

## **Rochester Historic District**

### Section 42.33 of the City of Rochester Zoning Ordinance

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(b) Purpose. This ordinance is established by the Rochester City Council pursuant to and in accordance with NH RSA's 673:4 and 674:44a through 674:50. The purpose of the Rochester Historic District is to promote the general welfare of the community by:

- (1) Safeguarding the cultural, social, political, and economic heritage of the City;
- (2) Fostering the preservation, restoration, and rehabilitation of structures and places of historic, architectural, and community value;
- (3) Fostering civic pride in the beauty and noble accomplishments of the past;
- (4) Furthering the attractiveness of the City of Rochester to home buyers, tourists, visitors, and shoppers, thereby providing economic benefit to the City;
- (5) Conserving and improving the value of property in the District; and
- (6) Enhancing opportunities, where applicable, for financial benefits for owners of historic properties through grants, low interest loans, tax credits, and other tax benefits that may be available through the state or federal governments or preservation organizations.

New construction is an essential process in a vital community, representing the current phase of an evolution that has been ongoing since the settlement of Rochester. There are a number of ways of designing new buildings and additions that will meet the objectives of this Section. State of the art contemporary architecture is appropriate – and encouraged - provided that it is respectful of the historic fabric of the District.

(c) Identification of the Historic District. A Zoning Map of the Rochester Historic District, as amended, which shows the Historic Overlay District, is hereby incorporated as part of this Section, and is on file with the City Clerk. The Zoning Map and all the notations, references, district boundaries, and other information shown thereon, shall be as much a part of this Section as if all were fully described therein. See the Appendix which lists properties in the district by Assessor's Map and Lot numbers.

(d) Purview of Commission. The primary responsibility of the Commission is to review applications for Certificates of Approval for development within the Historic District (see subsection (g) (2) for full list of Commission responsibilities).

(1) Intent. It is the intent of this Section to limit review primarily to the building itself and those elements of the building reasonably considered to be key to the architectural integrity of the building.

(2) Building Permits. No building permits may be issued and no physical development activity nor significant ground disturbance may occur for activities subject to review herein until a Certificate of Approval has been issued by the Commission for the proposed activity.

In cases where an applicant seeks to do work: a) on the exterior of a building which is subject to review and b) on the interior of a building, a separate building permit may be issued for the interior work, thus allowing that work to proceed independently from review of the exterior work. A separate building permit, however, may not be issued for any interior work (such as changes to window sizes) which is integrally related to the design for the exterior work, which is subject to review.

(3) Activity Subject to Review. Approval is required only when the subject activity or a portion of the subject activity would be visible from a public way. Approval from the Historic District Commission is required for the following activities.

(A) Any activity affecting the exterior architectural appearance of a building within the District that is not exempted by Subsection 4) Activity Exempt from Review, Activities subject to review include the erection of new buildings; additions to existing buildings; alterations to existing buildings; renovation or restoration of existing buildings demolition of existing buildings or portions of existing buildings; reconstruction of damaged or destroyed buildings; and the relocation of any building into, out of, or within the District.

(B) Signage. The purpose of this review is to promote signage that is creative, distinctive, handsome, pedestrian-oriented, reasonably low key, and harmonious with the character of the historic district. See section 42.8 Signs, of this ordinance for dimensional and other sign standards.

- (i) The following sign components are subject to review:
- a. Size
  - b. Shape
  - c. Location/placement
  - d. Colors – see Section (e)(2)(K) Color, herein, as a reference
  - e. Illumination – see (iii), below
  - f. Materials – see (iv), below
  - g. Typefaces

