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# THIRD STREET & OLD FALLS STREET ENTERTAINMENT DISTRICT

NIAGARA FALLS, NEW YORK

## DEVELOPMENT GRANT PROGRAM URBAN DESIGN STANDARDS



Final  
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USA Niagara Development Corporation

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## Table of Contents

1	Introduction.....	1
1.1	<b>Background .....</b>	1
1.2	<b>Goals and Objectives.....</b>	1
1.3	<b>Program Area and Application of Standards.....</b>	2
1.4	<b>Rules of Interpretation .....</b>	3
1.5	<b>Definitions.....</b>	3
2	Site Planning and Site Design Standards .....	6
2.1	<b>Overall Intent .....</b>	6
2.2	<b>Building Siting, Street Wall Definition, &amp; “Build-To” Lines .....</b>	6
2.3	<b>Building Heights at “Build-To” Lines .....</b>	7
2.4	<b>Corner Lots/Sites .....</b>	7
2.5	<b>Orientation of Uses .....</b>	8
2.6	<b>Sidewalk Uses .....</b>	9
2.7	<b>Frontage Improvements .....</b>	9
2.8	<b>Pedestrian Easements .....</b>	10
2.9	<b>Parking Facilities.....</b>	10
2.9.1	Surface Parking Lots .....	10
2.9.2	Parking Garages .....	11
2.10	<b>Service Facilities .....</b>	12
3	Architectural Design Standards .....	13
3.1	<b>Overall Intent .....</b>	13
3.2	<b>Building Form, Scale, &amp; Rhythm.....</b>	13
3.2.1	Architectural Elements .....	13
3.2.2	Façade Elements & Proportion .....	13
3.2.3	Rhythm/Alignment of Architectural Elements .....	14
3.2.4	Wall Articulation.....	15
3.3	<b>Storefront Details .....</b>	15
3.3.1	Storefront Glazing .....	15
3.3.2	Awnings and Canopies.....	15
3.3.3	Sidewalk Patio/Use Details .....	16
3.3.4	Security Grills .....	18
3.4	<b>Building Materials and Color.....</b>	18
3.4.1	Materials.....	18
3.4.2	Colors .....	19
3.5	<b>Mechanical, HVAC, and Other Equipment .....</b>	20

<b>3.6</b>	<b>Building Rehabilitation and Re-Use.....</b>	<b>21</b>
3.6.1	Structures Eligible for Inclusion on the National Register of Historic Places.....	21
3.6.2	Character-Defining Features .....	21
3.6.3	Façade Rehabilitation.....	22
3.6.4	Window Replacements.....	22
3.6.5	Replacement Materials & Surface Treatments.....	23
3.6.6	Interim Improvements to Buildings Awaiting Rehabilitation.....	23
<b>3.7</b>	<b>Signs .....</b>	<b>24</b>
3.7.1	General Standards .....	24
3.7.2	Prohibited Signs .....	24
3.7.3	Wall Signs .....	25
3.7.4	Projecting Signs .....	25
3.7.5	Window Signs.....	26
3.7.6	Awning Signs.....	26
3.7.7	Artful Signs .....	27
3.7.8	A-Frame/Sandwich Board Signs .....	27
3.7.9	Handbills/Paper Signs .....	28
3.7.10	Sign Lighting.....	28
<b>4</b>	<b>Review Procedures .....</b>	<b>29</b>
<b>4.1</b>	<b>Overall Intent .....</b>	<b>29</b>
<b>4.2</b>	<b>Schematic Proposal .....</b>	<b>29</b>
4.2.1	Intent .....	29
4.2.2	Submission Requirements .....	29
<b>4.3</b>	<b>Preliminary Proposal .....</b>	<b>29</b>
4.3.1	Intent .....	29
4.3.2	Submission Requirements .....	29
4.3.3	Site Plan Review and Other Approvals .....	30
4.3.4	State Historic Preservation Officer Consultation .....	30
<b>4.4</b>	<b>Final Proposal.....</b>	<b>30</b>
4.4.1	Intent .....	30
4.4.2	Submission Requirements .....	30

## Appendix

### Secretary of Interior's Standards for Rehabilitation List of National Register Eligible Properties in Program Area

# 1 Introduction

## 1.1 Background

The *USA Niagara Development Strategy*, prepared by the USA Niagara Development Corporation (USA Niagara or “the Agency”), identified the fostering of improvements in an emerging entertainment district along Third Street and Old Falls Street in downtown Niagara Falls as a key economic development strategy. This district is targeted for a range of public improvements designed to create an appropriate setting for various types of private retail and entertainment establishments, both through renovation/tenanting of existing structures and new infill development.

The Agency, in conjunction with the City of Niagara Falls, has invested over \$3 million in streetscape improvements along the Third Street corridor and begun initial planning efforts for subsequent public infrastructure improvements on Old Falls Street and in other areas of the downtown area. USA Niagara has also established a grant program to assist in the financing of construction associated with renovation/development activities.

These design standards are intended to best leverage public investments by shaping the design of development projects funded through USA Niagara’s grant program to realize active, pedestrian-scaled and oriented uses. This is intended to improve the quality of life in downtown Niagara Falls for both residents and visitors by capitalizing on characteristics of existing urban development fabric in downtown Niagara Falls to facilitate new uses and development.

## 1.2 Goals and Objectives

The primary goal of these design standards is to specify requirements for new development,



*Appropriately-scaled buildings of high-quality design and pedestrian-oriented ground level uses contribute to an active urban streetscape.*

conservation, adaptive use, and enhancement of building renovation, and streetscape enhancement within USA Niagara’s program area in downtown Niagara Falls. Specific goals and objectives for these standards are as follows:

### **Goal 1: Support Economic Development and Redevelopment**

#### ***Objectives:***

1. Facilitate on-going economic development initiatives being advanced by local/state agencies by fostering an urbane and active setting for development and redevelopment projects.
2. Ensure that public investments to foster new development and redevelopment result in an appropriately-scaled and high-quality urban environment.
3. Support development and redevelopment of vacant and underutilized land in the downtown area.
4. Promote land value increases and tax base expansion.



*Program Area for design standards (shown in red).*

**Goal 2: Facilitate a Balanced, Pedestrian-Scaled, Mixed-Use Development Pattern**

**Objectives:**

1. Enhance the safety, comfort, and enjoyment of downtown Niagara Falls by non-vehicular users including pedestrians, bicyclists and transit patrons.
2. Maximize retail, entertainment, lodging, and residential choices.
3. Promote well-designed and active streetscapes that appropriately leverage public infrastructure and grant investments.

**Goal 3: Support Local and Regional Planning Policies and Strategies**

**Objectives:**

1. Support and implement current development policies outlined in public plans and projects by incorporating standards consistent with the

overall objectives of the *Niagara Falls Strategic Plan*, *City of Niagara Falls Comprehensive Plan*, and *USA Niagara Development Strategy*.

2. Realize supporting development to build upon various existing and planned tourist-oriented projects such as the Seneca Niagara Casino and its associated resort facilities; Conference Center Niagara Falls; and the Niagara Experience Center.

### 1.3 Program Area and Application of Standards

The primary program area for which these design standards apply encompasses all buildings, parcels, and land areas along the following road segments in downtown Niagara Falls:

- Third Street, between Main Street and Rainbow Boulevard, excluding lands and

buildings within the compact area<sup>1</sup> associated with the Seneca Niagara Casino Resort; and

- Old Falls Street, between Third Street and Prospect Street.

The design standards specified herein may be applied to other areas of downtown Niagara Falls as necessary for the administration of projects under the USA Niagara grant program.

Within the discretion of USA Niagara, the strict application of these design standards may be superceded by more site-specific standards in conjunction with any publicly-developed facility and/or project (e.g., Niagara Experience Center).

## 1.4 Rules of Interpretation

In interpreting and applying the provisions of these design standards, they shall be considered the minimum requirements adopted for the promotion of the objectives of the program. When used in the context of this document, the following rules of interpretation shall apply:

- Words/phrases such as “shall”, “will”, “must”, “is required”, etc. indicate standards to which must be specifically adhered.
- Words/phrases such as “should,” “is encouraged to,” “is desired,” “is recommended to,” etc. indicate standards that are strongly desired in the context of USA Niagara’s program objectives and should act to influence the design associated with the application, but are not mandated.
- Words/phrases such as “acceptable,” “satisfactory,” “adequate,” etc. indicate standards that while not meeting the full intent of USA Niagara’s program objectives, represent an adequate approach to meet a particular standard, if the applicant can

<sup>1</sup> The “compact area” refers to trust lands turned over to the Seneca Nation of Indians for the development of the casino complex in an area bounded by Third Street, Rainbow Boulevard, John Daly Boulevard and Niagara Street. Lands within the compact area are exempt from state and local regulations.

demonstrate an inability (in terms of site configuration, existing building components, physical constraints and/or requirements associated with other laws or regulations) to fully meet a recommended approach.

- Words/phrases such as “may”, “allowed”, etc., indicate permissible, but not required actions.

## 1.5 Definitions

The following definitions refer to terms, words, and phrases used in outlining permitted activities specified under these design standards. Where a term is not specifically defined herein, its common dictionary definition shall be utilized.

**Agency.** The USA Niagara Development Corporation.

**Artful.** A one-of-a-kind design that reflects the skills and talent of an artist, graphic designer, or other design professional.

**Awning.** A roof-like structure of fabric or other tensile material, stretched over a frame as a shelter from the weather.

**Balcony, Terrace, or Porch.** An unenclosed area on an upper floor level of a building or structure, extending outward from or abutting an exterior wall, with or without a roof.

