the site are adequate for the proposed use.
- (2) The proposed use will not adversely affect the orderly pattern of development in the area.
- (3) The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
- (4) The proposed use will not create a hazard to health, safety or the general welfare.
- (5) The proposed use will not be detrimental to the flow of traffic in the vicinity.
- (6) The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.
- (7) The proposed use and any related site improvements do not diminish the historic character of the Local Landmark.
- (8) The proposed use positively contributes to ongoing maintenance and protection of the Local Landmark.
- (9) Site accommodations, such as parking, pedestrian access, utilities, lighting, and landscaping are adequate for the proposed use.

F. Site Improvements.

- (1) Where site improvements are necessary, such improvements shall be minimal and may be subject to site plan or minor improvement plan approval in conjunction with the special permit, pursuant to the provisions of Section 211-65 C and D.
- (2) Site improvements shall be subject to the area, setback, height and lot coverage requirements of the underlying zoning district.
- (3) The number and location of required parking spaces shall be established by the Planning Board.

G. Additional requirements.

- (1) Special permit uses must principally occupy the Local Landmark structure. Structures which are accessory to a Local Landmark, and which are located on the same property as the Local Landmark, may be used in conjunction with a special permit so long as the use is incidental, secondary or subordinate to the primary use.
- (2) Special permits granted pursuant to this section shall not be transferable. Upon sale or transfer of the property, a new special use permit or waiver shall be required.
- (3) In enacting the HPOD, granting a special permit, site plan or minor improvement plan approval, the Town Board and Planning Board may impose such conditions as are reasonably necessary to protect the Local Landmark and mitigate any potential impacts to the community resulting from such approvals.

- (4) The proposed use must comply with the requirements of the New York State Uniformed Fire Prevention and Building Code, and all other local, state or federal requirements which may apply.
- (5) No approvals shall be granted under the provisions of this section unless and until the subject property has been designated as a Local Landmark pursuant to Chapter 128 (Historic Preservation).
- (6) Proposed changes to the exterior of a Local Landmark shall be subject to review by the Planning Board and issuance of a Certificate of Appropriateness pursuant to Chapter 128 (Historic Preservation).

Section 4. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.