- (ii) The following sign components are not subject to review:
    - a. Text
    - b. Logos
    - c. Graphic messages
  - (iii) Illumination.
    - a. If the sign is to be illuminated, use of exterior illumination is strongly encouraged (with light that does not shine toward pedestrian or vehicular ways).
    - b. Internal illumination is discouraged. If a sign is to be internally illuminated, the text should be light colored or white and the background/field should be a darker color.
  - (iv) Materials. Use of wood, urethane, other solid materials, or metal is preferred. Plastic signs are strongly discouraged.
- (C) Carts, wagons, trailers, and other vehicles that are intended for the sale of goods, products, or services and which are permanently or temporarily situated in place on the ground
- For the purposes of this provision, “temporarily” means for more than three consecutive days or for more than five individual days in a calendar year.
- (D) Fences and walls. Use of chain link fencing is strongly discouraged. See section 42.10 Fences, of this ordinance for other fence/wall standards.
- (E) Light fixtures attached to buildings (but light fixtures attached to single or two family houses are exempt from review).
- (F) Color of materials and paint and stain colors. However, color of materials, paint, and stain for single family houses and two family houses is exempt from review. See Section (e)(2)(K) Color, herein, as a reference.
- (4) Activity Exempt from Review. No review or Certificate of Approval shall be required for the following activities or elements though other specific requirements may apply as specified elsewhere in this Zoning Ordinance. In the case of any conflict in interpretation between Subsection 3) Activity Subject to Review and Subsection 4) Activity Exempt from Review, Subsection 3) shall be determining.
- (A) Structures which are not buildings as defined in this Section (such as light poles and street furniture).
  - (B) Work performed on the interior of buildings in all cases is exempt from review.
  - (C) Land uses. Land uses are not regulated through this Section herein nor by the Commission. Permitted uses are set forth elsewhere in this Zoning Ordinance.

- (D) Elements which are appurtenant to a building but which are not integral to the building including antennas, satellite dishes, flagpoles, mailboxes, window air conditioning units, and similar elements. Property owners are encouraged to place antennas and satellite dishes on the rear portions of buildings or where they will be least noticeable from any public way.
- (E) Minor maintenance and repair which does not involve any significant change in materials, design, or the outward appearance of the building.
- (F) Installation or removal of any plant materials.
- (G) Color of materials, paints and stains for single family houses and two family houses.
- (H) Installation of pavement or other impervious or semi-impervious material on the ground or establishment of any parking or driveway area. However, the Commission has purview over the location and position of new construction and additions (which could affect other site conditions).
- (I) Lighting treatment, i.e. wattage and types of bulbs and light fixtures attached to single and two family houses. However, light fixtures attached to buildings (other than single and two family houses) are subject to review.
- (J) Modifications to the site which do not affect buildings.
- (K) Any temporary emergency repairs provided that review and conformance with the guidelines of this Section will be required afterward . As part of that review, the HDC may impose appropriate requirements, including establishing a timeframe in which proper repairs must be completed.
- (L) Items which are not explicitly addressed in this subsection but for which the proposed work clearly:
  - (i) would not have any meaningful negative impact;
  - (ii) would be barely noticeable, if at all, from any public way; and
  - (iii) would be consistent with the intent of this Section, all as reasonably determined by the Planning Department.

(5) Other Terms

- (A) A Certificate of Approval is required for all work within the purview of the Commission whether or not such work requires a building permit or any other permits issued by the City or other authorities.

A Certificate of Approval shall not be required for any construction, alteration, or demolition of any structure or element of a structure which the Code Enforcement Officer certifies as being required for public safety. However, the Code Enforcement Officer shall give the Commission an opportunity to comment upon any such action unless a time emergency precludes it.

- (B) A Certificate of Approval is only required for new activities which the property owner initiates/proposes after adoption of this ordinance. The Commission does not otherwise initiate any review except in response to such proposals/activities by the property owner. Thus, property owners are not required to bring any existing conditions into "conformity" with this ordinance, except in cases where improving certain existing conditions may be integrally related to a proposal presented by the applicant.
  - (C) Property owned by the City of Rochester shall be subject to review and approval by the Commission in like manner to all other property in the City situated within the district, provided, however, that a vote by 2/3 of the total membership of the Rochester City Council may override any vote of the Commission pertaining to land or property owned by the City of Rochester.
  - (D) The Commission may, after majority vote of the Commission, coordinate with, or defer to, other City boards, regarding review of items which might also be subject to review by those boards.
- (e) Guidelines for Review. The following guidelines shall be used by the Historic District Commission in reviewing applications for Certificates of Approval. Recognizing that every property, every proposal, and every situation is unique, the Commission shall utilize its reasonable judgment, and is granted a fair degree of flexibility, in applying these guidelines, consistent with other requirements and limitations of this Section.
- (1) General Principles. The following general principles are adapted from the U.S. Secretary of the Interior's Standards for Rehabilitation:
- (A) Every reasonable effort shall be made to minimize alteration of the significant features of the building.
  - (B) The distinguishing original qualities or character of the building shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided where possible.
  - (C) All buildings shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
  - (D) Changes that may have taken place in the course of time are evidence of the history and development of the building . These changes may have acquired significance in their own right, and this significance should be recognized and respected.
  - (E) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building should be treated with sensitivity.
  - (F) Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition,