**Belt course.** A horizontal band of masonry across the exterior of a building that stands out visually.

**Building.** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or goods. When such a structure is divided into separate parts by one or more un-pierced walls extending from the ground up, each such part shall be deemed to be a separate “building.”

**Building Height.** The vertical distance measured from the mean grade elevation of the lot to the highest point of building, including projections.

**Canopy.** A fixed projection extending outward from an exterior building wall, intended to

provide shelter and/or as an aesthetic element of a façade design.

**City.** The City of Niagara Falls, New York.

**Column.** A vertical building member intended to support a roof, cornice, or other horizontal member/element of a building or structure.

**Cornice.** A building façade element consisting of a horizontal molded projection that crowns or completes a building or wall and/or separates the street oriented portion of a façade from its upper portion.

**Courtyard.** An open space enclosed partly or wholly by a building.

**Developer.** An individual, partnership, corporation, or entity, either private, public, or private/public partnership, which is designated to be eligible to receive USA Niagara grant funds for purposes of development in accordance with these urban design standards.

**Development Area.** The sum of the gross floor area of the several floors of a building or buildings, not including subsurface facilities (e.g., basements, subsurface parking facilities) or rooftop spaces.

**Easement.** Authorization by one property owner for use of all or a portion of his/her property by another person/entity for a specific purpose.

**Façade.** A front side(s) of a building, particularly those side(s) given distinguishing treatments along a public right-of-way and/or street.

**Fascia.** A flat horizontal band or member between moldings as part of a building façade, sometimes as part of a classical entablature, and often as the location for business signs in a storefront design.

**Forecourt.** An open court located along the frontage of a building on a public right-of-way.

**Frontage.** The linear distance of a lot or parcel that abuts a public right-of-way.

**Lot.** A parcel of land for occupancy by a building or use and the accessory buildings or uses customarily incident to it, including such

open spaces that are arranged and designed to be used in connection with such building.

**Corner Lot.** A lot of which at least two adjacent sides abut for their full lengths upon streets.

**Interior Lot.** A lot other than a corner lot.

**Through Lot.** An interior lot which runs through a block from street to street.

**Open Space.** A part of a lot or building that is open and unobstructed to the sky (excluding awnings and similar projections), such as courts, esplanades, colonnades, yards, and roof terraces, but not including surface parking areas.

**Parking Garage, Private.** An accessory building or portion of a main building, used for the storage of motor vehicles as an accessory use.

**Parking Garage, Public.** A structure or portion thereof, other than a private garage, used for the storage, available to the public, operated for gain, and which is used for temporary storage of automobiles or other motor vehicles (also known as “public parking ramp” and/or “public parking structure”).

**Patio, Sidewalk.** A seasonal, unenclosed extension of the ground floor use of a building or structure to accommodate outdoor dining and/or display of merchandise, extending from or adjoining a ground-floor exterior wall of a principal use/building on a parcel, either abutting or extending onto the adjoining public sidewalk of the subject property.

**Paved.** Use of blacktop, asphalt, concrete, paving stones or other similar substance to create a smooth, dust-free surface, including bituminous penetration, but not the use of dirt, clay, slag, loose stone and/or gravel.

**Pilaster.** A building façade element consisting of a vertical molded projection set into a wall that resembles a column, often including a capital and base.

**Portico.** A porch entrance or covered walkway supported by evenly-spaced columns.

**Principal Use.** The primary intended use of a lot or parcel.

**Sign.** Any advertisement, announcement, direction or communication produced, in whole or in part, by the construction, erection, affixing or placing of a structure on any land or on any other structure or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface; provided, however, that signs placed or erected by the City, County or State for the purpose of showing street names or traffic directions or regulations or for other municipal or governmental purposes shall not be included in this definition.

**Sign, Accessory.** An identification sign for the premises on which it is located or which advertises a product or service available on the premises on which it is located.

**Sign, Nonaccessory.** A sign which does not identify the premises on which it is located or advertises a project or service which is not available on the premises on which it is located, and shall include billboards, ground signs and pole signs, as well as any other device to be used for similar purposes.

**Stepback.** A design feature that involves recessing the front line of the structure in subsequent upper stories in a step-like manner.

**Storefront.** One or more portions of a retail or commercial building that abuts a street face or other type of public right-of-way.

**Story.** The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**Street.** A public right-of-way designated for the conveyance of vehicles, pedestrians, and other

modes of transportation. This definition also includes non-vehicular public rights-of-way, such as the Old Falls Street Pedestrian Mall.

**Street, Major.** In the context of these standards, primary commercial streets in the Agency's downtown Niagara Falls program area, including Third Street, Old Falls Street, First Street, Niagara Street, and Rainbow Boulevard.

**Street Wall.** A continuous wall face created by a collection of building façades of commercial and/or mixed-use buildings along an urban street.

**Transom.** A window or fenestration in a building façade located above an opening such as a door or display window oriented horizontally and/or built on a horizontal crossbar; sometimes hinged on the top to allow it to swing open for ventilation.

**Yard, Front.** An open space extending the full width of a lot measured from a front property line abutting a public right-of-way to the nearest exterior wall of the building (excluding exterior porticos, porches, terraces, or similar partially enclosed structures). A lot may have more than one front yard depending on the number of public rights-of-way upon which it abuts.

**Yard, Rear.** An open space extending the full width of a lot bounded in rear by the rear property line and bounded in the front by the nearest point on the rear-most building or structure on said lot or parcel.

**Yard, Side.** An open space extending from the front yard to the rear yard and lying between the side property line and the nearest building or structure on said lot or parcel.

## 2 Site Planning and Site Design Standards

### 2.1 Overall Intent

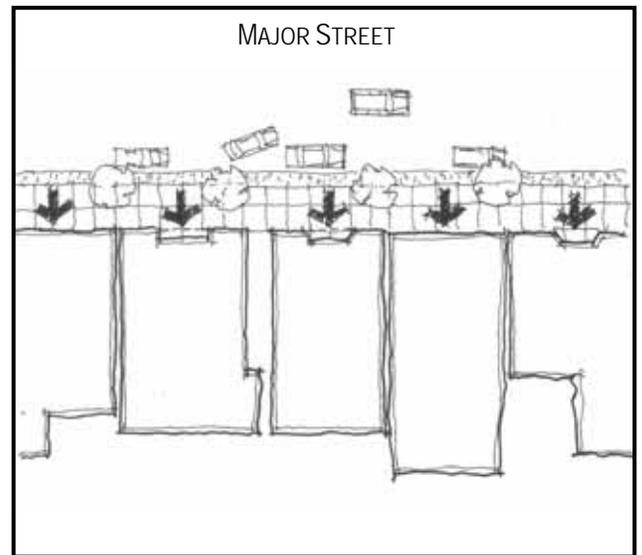
The site design of a project is one of the most important determinants of the character (i.e., the feel and look) of the downtown area. Site planning involves the placement and design of various features associated with a project – buildings, walkways, service areas, and parking – and the relationship of these features to the street and adjacent buildings/development.

The standards in this chapter are intended to define relationships, characteristics, and coherence of site features for new infill development (as well as rehabilitation/reuse projects that include planned exterior site improvements), which influence how the site and adjoining street areas shall be used for public purposes. The standards define building orientation and massing, street walls, and the location of uses necessary to create a lively urban environment.

### 2.2 Building Siting, Street Wall Definition, & “Build-To” Lines

Street walls define the edges of urban commercial corridors, which together with sidewalks/streets and the sky plain, form spaces and exterior activity areas that urban designers often refer to in the metaphor of an “urban room.” The siting of new buildings/structures should be consistent and build upon existing street wall characteristics in the downtown area.

- All new buildings and structures shall be oriented toward a “major street” (e.g., Third Street, Old Falls Street, First Street, Niagara Street, Rainbow Boulevard, etc.).
- The front façade and primary entrance(s) of a building shall be oriented parallel to the sidewalk of a major street.



*New buildings and structures shall be oriented to a major street, primarily with no front yard setbacks.*

- New buildings and structures, except in cases as noted below, shall be oriented with a zero (0) foot front-yard-setback from the major street right(s)-of-way upon which it fronts (i.e., along the parcel’s frontages or “build-to” lines).
- In the discretion of the Agency, front yard setbacks of no more than ten (10) feet are acceptable for all or portions of new buildings and structures, provided that the exterior space created by setback be used for a forecourt, portico, exterior patio, or other feature specifically designed for street-level pedestrian activities (e.g., outdoor dining, sitting areas, display of merchandise, entry courtyard, etc.).
- Using a front yard space for facilities such as surface parking lots, loading bays/areas, storage areas, or similar uses that would detract from pedestrian activities is prohibited.

## 2.3 Building Heights at “Build-To” Lines

Buildings conveying a smaller-scale setting are most suitable to the context of the downtown Niagara Falls program area. This typically involves two-to-three story buildings, particularly along major street walls. While taller or shorter buildings exist and will continue to be permitted by the City Zoning Code, techniques of building massing are required to support a comfortable, human-scaled urban environment.



*New building shall be sited to be consistent with a two-story “street wall” along major streets.*

- Along the required “build-to” lines (along frontages on major streets), new buildings and structures are encouraged to have a minimum height of two stories or 24 feet.
- In cases where it can be demonstrated that a two-story building height is not feasible given the unique conditions of a project, one-story development may be permitted at the “build-to” lines. In such cases, the height of the building shall be no less than 18 feet.
- In cases where development of greater than two stories is desired and permitted by the City Zoning Code, the massing of the



*Example of building massing to articulate the first two stories of a building.*

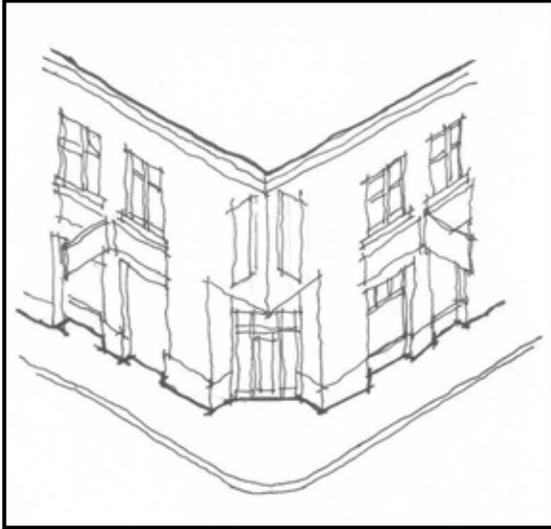
building at the “build-to” lines shall be articulated to reinforce the visual prominence of its first two stories from its upper floors.

- Differentiation of lower-story features may be accomplished through techniques such as step-backs of the structure, strong cornice lines, differentiation of materials, and/or other techniques at the discretion of the designer.

## 2.4 Corner Lots/Sites

Corner lots present key opportunities for creation of buildings that can serve as landmarks or orienting features in the urban landscape.

- The design of buildings located on corner lots formed by the intersection of two major streets are encouraged to utilize variations in building massing to emphasize these locations as points of interest in the downtown area.
- Treatments at corner buildings may vary according to the architectural style employed at a particular site, and could include, but not be limited to features such as turrets/towers, curved walls, or cut corners.



*Example of possible treatment of building massing on corner parcels.*

- Where feasible in the context of the overall site/building design, primary entrances for corner parcels are encouraged to be located at the corner of the building.

## 2.5 Orientation of Uses

Permitted land uses at a particular project site shall be governed by the City's Zoning Code. This section pertains to the location and arrangement of uses within a building to encourage maximum opportunities for pedestrian-scaled street activity in the program area.

- Active uses that engage pedestrians shall be located along the ground floor of buildings on all street frontages.
- Subject to uses permitted by the City's Zoning Code, the following typical types of uses shall be located in ground floor areas and oriented toward the street:
  - Retail uses, such as shops, food/beverage establishments, and small grocery stores;
  - Entertainment uses, such as theaters and nightclubs;
  - Service uses, such as barber shops, dry cleaners, florists; and
  - Institutional uses, such as museums or community facilities.
- For large scale uses such as hotel complexes, mixed-use office buildings, or apartment buildings, ground floor entrances to retail/service uses shall be oriented to the street, although such uses may also have concurrent access with interior lobbies.



*Uses along the ground floor shall include those that facilitate pedestrian activity and street life.*



*Example of orienting the entrances of hotel retail/service uses toward a major street.*

## 2.6 Sidewalk Uses

To facilitate street activity, seasonal (i.e., summer) uses in ground-level establishments are encouraged to be extended out onto adjoining sidewalks within public rights-of-way, for facilities such as for dining patios, cafes, and merchandise display areas. Such seasonal uses shall be subject to requirements to facilitate safety and other City regulations.

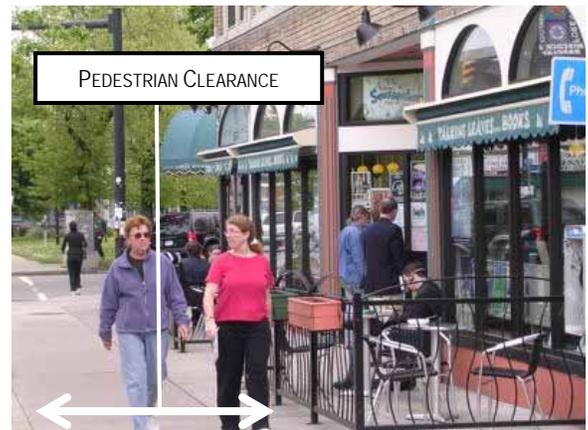
- City and Other Permitting. All seasonal use of sidewalk areas shall be subject to approval/permitting by the City in accordance with applicable regulations, as well as other approvals associated with a particular sidewalk use (i.e., health department, alcohol beverage control/state liquor authority, etc.).
- Placement of Uses/Pedestrian Clearance. Areas for sidewalk uses may be placed immediately abutting an exterior ground-floor exterior wall of a principal building shall maintain an area along its entire frontage of at least eight feet in width for clear passage of pedestrians.
- Separation/Railings. Where desired or required by other state or local regulations (e.g., alcoholic beverage control law), sidewalk uses may be separated by means of railings and/or other features to restrict access to the adjoining public right-of-way. All components of such railings/features shall be designed to be fully removable during off-season periods. Materials of such features shall be durable and shall complement/be consistent with the features of the building which it serves.
- Design Features. Design features associated with sidewalk uses (awnings, railings, furniture, etc.) shall comply with detailed requirements presented under Section 3.3.

## 2.7 Frontage Improvements

- Developers shall improve all front and side yard areas along public streets, so as to

provide a continuous, pedestrian-oriented, open space environment.

- Required frontage improvements may include, but not be limited to hardscape paving, landscaping, and ADA access ramps to building entrances.
- Components of frontage improvements shall be consistent with the design components characteristics of adjoining public rights-of-way, in terms of materials, textures, and colors.

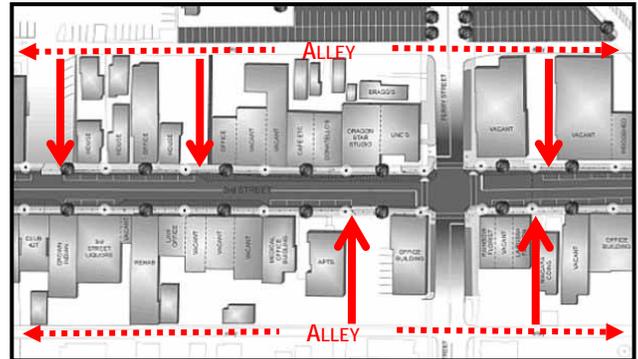


*Seasonal encroachments onto a sidewalk may be located abutting a building face or the curb line (in sidewalk “bulb-out” areas). In either case, an area of at least eight feet in width must be maintained for clear passage by pedestrians.*

## 2.8 Pedestrian Easements

The block pattern of the downtown Niagara Falls program area often includes public service alleys that run parallel to major streets. Existence of these accessways presents opportunities for the creation of service or parking areas behind existing and proposed buildings – provided that appropriate pedestrian access is provided from major streets.

- Where feasible, developers are encouraged to create pedestrian access easements connecting to rear alley areas of at least eight feet in width, but no more than 15 feet in width.
- Access easements may be configured as open walkways or as an enclosed passageway within the ground floor of a building.
- Access easements shall be appropriately lighted to provide a safe and secure environment for pedestrians.



*Where feasible, developers are encouraged to create pedestrian access easements to rear parking areas along alleys.*

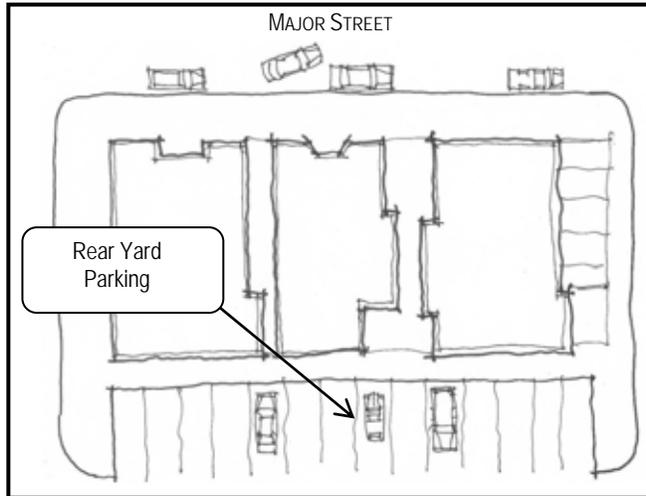
## 2.9 Parking Facilities

The provision of off-street parking for downtown uses is governed by the City Zoning Code. While necessary, the location of large parking facilities can often impede the appearance and perceptions of a retail and entertainment district. This section governs the overall orientation, placement, and design of parking facilities in the context of enhancing street-level activity in the program area.

### 2.9.1 Surface Parking Lots

- All surface parking lots shall be paved as defined in Chapter 1.
- Siting new surface parking lots within a front yard area is prohibited. New surface parking lots are encouraged to be located in a rear yard area wherever feasible.

- The siting of rear parking lots is encouraged to include locating lots to allow vehicles to travel from one private parking lot to another without having to enter the street (i.e., reciprocal access).
- Where feasible, access driveways to rear parking lots are encouraged to be located on minor side streets or alleys in order to minimize pedestrian/vehicular conflicts along the building frontages on major streets.
- Where feasible, pedestrian access to rear parking lots from a major street is encouraged to be provided via pedestrian access easements.
- In certain circumstances, existing parking areas located in side yard areas may be retained provided they are adequately screened from major streets.
- Parking lot screening along a street frontage shall consist of a combination of masonry (i.e., consistent with materials/colors in adjoining buildings) and black ornamental metal fencing (i.e., wrought iron or commercial-grade, heavy-gauge, galvanized steel with rust-proof finish) of at least five and no more than seven feet in height. Incorporation of landscaping as part of such a screening technique is encouraged.



*Surface parking lots are strongly encouraged to be sited to the rear of buildings fronting on a major street.*



*Examples of acceptable screening of surface parking lots, where permitted.*

- Unacceptable/prohibited methods of parking lot screening shall include chain link fencing; stockade or other similar type of wood fencing; concrete masonry units that are inconsistent with adjoining buildings; and/or screening consisting exclusively of landscape material (i.e., given difficulty in maintaining as effective screening).