design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other structures.

- (G) Contemporary design for alterations and additions to existing buildings should not be discouraged when such designs do not destroy significant historical, architectural, or cultural material, and when those designs are compatible with the size, scale, color, material, and character of the property, neighborhood, and environment.
- (H) Whenever possible, new additions or alterations to structures should be done in such a manner that if those additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired.

(2) Elements of Design. The following principles also apply.

- (A) Harmony with surrounding buildings. Proposals should be harmonious with the existing building (in the case of additions and alterations) and with contributing neighboring buildings and other buildings within the District, as appropriate, in respect to:
  - (i) mass,
  - (ii) width,
  - (iii) height,
  - (iv) proportion,
  - (v) spacing,
  - (vi) setback, and
  - (vii) all of the other elements of design discussed herein.
- (B) Sitting of building. Most buildings are oriented parallel or perpendicular to the street. Those in the downtown are traditionally placed very close to the street if not right up to the sidewalk. This pattern reinforces the streetscape. Buildings should not be oriented at odd angles to the street.
- (C) Scale. Every effort should be made to provide an appropriate scale to new buildings both in their overall size and in their details
  - (i) It is important in downtown areas for buildings to be multistory in order to reinforce the sense of enclosure of the street. Alternatively:
  - (ii) A single story building should have a relatively steep roof or a high parapet.
- (D) Proportion. Buildings and their details should be well proportioned in accordance with commonly accepted design principles so as to create a sense of order and balance.

- (E) Massing. Large structures should be broken into smaller masses to provide human scale, variation, and depth. These smaller masses should have a strong relationship to one another and, ideally, each smaller mass will have an integrity of form.
- (F) Roof. As a design element the roof has a significant effect on the building's character. The lack of a roof often promotes a feeling of boxiness. The taller the building the less necessary is a pitched roof.
- (i) Multistory buildings in downtown rarely included a pitched roof. Extensive areas of visible roof should be broken up with:
- dormers,
  - cross gables,
  - cupolas,
  - chimneys,
  - parapets,
  - balustrades, and
  - towers.
- (ii) Where flat roofs are used there should be a distinct cornice and/or parapet to emphasize the top of the building.
- (G) Building façade. Much attention should be given to create an attractive building facade. Broad expanses of blank walls are inappropriate. Traditionally, the parts of a facade that might be embellished, or at least articulated in some fashion include:
- (i) the horizontal *base* where the building meets the ground (such as a different treatment for the foundation or a water table)
- (ii) the horizontal *top* where the building meets the sky (such as a projecting cornice with brackets)
- (iii) a horizontal section in between (such as a belt course between stories)
- (iv) the vertical corners on the left and right sides (such as corner boards or quoins)
- (v) vertical articulation in the middle (such as pilasters)
- (vi) the area around the *door/entry* (such as a portico)
- (vii) the areas around the *windows* (such as window surrounds)
- In addition, depth may be created for the facade through use of porches, projecting or recessed sections, bay windows, or arcades.
- (H) Windows. Windows are an integral part of a building and should be incorporated on front facades, and preferably side facades to humanize the building. It is desirable that the windows along with the door establish a coherent, orderly pattern and rhythm.
- (i) Shape. It is preferable that windows be vertical (except for retail uses, below). Horizontally shaped windows are discouraged. Where horizontal windows are sought a series of contiguous

vertical windows with mullions in between should be used arranged in a horizontal "band".