## 2.9.2 Parking Garages

### 2.9.2.1 Private Parking Garages

- Private parking garages that are an accessory use to a commercial or mixed-use building shall be designed to be integral to an overall building design, with consistent materials and massing of the principal building/use.
- Private parking garages are encouraged to be sited in a rear yard area and/or with primary access provided along a minor street.
- Where a configuration of a parcel prohibits preferred siting of a parking garage as noted above, façades along major street frontages shall conform to the overall principals of the architectural standards in Chapter 3.

### 2.9.2.2 Public Parking Garages

- The establishment of large, single-purpose, public parking garages (i.e., private commercial parking structures) is regulated by the City Zoning Code.
- Where permitted, such facilities shall not front upon major streets in the program area, unless, at a minimum, ground level areas of such structures are developed for retail or commercial uses (see Section 2.5) and the façades along major street frontages conform to the overall principals of the architectural standards in Chapter 3.



*Where permitted, parking garages shall be designed with articulated façades and shall incorporate ground-level retail and/or commercial uses along major streets.*

## 2.10 Service Facilities

- Where feasible, designated loading and service access areas for buildings shall be conducted in rear yard areas.
- Refuse collection and/or dumpster locations shall be sited within enclosure structures within rear yard areas where feasible, or if necessary, given the configuration of a parcel, in side yard areas.
- Design of refuse container enclosure structures shall conform to architectural design standards in Chapter 3, and be complimentary in design with the main building.

## 3 Architectural Design Standards

### 3.1 Overall Intent

To foster overall positive setting downtown, new development<sup>2</sup> must exhibit sound architectural design practices. The standards contained in this chapter are not intended to dictate the use of any specific architectural style.

Traditional design features of existing commercial/mixed use buildings in the downtown program area should be used to guide the designer in massing, proportion, rhythm, scale, textures, and patterns for new buildings. However, new creative interpretations of traditional design are permitted.

### 3.2 Building Form, Scale, & Rhythm

New development should respond to proportions and rhythm of architectural features in early 20<sup>th</sup>-century mixed-use structures that are common in the program area (e.g., along Third Street between Main and Niagara Streets).

Where larger-scale and/or more modern structures predominate (e.g., along Third Street between Niagara and Rainbow; and Old Falls Street between First and Third Streets), developers shall incorporate similar or contemporary interpretations of early 20<sup>th</sup>-century commercial design features to achieve a human-scaled street setting.

#### 3.2.1 Architectural Elements

- Architectural elements are the individual components of a building and/or façade, including walls, doors, windows, cornices,

<sup>2</sup> Where applicable, these standards shall also apply to projects involving substantial rehabilitation. Section 3.6 presents additional standards typically associated with unique issues of rehabilitation projects.



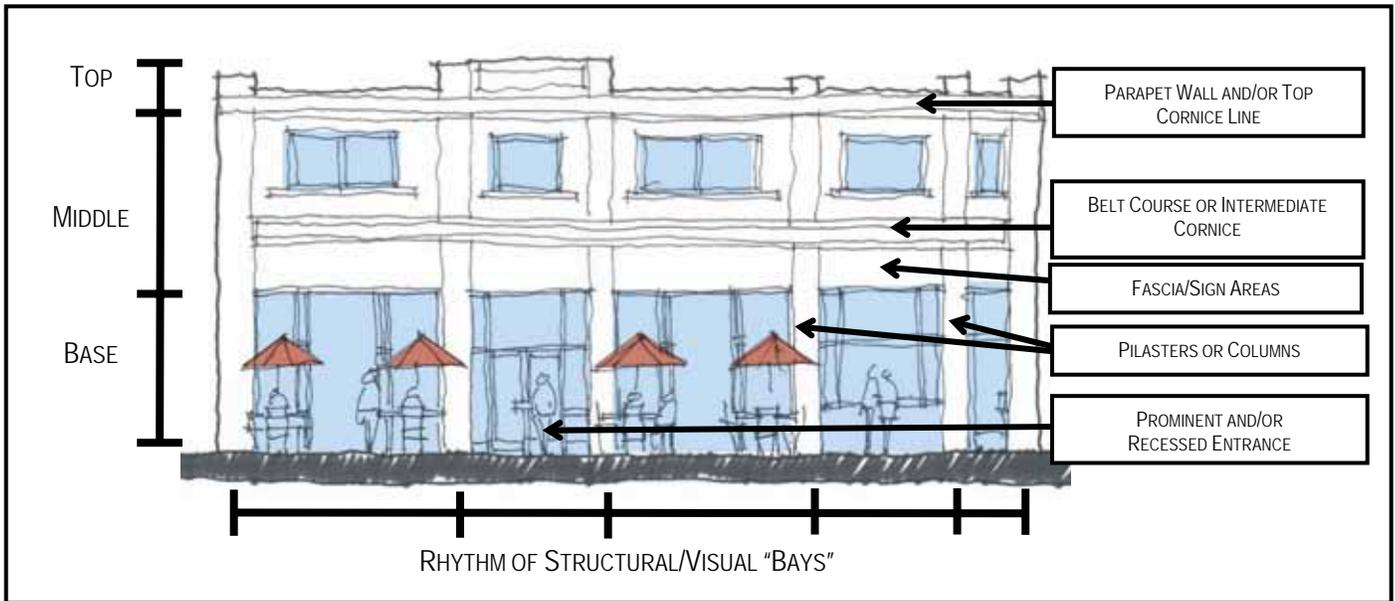
*Application of architectural design standards are intended to foster pedestrian-scaled development, while not significantly inhibiting creative approaches to new/rehabilitated structures.*

pilasters, columns, parapets, roofs, and other features.

- Architectural elements shall be incorporated into the design at the appropriate scale and proportions of the selected architectural style. These elements should be used to clearly define the building's "base", "middle", and "top".
- Whenever an infill building is proposed, the developer shall identify common architectural elements (e.g. cornice line, window height/width and spacing) found among neighboring or nearby structures. These data shall be used to guide the design of façades fronting on major streets, utilizing a similar rhythm or alignment.

#### 3.2.2 Façade Elements & Proportion

- Façades of buildings shall be broken down into a series of appropriately proportioned "structural bays" or components typically



Typical architectural elements of buildings in the program area that define a building’s base, middle, and top, as well as a horizontal pattern of façade “bays” that provide visual interest along a streetscape. This pattern should guide the design for new/rehabilitated buildings.

segmented by a series of columns, masonry piers, or pilasters that frame window, door and bulkhead components. The maximum width of one bay shall be 20 feet.

- Early 20<sup>th</sup>-century mixed-use buildings in the program area are generally two-stories in height. The base level of new infill buildings shall not be higher or lower than the height of adjoining or nearby buildings.

- Cornice lines shall be expressed as unique building elements.
- A parapet or top cornice projection shall be encouraged at the top of all building walls facing a street, or for taller buildings, also between the second story and subsequent upper stories.

### 3.2.3 Rhythm/Alignment of Architectural Elements

- New infill buildings shall relate to common horizontal elements (e.g. cornice line, window height/width and spacing) found among neighboring or nearby structures.
- Window/fenestration proportions, groupings and rhythms shall be integral elements of the design of building façades on a major street wall.
- Well-designed contemporary interpretations of historic fenestration patterns are permitted and acceptable.

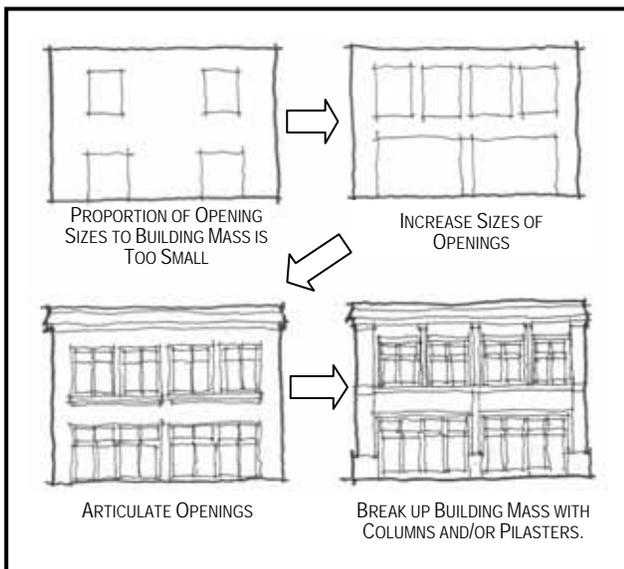


New and/or rehabilitated façades shall relate façade elements to those in adjoining buildings.

- Typical window proportions shall be vertically oriented and a minimum ratio of 1:1.5 in width to height. Window units of this proportion may be grouped together to create openings of varied proportions.

### 3.2.4 Wall Articulation

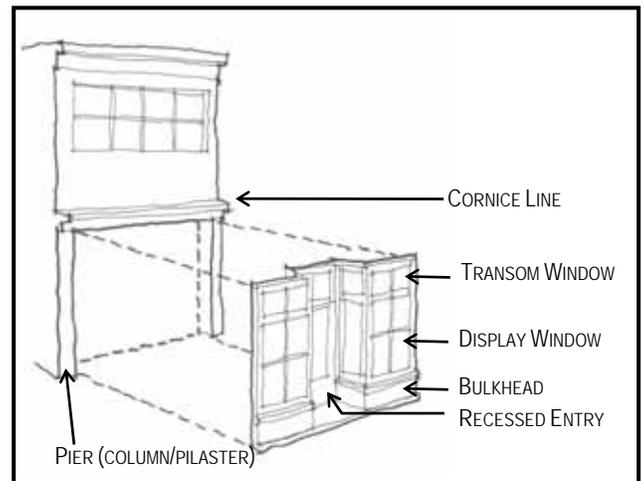
- Long, blank, unarticulated wall façades that face a major street are prohibited.
- Where a portion of a building façade without windows is necessary to front on a major street, it shall be “broken” by vertical and horizontal articulation (e.g., sculpted, carved or penetrated) characterized by breaks (reveals, recesses) in the surface of the wall.



*Window openings and other façade fenestration shall be vertical in orientation – this may be achieved through articulation in features such as window framing and pilasters to reduce the scale of façade.*

## 3.3 Storefront Details

The design of storefronts, entranceways and awnings should promote a sense of openness; making sites visually accessible creating an active and vibrant atmosphere with displays that encourage active street life and window shopping.



*Typical storefront components.*

### 3.3.1 Storefront Glazing

- Glazing and openings shall promote a flexibility of ground floor uses and the potential for change over time.
- The proportion of glazing to overall ground floor/storefront façade area shall be a minimum of 65% on façades facing a major street.
- Window openings shall express sills and headers of metal or stone, as well as a defined bulkhead on display windows.
- Transoms or transom-level openings are encouraged for larger window units.
- Use of tinted or reflective glass is prohibited.
- Use of operable windows is strongly encouraged.

### 3.3.2 Awnings and Canopies

- Ground floor awnings and canopies are encouraged to provide weather protection and accentuate the color, pattern, and graphics of the streetscape environment.



*Example of preferred design of awnings – operable, integrated into façade design, and of complementary accent color.*

- Fully retractable awnings are encouraged; however, fixed awnings are acceptable if retractable awnings are not feasible for a particular façade application.
- Awnings shall be made of commercial-grade, non-reflective fabric, and shall not be internally or back-lit. “Day-glo”, reflective, and/or plastic awnings are also prohibited.
- Awnings or canopies should be solid in color and complement the color scheme of a building and should not extend beyond the width of the façade bay. Such structures shall be integrated into the façade design and shall not obscure or block other architectural elements of a façade.
- Awnings or canopies that encroach over a portion of an adjoining street right-of-way must be approved by the City.
- All structural and mechanical components of awnings or canopies shall maintain a clearance height of at least eight feet.
- Lettering and logos shall be permitted only upon the valence flap of the awning or on the lower portion of a side panel. Awnings with the primary purpose of sign displays shall not be permitted (see also Section 3.7.6).



*Example of an operable window wall unit to provide open-air dining along street face.*

### 3.3.3 Sidewalk Patio/Use Details

- Operable Doors/Window Walls. Storefronts with a ground-level food and beverage/retail uses are encouraged to incorporate operable doors and/or window walls to provide seasonal open-air access between patio and internal areas. Such operable elements shall still conform to other façade articulation standards in this chapter.
- Railings.
  - Railings used in sidewalk patio applications shall be fabricated of black metal, such as wrought iron or commercial grade, heavy gauge, galvanized steel. Railing parts and fittings for patios shall be removable and designed so as not to damage any street maintenance equipment.
  - The use of “artful” designs is encouraged for patio railings to add visual interest to

the streetscape, provided railings utilized also complement the building's materials.

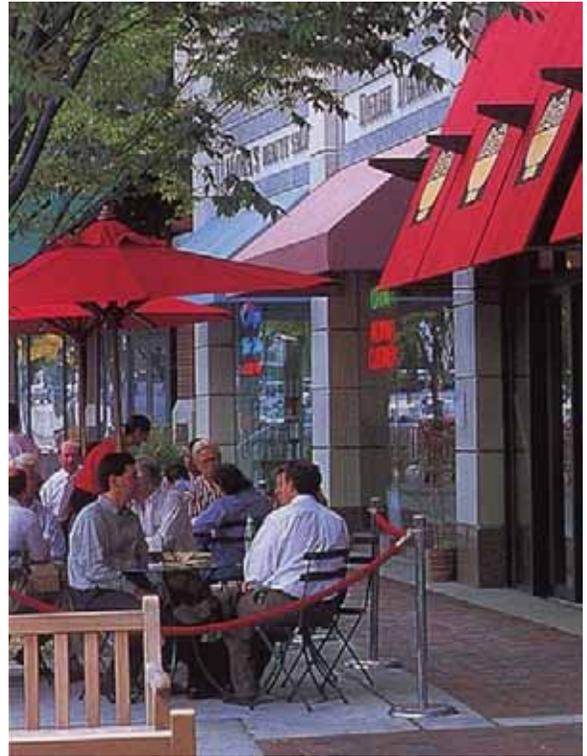
- Patio Furnishings.

- No tables or chairs or other furniture shall be placed so as to impede building entrances.
- All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall complement the color scheme of the streetscape and building to which it is associated and shall be moveable to allow indoor storage during off-business hours.
- All outdoor dining furniture shall be constructed of durable, commercial-grade materials, preferably metal or wood. Injection molded plastic or resin dining furniture may be acceptable, provided that such furniture is dark in color (e.g., dark green, black) and is fabricated out of commercial grade materials that meet the American Society for Testing and Materials (ASTM) standards for outdoor plastic furniture.<sup>3</sup>



*Example of "artful" design of patio railings.*

<sup>3</sup> ASTM F 1561-96 Class B requires that commercial patio furniture must be able to hold a static load of 400 pounds for 30 minutes; be able to sustain a weight of 150 pounds dropped on it 10 times from a height of eight inches; and chairs must also be able to



*Sidewalk patio furniture shall complement the color scheme of the streetscape and building to which it is associated, be movable, and be of durable construction.*

- Umbrellas may be used in sidewalk patios in lieu of/in addition to canopies or awnings. Umbrellas shall be solid in color and shall not bear any commercial logos or advertising. They shall be secured to the ground with a movable, weighted, commercially-designed base.
- Outdoor Smoking Areas
  - Sidewalk patio areas that also function as outdoor smoking areas shall be equipped with movable, commercial-grade ash receptacles that are compatible in design and appearance with other patio furniture. The use of makeshift and/or improvised receptacles (e.g., sand-filled barrels, pails, etc.) is prohibited.

hold a static load of 400 pounds while tilted back 4½ inches on its rear legs.

- Areas used for outdoor smoking shall be cleaned daily or at such frequency to maintain an attractive appearance.
- Sidewalk Merchandise Display
  - Seasonal, accessory sidewalk display of merchandise shall be limited to cards, artwork, gardening/floral products, fresh produce and packaged food items, books, newspapers, and similar small items for sale or rental to pedestrians (i.e., non-automobile oriented).
  - Merchandise for sale shall be limited to that related to the principal use of property (i.e., an extension of the principal use, rather than an expansion and/or new use).
  - Displays shall generally be located directly in front of the storefront of the principal use for which it is intended and shall not block building entrances.
  - All tables, racks, and/or other equipment used for display shall be fabricated of durable, commercial grade materials that complement the color scheme of the storefront.
  - Sidewalk displays/sales shall not be permitted when the principal use or business is not open.
  - Displays shall not exceed forty-eight inches in height, project more than forty-eight inches from the building wall facing a street, nor total more than an area equal to two thirds of the total display window area, measured in square feet.
  - Signage advertising the merchandise display shall be limited to one "A-Frame" sandwich sign, designed in accordance with Section 3.7.8.



*If properly designed/maintained, seasonal sidewalk displays of merchandise can add to street life.*

### 3.3.4 Security Grills

- Security grills, if utilized at all, should be installed internally in an unobtrusive manner and should not obscure any architectural details of a building.
- The housing of such equipment should be internally mounted behind the display window. If security grills are used they shall be rectangular open mesh grills, since they provide visibility into the store for better security and for maintaining streetscape interest. Permanent bars on windows are prohibited.

## 3.4 Building Materials and Color

### 3.4.1 Materials

- Traditional building materials may be combined with new building technologies.

- Combinations of the following materials are encouraged or acceptable in the design of new buildings fronting on a major street:

Major Building Walls:

- New or used face-brick
- Masonry
- Terre cotta
- Cut stone, rusticated block (cast stone)
- Stucco/exterior plaster (acceptable only if smooth troweled and only if used in upper story applications)
- Textured, treated, decorative concrete
- Wood and/or “engineered” or composite wood clapboard (for rehabilitation of existing residential-style structures only)

Other Façade/Storefront Features:

- Wood or Metal (cornices and window frames)
- Stone or formed concrete (cornices, pilasters)
- Clear glass (particularly for display windows)
- Glass block (for transoms or other accent opening only)
- Ceramic tiles (bulkheads)
- Stamped metal (bulkheads)

- The use of the following materials is prohibited:

- Rough-finished stucco
- Reflective, mirrored, tinted, or opaque glass
- Imitation stone or brick (fiberglass, plastic, or concrete)
- Rough sawn or “natural” (unfinished) wood
- Used brick with no fired face (salvaged from interior walls)
- Plastic panels
- Exterior insulation finish systems
- Vinyl/aluminum siding

### 3.4.2 Colors

- Façade coloration is encouraged to be achieved by use of the inherent color of natural building materials rather than the application of color to the surface of materials, particularly for major façade elements.
- Surface painting should be limited to trims and accent features on metal, wood, cornices, and window frames.
- While largely left to the designer, the following color combinations/schemes are encouraged:

Major Building Walls:

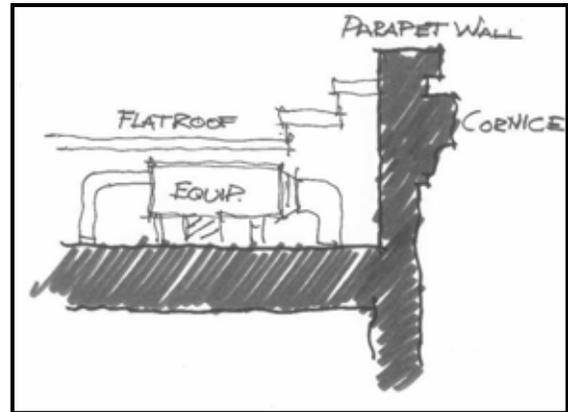
- Earth tones evident of the natural color of a particular building material – shades of brown, tan, sand, brick red, terra cotta, grey, etc.