- (ii) In the downtown use of large picture type windows for retail uses on the first floor is strongly encouraged.
  - (iii) Shutters. Shutters are generally not used traditionally on commercial buildings but, where appropriate, should be sized properly for the window opening (approximately one half the width of the opening).
  - (iv) Preservation of original wood windows is strongly encouraged but not required. Where windows are replaced use of true divided light windows is encouraged but not required. Use of false mullions may be stipulated where appropriate.
- (I) Entrance. The entrance is an important element in defining a building.
- (i) Articulation of the entrance is encouraged through use of:
    - a portico,
    - a canopy,
    - an awning,
    - sidelights,
    - a surround, or
    - another device.
  - (ii) Generally, there should be an entrance, if not the primary entrance, located on the front facade.
- (J) Siding materials. Materials should be high quality and durable, especially in the core downtown areas, where masonry is preferred.
- (i) Use of the following natural materials is strongly encouraged:
    - wood (clapboard and shakes),
    - brick,
    - stone,
    - fiber reinforced stucco,
    - textured block, and
    - terra cotta

However, fabricated materials which effectively imitate the character of these materials is acceptable.

- (ii) Conventional vinyl siding is discouraged, especially on front facades. However, it is less of a concern on side or rear facades. Where used, it should be arranged in a horizontal pattern resembling wood clapboard.
- (iii) Use of the following materials is inappropriate:
  - sheet plastic,

- sheet fiberglass,
- T-111 plywood,
- flaky "fish-shack style" wood shingles,
- simulated brick,
- "salvage style" brick with multiple colors,
- highly reflective plastic or metal,
- prefabricated metal wall panels,
- undressed cinder block, and
- other materials similar to these

- (K) Color. Appropriate color selection is guided by the following:
- (i) Main building color/large areas and signage. The following color palettes are encouraged for the main building color/large areas and signage:
    - nature blending,
    - earth tone,
    - neutral, and
    - pastel
  - (ii) Main building color/large areas. The following color palettes are discouraged for the main building color/large areas:
    - bright colors,
    - primary colors, and
    - Metallic colors
  - (iii) Building accent areas and signage. The following color palettes are acceptable for building accent areas and signage:
    - bright colors,
    - primary colors,
    - metallic colors
  - (iv) The following color palettes are prohibited:
    - high intensity colors and
    - fluorescent colors
- (v) For brick, use of deep, dark traditional reds is desirable and may be required.

(2) Other Principles

- (A) New construction. Traditional style architecture is certainly desirable provided that it is skillfully designed in accordance with the objectives of this section.
- (B) Visibility. Generally, the less visible or prominent a structure or facade the less stringent the standards/review.
- (C) Demolition or Removal. Demolition or removal of structures may be denied at the discretion of the Commission.

- (i) Contributing Structures. Demolition or removal from the District of a contributing structure is strongly discouraged. No such application should be approved until a detailed redevelopment plan for the site has been approved by the Commission and/or Planning Board, as appropriate.
  - (ii) Noncontributing Structures. In many cases, demolition or relocation of a noncontributing structure is entirely appropriate, if not desirable, depending upon how the site will be developed afterward.
- (D) Relocation within the District. Relocation of a contributing structure from its site is discouraged. The Commission may approve such a relocation if it determines that there are compelling reasons to do so after conducting a rigorous review of the request.
- (E) Noncontributing Buildings. Significantly less stringent review is in order for "noncontributing" buildings.
- (4) References. The Commission may also use the following as references (all of these documents are available in the Planning Department for public review):
  - (A) The Secretary of the Interior's "Guidelines for Historic Preservation". (website: <http://www.nps.gov/history/hps/TPS/tax/rhb/>)
  - (B) The National Register Nomination form for the Rochester Commercial and Industrial Historic District
  - (C) 1999 survey of Rochester conducted to assess impacts of the proposed Exit 10 project.
  - (D) Rochester Times series on architecture of Rochester (2002-2003).
  - (E) Any other appropriate general architectural manuals or manuals about Rochester.
- (f) Procedures
  - (1) Application. An application for a Certificate of Approval shall be submitted to the Rochester Historic District Commission through the Planning Department, no fewer than nine (9) days (or 8 days if the deadline falls on a holiday) prior to a Commission meeting. However, at the discretion of the Chair this deadline may be reduced on a case by case basis for good cause. In no case shall the review be scheduled more than 30 days from the application filing date.