Other Façade/Storefront Features:

- Cornices, pilasters, piers, etc. – colors similar or subtly contrasting with that of major building walls, but not including bright or garish color tones.
- Window frames and elements – dark bronze, brown, or black.
- Awnings, canopies, projections – wide range of brighter, more prominent accent colors.

### 3.5 Mechanical, HVAC, and Other Equipment

- All mechanical, HVAC, communication and similar types of equipment should be mounted on roofs wherever feasible and screened by means of architectural features such as parapet walls and/or cornices.
- All venting/ducts of HVAC equipment shall be incorporated into the interior systems of a building and shall not be mounted on an exterior wall visible from major street face.
- All venting including cooking fans shall be directed away from the sidewalks and should be vented to the roof.



*An example of roof detail that is intended to conceal mechanical equipment.*

### 3.6 Building Rehabilitation and Re-Use

This section presents standards related to particular issues associated with rehabilitation of existing buildings in the program area. While early 20<sup>th</sup>-century buildings in the program area have undergone a great deal of alternation over their history, they still retain a number of character-defining features, which collectively present opportunities to restore a sense of place and human scale to the area. These types of buildings, when properly rehabilitated and re-used, can draw pedestrian and economic activity.

A basic tenet of preservation and rehabilitation is to minimize disturbance to the character of existing building fabric. Therefore, in the treatment of buildings in the program area, it is best to first preserve/replace rather than replace important features of existing buildings.

#### 3.6.1 Structures Eligible for Inclusion on the National Register of Historic Places

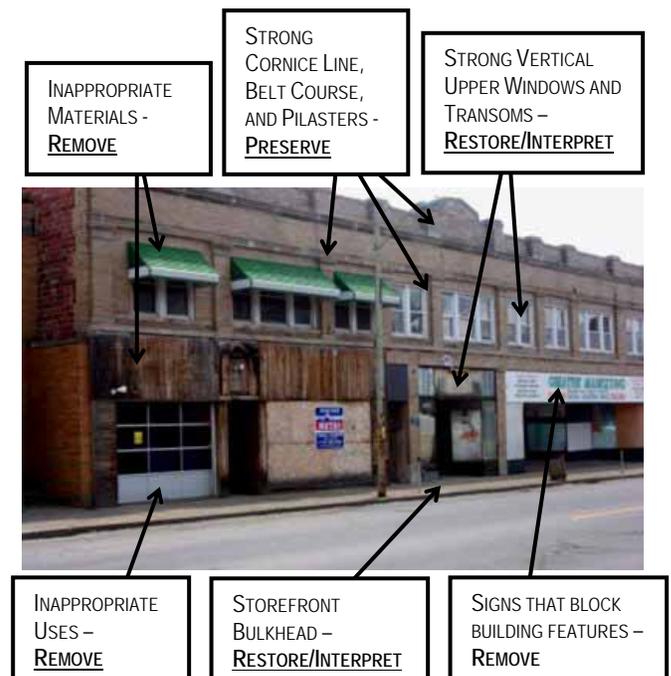
While the program area is not within a designated historic district, certain individual structures have been determined by the New York State Historic Preservation Officer (SHPO) to be eligible for inclusion on the National Register of Historic Places (NRHP). USA Niagara maintains a list of these NRHP-eligible structures (see Appendix).

- In addition to standards set forth herein, rehabilitation of NRHP-eligible structures within the program area shall also conform to the Secretary of Interior's Standards for Rehabilitation (see Appendix).
- Prior to final approval of a grant application, the developer shall undertake SHPO consultation to ensure that the proposal conforms to the above standards.

#### 3.6.2 Character-Defining Features

Character-defining features of existing buildings collectively establish a sense of place, provide human scale and add rich detail to a streetscape. Typical features include historic façade materials; cornices and pilasters; vertically-oriented upper story windows, larger first floor openings; trim around openings/fenestration; and the rhythm of horizontal and vertical elements along a street face.

- In developing a proposal for rehabilitation of an existing building in the program area, developers shall analyze the presence and condition of existing character-defining features.
- The pattern of character-defining features shall be used as a guide for rehabilitation projects. Developers are encouraged to first seek to rehabilitate and preserve existing



*In undertaking rehabilitation projects, developers shall analyze existing character-defining features of a building and use this pattern as a guide for improvements.*

character-defining features of a building.

- Building elements that are beyond repair or require replacement to facilitate a particular use shall be designed to maintain the overall character of former features, in terms of, but not limited to the following characteristics:
  - Rhythm and pattern of openings and fenestration along a street face.
  - Scale of replacement elements (in the context of the overall façade design).
  - Similar or complementary materials.

### 3.6.3 Façade Rehabilitation

Developers are encouraged to preserve the historic character of a building façade and/or storefront, when it is intact.

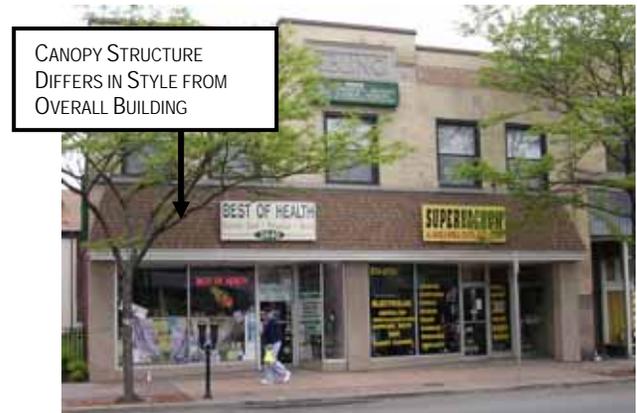
- If the storefront glass is intact, it should be preserved.
- If a storefront or façade has been significantly altered, developers must restore it to its original design to the maximum extent practicable.
- Where original architectural features are missing and no evidence of their character exist, a design that is a contemporary interpretation of traditional elements may be used. However, the design must convey the character of typical storefronts, including but not limited to: the transparent character of the



*A contemporary interpretation of a traditional storefront may be acceptable, provided it maintains the pattern of the building's character-defining features.*

display window, recessed entry, transoms, and cornice.

- Replacement features shall not involve introduction of new architectural styles that differ from the overall style of the building, such as but not limited to inappropriate canopy structures, mansard roofs/cornices, etc.



*Introduction of features that differ in architectural style of an existing building are prohibited.*

### 3.6.4 Window Replacements

Original windows are important features that help convey the existing character of a building. These elements should be preserved, when feasible, or replaced with windows of a similar design, as well as made of materials that are compatible in terms of texture and color.

- The vertical proportions of upper-story windows contribute to a building's historic character. Replacement windows shall retain similar proportions. Window details such as lintels and historic sashes should be repaired and/or restored, when feasible.
- Blocking or replacement windows differing in size from original openings is prohibited.
- Replacing windows that are currently blocked is strongly encouraged where feasible.

*Prohibited**Recommended*

*Replacement windows shall match the pattern and size of openings in a building and be consistent in scale and pattern of historic window openings.*

### **3.6.5 Replacement Materials & Surface Treatments**

- If material replacement is necessary, use of materials shall be similar to those employed historically. Substitute materials may be used if they match or are similar to the original in appearance, finish and profile as closely as is possible.
- Cleaning of historic material surfaces shall be undertaken using measures that will not damage the finish of such materials. For

example, sandblasting of masonry or other features is prohibited.

- Painting of natural colored masonry or other building features is prohibited unless it can be documented that the surface had been historically finished with paint. In such cases, paint colors shall conform to color guidelines in Section 3.4.

### **3.6.6 Interim Improvements to Buildings Awaiting Rehabilitation**

Several marginal and/or vacant buildings in the program area have the tendency to inhibit the progression revitalization efforts. This has commonly come to be known to as the “broken windows theory”—that decline of urban areas at least partly stems from what people see around them everyday.

Abandoned buildings, broken windows, and graffiti-covered walls result in perceptions of disorder and neglect that actually become a downward spiral of reality. Therefore, USA Niagara grant funds shall be available to make interim improvements to buildings to assist in their marketing for re-use and redevelopment and to remove features that detract from public investments to revitalize the program area.

- Property owners are encouraged to undertake interim repairs to buildings awaiting rehabilitation. Such improvements shall include, but not limited to removal of non-conforming sign features, replacement of windows, and/or sealing the structure to prevent further deterioration.
- In the repair of window or window openings, the preferred measure is to repair or replace window units in accordance with Section 3.6.4. If this is not feasible given uncertainties regarding the ultimate reuse/redevelopment of a building, sensitively sealing the window openings with painted wood or other materials to present a somewhat finished appearance is acceptable.



*Interim improvements can ensure that a building does not detract from the overall perception of a district.*

### 3.7 Signs

Contrary to highway commercial districts, signs in pedestrian-oriented commercial areas should be designed to accommodate shoppers along sidewalks and motorists driving at slower speeds. Other considerations such as location, style, color and illumination are also very important in designing an attractive, functional sign. The standards in this section address these issues and are intended to help developers and business owners create quality signs that add to and support the character of downtown Niagara Falls.

It should be noted that the standards contained within this section represent *additional* standards for the program area from those required under applicable City of Niagara Falls regulations (e.g., zoning code, sign ordinances, etc.). They are not intended supersede any such existing City regulations; in the event of a conflict in requirements between these urban design standards and any requirement in the City Code, the requirements of the City shall govern.

#### 3.7.1 General Standards

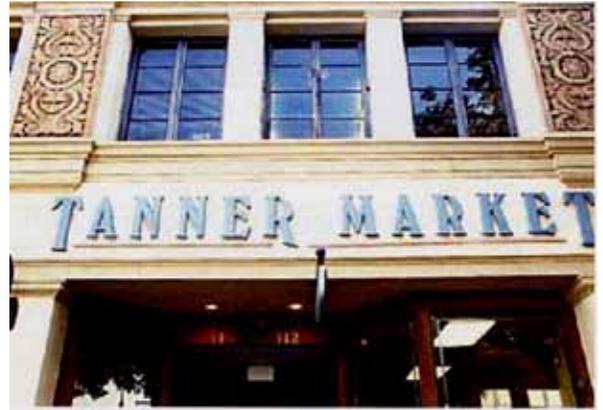
- Permitted total sign area (i.e., total square footage of signs for a particular establishment/use) shall be governed by City codes; all proposed signs shall be subject to City review and permitting.
- As a prerequisite to participation in the grant program, all signs that do not conform to City codes/regulations and/or to these urban design standards shall be removed or retrofitted to be in conformance.
- Signage and graphics should be pedestrian-oriented in size, placement, and materials.
- Sign colors should complement the overall color scheme used for the entire building.
- Signs shall not obscure or block any architectural feature of a building.

#### 3.7.2 Prohibited Signs

- Free standing pole or pylon signs.
- Non-accessory signs as defined in Chapter 1 (e.g., billboards).
- Temporary or portable signs including portable lighted sign panels, vehicle-mounted signs, streamers, advertising banners, handbills or other similar types of signs features/types, except:
  - Banners associated with civic events and/or festivals or grand opening—after first receiving approval and a temporary use permit by the City.
  - “A-Frame”, sandwich board signs, in accordance with Section 3.7.8.
- Signs encroaching upon a public right-of-way and/or attached to any element within a public right-of-way (e.g. lighting fixtures), except as specified in these standards and in City codes or regulations.

### 3.7.3 Wall Signs

- Wall signs shall be attached flush to a building façade and are encouraged to be located above a primary entrance, where feasible.
- Wall signs shall not obscure architectural details or features, including windows, transoms, or cornices.
- Signs shall be placed consistent with the proportion and scale of the elements within the building's façade. For example, a particular wall sign may fit well on a blank wall area, but might overpower the finer scale and proportion of a lower storefront.
- The façade design of a building shall suggest the proper placement of a sign. Ideally, a fascia or other flat detail is the most suitable location for a wall sign.
- Individual mounted letters (with or without internal illumination) are encouraged and preferable for wall signs.
- In the discretion of the Agency, internally-illuminated box signs may be acceptable if framing features are a compatible color and all power and support features are concealed in the façade design.



*Individually mounted letters are preferred for wall signs, located in such a fashion to fit into the overall design of a façade.*



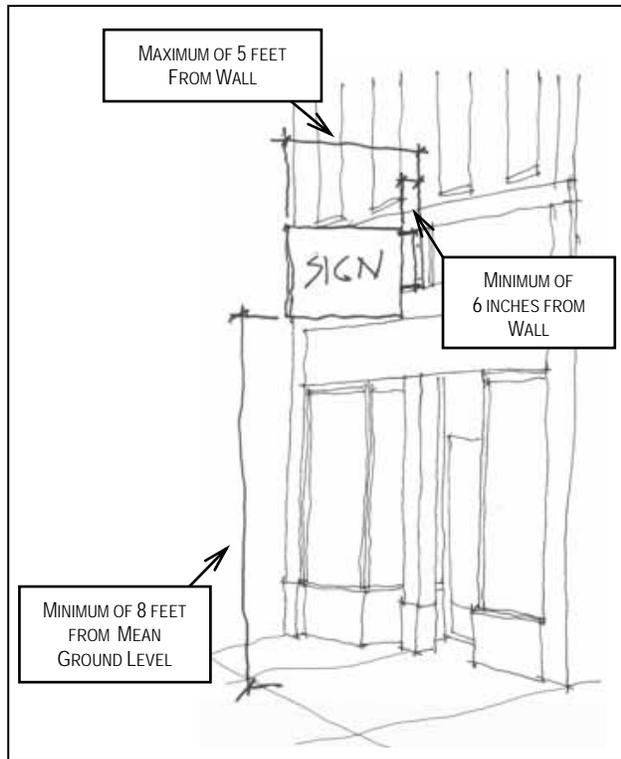
*Illuminated box signs may be acceptable, provided that framing is of a compatible color and other features are concealed.*

### 3.7.4 Projecting Signs

- Projecting signs that add to the pedestrian streetscape are strongly encouraged.
- Projecting signs that encroach above a public right-of-way shall be first approved by the City in accordance with applicable regulations.
- Projecting signs shall be hung at a 90° angle from the face of the building. It shall be pinned at least six inches away from the wall for best visibility but shall not project beyond five feet from the façade.
- The lowest portion of a projecting sign shall be placed at least eight feet above sidewalk,

and shall be located at least 25 feet from other projecting signs for maximum visibility.

- Decorative iron and wood brackets that support projecting signs are encouraged where feasible. The lines of the brackets should harmonize with the shape of the sign and the façade as a whole.
- No more than one projecting sign per business establishment shall be permitted, except in instances where an establishment has more than one customer entrance or faces onto more than one public right-of way.



*Standards and clearances for projecting signs.*



*Examples of projecting signs.*

- Projecting signs may be internally illuminated, if framing features are a compatible color and all power and support features are concealed in the façade design.

### 3.7.5 Window Signs

- Window signs (permanent) are encouraged, provided that they shall not cover more than 25% of the area of each window.
- Window signs shall be primarily consist of professionally applied individual letters on the interior surface of the window and intended to be viewed from outside. White or gold-leaf paint are the recommended colors. Makeshift or amateur sign message applications on windows with conventional paint or other mediums are prohibited.
- Glass-mounted graphic logos may also be applied provided they do not exceed the 25% area limitation.



*Window signs add color and interest to a streetscape. However, they should not take up more than 25% of the window area.*

### 3.7.6 Awning Signs

- While primarily intended to provide shade and shelter, limited sign features on awnings are permitted.



Acceptable



Prohibited

*Examples of acceptable and prohibited awning signs.*

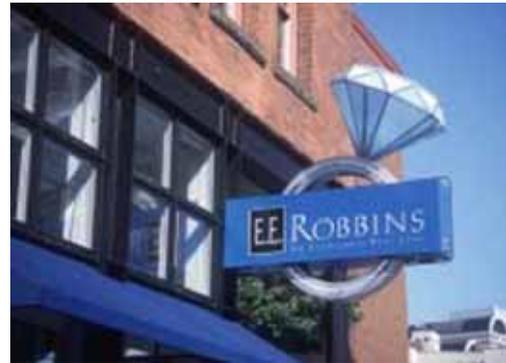
- Where feasible, awnings shall be provided with removable valance and end panels to accommodate future changes in sign copy. Painting cloth awnings in order to change sign copy is prohibited.
- The text copy is limited to the name of the business only and is to be located only on the fabric valance flap of the awning and/or on the bottom portion of side panels of the awning.
- Back-lit internally illuminated awning signs are prohibited.

### 3.7.7 Artful Signs

- Signs that advertise the occupant's business through the use of graphic or crafted symbols,

such as cocktails, jewelry, books, etc. are encouraged.

- Artful sign features may be incorporated into any of the allowable sign types identified above.
- Artful features must comply with general and specific standards for signs in the program area.



*If properly designed, artful or figurative sign features can add visual excitement to a business district.*

### 3.7.8 A-Frame/Sandwich Board Signs

Portable A-Frame or "sandwich-board" signs shall meet the following design standards:

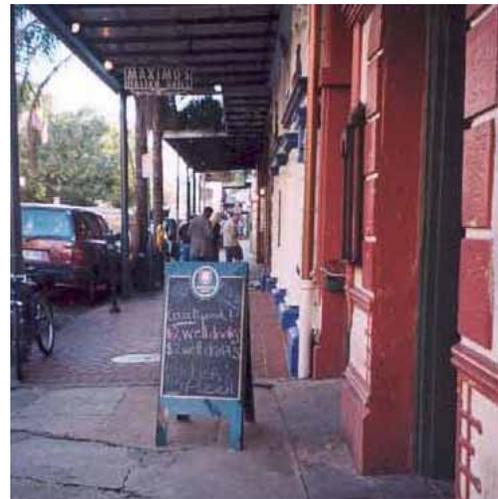
- A maximum of one sandwich-board sign per individual retail use/ service business (including food and beverage establishments) shall be permitted.
- Sandwich-board signs shall have a maximum sign face area of eight square feet per side, with a maximum sign face width of three feet measured from the sign legs.
- Sandwich-board sign bases shall be weighted with a minimum ten-pound ballast, incorporated into the overall design of the sign, to ensure stability in windy conditions. Use of improvised measures to secure signs (e.g., concrete blocks, sand bags, etc.) are prohibited.