It is the intent of this Section to make the review process as simple and pleasant as practical. The applicant need only submit those materials which the Commission reasonably determines are necessary to conduct an appropriate review. On small or straightforward projects submission of the application, a letter of intent, a

verbal description, and/or one or more sketches drawn by the applicant may suffice.

In the case of more elaborate proposals or those potentially having a significant impact upon sensitive properties any or all of the materials listed below may be required as the Commission sees fit. While the use of an architect is not required under this Section, there will be many situations where it will be difficult to provide appropriate drawings and to meet the objectives of this Section without the use of an architect, particularly where new construction or additions are involved.

Applicants are encouraged to speak with the Planning Department prior to preparing an application package to get a preliminary sense of which of the items below might not be needed. The application package may include any or all of the items listed below as stipulated by the Historic District Commission:

- (A) A completed application form as provided by the City stating the purpose of the proposed project and identifying the nature and extent of the work to be performed.
  - (B) Site plans drawn to scale clearly depicting existing conditions and proposed work.
  - (C) Elevation drawings to scale of each affected facade of the building clearly depicting existing conditions and proposed work.
  - (D) Detail drawings of appropriate elements (such as the balustrade for a handicapped ramp).
  - (E) Photographs of each impacted side of the building.
  - (F) Sample, swatch, and/or manufacturer's cut sheet of materials to be used (such as a brick), as appropriate.
  - (G) Any other items which the Commission may reasonably need to conduct its review.
  - (H) There is no fee for the basic application review.
- (2) Review of the Application
- (A) Appropriateness. In deliberating whether to grant (with or without conditions) or deny a Certificate of Approval the Historic District Commission shall make a determination as to whether or not the proposal conforms with the provisions of this Section.
  - (B) Scheduling and Completeness. The Historic District Commission will consider all applications that were received by the application deadline at its next scheduled meeting. At that time a determination shall be made whether the application under consideration is complete in terms of the list of required items, above, such that the Commission can adequately review the application.

- (C) Public Meetings. Meetings of the Historic District Commission are not public hearings and notice need be made only for public meetings in accordance with RSA Chapter 91-A. The Commission may hold a public hearing on any application if it deems appropriate. All regular meetings shall be posted on the City's website.
  - (D) Professional Advice. The Commission may seek advice from such professional, educational, cultural, or other resources as is deemed necessary.
  - (E) Recommendations.
    - (i) Applicants are encouraged to meet with the Commission prior to developing projects for an informal discussion about proposed plans.
    - (ii) The Commission may make non-binding recommendations to the applicant on elements outside of its purview such as on parking lot layout or planting materials.
  - (F) Architectural Regulations and Planning Board review. In cases where the Historic District Commission has purview, the Planning Board shall not have jurisdiction over architectural design, i.e. the Architectural Regulations under the Site Plan Regulations shall not apply. Nonetheless, the Planning Board shall review all other elements of a site otherwise subject to its review.
- (3) Action on an Application
- (A) Recognizing that a lengthy approval process can be costly to landowners, developers, and business owners, the Commission shall seek to take final action at its earliest reasonable opportunity, which in many cases will be at the first regular meeting of the Commission at which the application is presented. To the extent practicable and appropriate, as determined by City staff and the Commission, applicants may file applications for various permits - to the Planning Board, Zoning Board of Adjustment, Building Department, etc. – simultaneously, or in any appropriate order, in order to save time. This provision, however, shall not be construed in a manner which would prevent the Commission from conducting a through review, as it sees fit. Final approval of any permits from other City departments, for projects under the Commission's purview, cannot precede the Certificate of Approval from this Commission.
  - (B) The Historic District Commission shall take action on - i.e. to approve, approve with conditions, or deny - all applications within forty five (45) days after the filing of a complete application for a certificate of approval. This time frame may be extended either by consent or request of the applicant or upon formal request from the Commission to, and written authorization from, the City Council for an additional period not to exceed forty five (45) calendar days.