- Sandwich-board signs shall be placed a minimum of ten linear feet from the base of other sandwich board signs.
- Sandwich-board signs shall be truly portable and cannot be permanently affixed to any structure or sidewalk, and must be removed from the public sidewalk at the end of each business day.
- A minimum sidewalk clearance of six feet shall be maintained around sandwich-board signs.



### 3.7.9 Handbills/Paper Signs

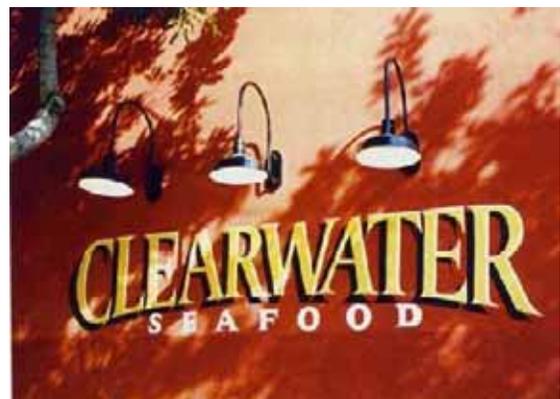
- Temporary paper signs or handbills for announcements are acceptable only if affixed to the inside surface of a display window, and further provided that the cumulative sign area of such signs accounts for no more than 25% of the total window area, as noted in Section 3.7.5.
- Affixing temporary signs, announcements, handmade signs, handbills or other similar items to exterior wall faces, light poles, benches or other exterior street furniture is prohibited.



*A-Frame or sandwich-board signs are permitted in the program area, provided they are professionally constructed; are adequately weighted to be secure in windy conditions; and do not obstruct sidewalk clearances.*

### 3.7.10 Sign Lighting

- While internal illumination may be acceptable for certain sign types noted above, lighting that comes from direct shielded light sources carefully integrated into the overall design of the building is preferred and encouraged.
- Lighting of signs shall avoid creating glare or light distribution that adversely affects motorists or pedestrians.
- Neon signs may be allowed so long as they are carefully designed in size, shape and color that complement the architecture of the building.



*Direct lighting of signs can be integral architectural elements and also provide additional sidewalk lighting.*

## 4 Review Procedures

### 4.1 Overall Intent

The Agency may invite, solicit, or accept proposals for the grant program for rehabilitation or new development in the Agency's program area in accordance with these standards, as well as all applicable federal, state, and local laws, rules, and regulations relating to development in the City of Niagara Falls. The Agency will be responsible for selection, designation, and approval of grants for all development proposals, which shall be submitted and reviewed in three separate stages, as listed below.

The Agency, in their sole discretion, may waive, amend, supplement, or modify the submission requirements to best address the features and review requirements of a particular application.

### 4.2 Schematic Proposal

#### 4.2.1 Intent

This submission by the Developer is intended to allow informal review by the Agency and the City to clarify basic assumptions and conceptual issues.

#### 4.2.2 Submission Requirements

The Developer must submit to the Agency the following information for review and approval prior to submitting a Schematic Proposal for development:

- Letter of Intent.
- Conceptual Site Plan.  
Minimum scale: 1/16" = 1'-0".
- Conceptual Ground Floor Plan indicating Uses, Access, and Entries.  
Minimum scale: 1/16" = 1'-0".
- Conceptual Elevations of Building Facades.  
Minimum scale: 1/16" = 1'-0".

### 4.3 Preliminary Proposal

#### 4.3.1 Intent

This submission by the Developer permits formal review and evaluation of the proposals in terms of appropriateness and conformity with requirements and objectives of these standards. It is also used to secure agreement on and approval of the general design and development concept by the City and other applicable jurisdictions before actual work by the Developer occurs.

#### 4.3.2 Submission Requirements

The Preliminary Proposal shall contain the following elements:

- A Site Plan at an appropriate scale describing the proposed use of the land, buildings, walks, parking areas, driveways, and pedestrian and vehicular use, open spaces including landscaping, with square feet calculations noted.
- Conceptual building plans, elevations, and sections showing organization of building functions/spaces, window fenestration, detailing, and façade materials, and other items to show compliance with the purpose and intent of the architectural design standards. These shall include:
  - Site Plan indicating building mechanical, electrical, and plumbing systems and connections.  
Minimum scale: 1/16" = 1'-0".
  - Site Plan indicating building perimeter, landscaping, grading, and paving.  
Minimum scale: 1/16" = 1'-0".
  - Ground Floor, Roof, and Typical Floor Plans.  
Minimum scale: 1/16" = 1'-0".

- Building Elevations indicating planar elevation changes, bulkhead, and roof elevations.  
Minimum scale: 1/8" = 1'-0".
- Building sections indicating building heights.  
Minimum scale: 1/8" = 1'-0".
- Front-wall Elevation indicating material treatment, location of marquees and cornice details.  
Minimum scale: 1/4" = 1'-0".
- Outline Specifications for basic mechanical systems, exterior materials, and colors.
- An analysis of pertinent building requirements in tabular form, showing how the proposed development meets each provision.
- A written statement of the proposal including floor area, type of building construction, number of parking spaces, preliminary cost estimates, phasing when appropriate, and other data that may assist in reviewing the proposal.
- Information regarding the Developer's experience and financial ability and method of proposed financing to carry out the proposal.
- Other information deemed by the Agency to be necessary to render a decision on the project.

#### **4.3.3 Site Plan Review and Other Approvals**

Following a determination by the Agency that the Developer's submission meets the completion requirements of this section, the Developer shall apply to the City for Site Plan Review in accordance with City of Niagara Falls requirements and other appropriate jurisdictions for any other necessary reviews/approvals. Upon approval by the City and these other jurisdictions,

the Developer may proceed with the final proposal.

#### **4.3.4 State Historic Preservation Officer Consultation**

For rehabilitation projects involving buildings that meeting eligibility criteria for inclusion in the National Register of Historic Places (NRHP)<sup>4</sup>, the Preliminary Proposal shall be forwarded to the SHPO for review and consultation, concurrent with any necessary City review and approvals. Upon completion of the SHPO consultation process, the Developer may proceed with the final proposal.

### **4.4 Final Proposal**

#### **4.4.1 Intent**

This submission by the Developer documents the final design of the development proposal which shall serve as the basis for the grant agreement between the Agency and the Developer. It shall incorporate any and all revisions, refinements, and conditions arising out of reviews/approvals from the Agency, City, and other jurisdictions.

#### **4.4.2 Submission Requirements**

The final proposal submitted by the Developer shall contain the following elements:

Site and construction plans conforming to the approved preliminary proposal, with any changes that may be required. The plan shall indicate all landscaping and site development details including walls, fences, plantings including tree plantings, outdoor lighting and street furniture, signage, ground surface materials, bounding streets, points of vehicular and pedestrian access, number and type of parking facilities, utility lines and connections, existing and proposed grading

<sup>4</sup> USA Niagara maintains a listing of NRHP-eligible buildings in the downtown Niagara Falls program area (see Appendix).

and draining, and public easements to remain. Specifically this shall include:

- Updated Site Plans, Floor Plans, Building Sections, and Elevations.  
Minimum scale: 1/8" = 1'-0".
- Plans, sections, and architectural elevations with typical exterior details, including marquees, cornices, open spaces, and plazas.  
Minimum scale: 1/4" = 1'-0".
- Samples of all exterior surface materials.
- Updated outline specifications.
- Mechanical, Electrical, and Plumbing drawings (if applicable for review).
- Work to be done by others and the responsible party identified.
- Details of material and specifications including construction cost estimates.
- A written statement noting major building dimensions and gross area of buildings, open space, proposed division of work between the Developer and public agencies (if applicable), evidence of equity capital and mortgage financing, and proposed time schedule for construction, including phasing if appropriate.

## Appendix: Secretary of Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards for Rehabilitation (Department of Interior Regulations under 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

The Department has developed a document entitled *Illustrated Guidelines for Rehabilitating Historic Buildings* to help property owners, developers, and Federal managers apply the Secretary of the Interior's Standards during the project planning stage by providing general design and technical recommendations. Unlike the *Standards*, the *Guidelines* are not codified as program requirements. Access to these guidelines is available on the National Park Service website at:

<http://www.cr.nps.gov/hps/tps/tax/rhb/index.htm>

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## **The Secretary of the Interior's Standards for Rehabilitation**

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
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## NATIONAL REGISTER EVALUATIONS

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Date: 07/25/2003

Staff: C. Ross

Project Ref: 02PR05860/03PR01982

MCD: Niagara Falls (C) Niagara Co.

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Based on information provided and documentation on file at the State Historic Preservation Office the following properties satisfied the Criteria (Eligible) for listing on the State and National Registers of Historic Places. The following buildings on Third Street, Niagara Falls are architecturally and historically significant as representative examples of early twentieth century commercial buildings, including two late nineteenth century residential buildings that have survived the transition to a commercial area. During the first two decades of the twentieth century, the use of Niagara Falls as a power source spurred the industrial development of the city, resulting in an increase in population and commercialization. The Third Street buildings are historically significant for their association with the growth and development of the City of Niagara Falls. Most of the buildings retain a high degree of architectural integrity, although some have experienced some alterations. These buildings retain their historic character and strongly recall the period of the city's prosperity.

**Listed and/or eligible properties:**

531 Third Street

468 Third Street

509 Third Street

458 Third Street

503 Third Street

438 Third Street

464 Third Street

418 Third Street

447-451 Third Street

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**Not eligible:** The remaining properties along Third Street are not eligible for listing on the State and National Registers of Historic Places.

Please contact Claire Ross at 518-237-8643b ext. 3259 if you have any questions concerning this evaluation. Please be sure to use the project number noted above in all future correspondence.