- (C) The Commission shall notify the applicant of its decision within 72 hours. When an application is rejected as being incomplete or denied the reason(s) for the decision shall be conveyed to the applicant and clearly stated in the record of proceedings of the Commission.
  - (D) Failure by the Commission to act within the period of time specified above (with or without extensions) shall be deemed to constitute approval of the application as submitted. A Certificate of Approval shall be effective for one year after the date of approval. The applicant must secure a building permit and substantially commence work within this one year timeframe or the Certificate shall lapse. Likewise, where no building permit is involved, the applicant must substantially commence work within this one year timeframe or the Certificate shall lapse. The Commission may grant extensions as it reasonably determines appropriate.
- (4) Hardship. Upon the request of an applicant, the Commission may approve an application, based upon hardship, even if it deems the proposed work does not meet the standards specified in this Section. Approval based on hardship requires, at a minimum, a determination by the Commission that all of the criteria below are met. The Commission may solicit any additional information it deems necessary to make this determination.
- (A) Denial of the application or an element of the application would cause an undue hardship for the applicant as defined in this Section;
  - (B) The hardship is unusual and peculiar to the applicant's property or situation;
  - (C) The proposal would not have a significant adverse impact upon the Historic District;
  - (D) Approval would not constitute a significant derogation of the intent and purpose of the ordinance;
  - (E) There is no simple or inexpensive alternative approach which would be effective; and
  - (F) In the case of an application for demolition, severe deterioration of the property was not due to negligence or irresponsibility on the part of the owner.
- (5) Appeals. Any applicant, person, or organization aggrieved by a decision of the Historic District Commission may appeal the decision to the Rochester Zoning Board of Adjustment in accordance with RSA 674:33 and any appeal procedures specified in the City Ordinances. In its review of any appeals the Zoning Board shall be guided by the provisions of this Section and other applicable law.
- (6) Enforcement. This Section shall be enforced as provided for in the Rochester Zoning Ordinance.
- (7) Variances and Appeals. If any applications are submitted to the Zoning Board of Adjustment for variances or appeals under the Historic District Ordinance, the

HDC shall be notified by the Planning Department of those applications at least ten days in advance of the meeting.

- (g) Definitions. The following definitions apply to this Section 42.33 only.
- (1) Building. Any structure having a roof and intended for the shelter, housing, or enclosure of persons, animals, or personal property.
  - (2) Contributing property (structure or site). A property that contributes positively to the District's architectural quality and integrity as a result of its location, design, history, condition, quality, age, materials, workmanship, feeling, and/or association.
  - (3) Exterior Architectural Appearance. This encompasses the building itself and those individual elements which are integral to the building and are visible on the exterior. It includes colors, materials, texture, arrangement, architectural detailing and trim, the roof, windows, doors, foundation, steps, ramps, porches, decks, awnings, hardware, and light fixtures.
  - (4) Hardship. A situation where denial of the applicant's request to perform particular work upon a specific property that is not in conformance with the standards of this Section would cause substantial difficulty for the applicant due to significant financial expense, loss of use of the property, diminution in the usability of the property, or impairment of the ability of an existing business to function effectively. (Note that this definition is different from the concept of hardship used elsewhere in this Ordinance regarding applications for variances.)
  - (5) Massing. The shapes, sizes, and arrangement of the three dimensional forms that compose a building.
  - (6) Noncontributing property (structure or site). A property which - due to its recent vintage (generally less than 50 years), incompatible design, incompatible and irretrievable alterations, or deteriorated condition - would not be considered to contribute to that character or quality of the District which the City seeks to preserve.
  - (7) Proportion. The relation of one dimension to another, such as the height of a window compared to its width. Proportion affects visual order through coordination of such elements as height, width, depth, and spacing.
  - (8) Public Way. A road, sidewalk, footpath, trail, park, or navigable waterway owned by the City of Rochester or another governmental agency and intended to be accessible to the public.
  - (9) Scale. The perception of the size of a building or building element relative to the human body or other buildings or objects in the vicinity.
  - (10) Structure. Anything constructed or erected, the use of which requires permanent or semi-permanent location on the ground or attachment to something having location on the ground. Examples include buildings, fences, walls, signs, and light fixtures.

- (11) Traditional. Sensitive to, evocative of, or harmonious with any particular style of architecture established prior to 1950 or the prevailing patterns, forms, or styles of architecture dating from the original settlement of the United States up to 1950.

(h) Historic District Commission

(1) Membership

- (A) Composition. The Historic District Commission shall consist of seven (7) regular members and up to five (5) alternate members. Two (2) seats among the regular members are designated for one member of the City Council and one member of the Planning Board, respectively. Likewise, two (2) seats among the alternate members are designated to one member of the City Council and to one member of the Planning Board, respectively, which two (2) alternate members may only sit for the regular City Council and Planning Board members, respectively. All Commission members shall be appointed in accordance with the provisions of Section 74 of the Rochester City Charter.

- (B) Qualifications. All members shall be residents of the City of Rochester. In reviewing the qualifications of a candidate for the Commission, the City Council shall consider his/her demonstrated interest and experience in, and knowledge of, historic preservation and his/her ability to administer this Section consistent with its purpose and intent. To the extent that such persons are available the Council shall seek members with diverse backgrounds or interests.

- (C) Appointments. The members of the Historic District Commission shall be appointed for terms of three years. Initial appointments shall be staggered so that subsequent terms will not be coterminous.

(2) Powers and Duties. The Historic District Commission shall have the following powers and duties:

- (A) Applications. Reviewing and approving, approving with conditions, or denying applications for Certificates of Approval.

- (B) Consultation. Calling upon City staff, citizens, abutters to applicants, and professionals, as it sees fit, for input, consultation, and recommendations on matters before the Commission.

- (C) Surveys. Conducting small area or community-wide surveys of historic, architectural, and cultural resources.

- (D) National Register. Nominating structures and districts for listing in the National Register and reviewing all proposed National Register nominations within the City; keeping a record of all properties which are included in the local historic districts, listed in the National Register, and determined eligible for National Register listing.

- (E) Planning. Preparing historic resources components of local master plans and insuring that historical resources are considered at every level of local decision-making.
- (F) Advice and Advocacy. Advising other agencies of local, state, and federal government regarding, and advocating on behalf of, the identification, protection, and preservation of local historic, architectural, archaeological, and cultural resources.
- (G) Liaison. Acting as a liaison between local government and individuals or organizations concerned with historic preservation.
- (H) Other Applications. Commenting on applications for site plan/subdivision approval, zoning amendments, variances, special exceptions, and other approvals affecting property in the Historic District or other historic resources.
- (I) Amendments. Investigating and recommending to the Planning Board and City Council amendments to this Section and appropriate areas for designation as historic districts.
- (J) Education. Educating individual members of the Commission, municipal officials, property owners, and the public about the historic district and historic preservation.
- (K) Signage and Recognition. Developing and administering a system of markers and monuments recognizing individual properties and the district and acknowledging special contributions toward historic preservation by members of the community.
- (L) Budget. Developing and submitting an annual request for funds to the City Council if desired. Subject to the availability of funds, the Commission may retain consultants.
- (M) Rules and Regulations. Adopting, and from time to time amending, Rules and Regulations which are consistent with the intent of this Section and appropriate state statutes.
- (N) Other. Undertaking any other appropriate action or activity necessary to carry out its mission as embodied in this Section.

(i) Designation of the Historic District

- (1) Procedures for Designation. The Rochester Historic District functions as a zoning overlay district. The District boundaries may be amended and new historic districts may be designated and delineated following the Amendment Procedure described in this Zoning Ordinance with the provision that:

- (A) The Commission may initiate such amendments;

- (B) The Commission shall have an opportunity to comment on any such proposed amendments prior to enactment by the City Council; and
  - (C) Any individual lot or parcel of land may by itself be designated as a historic district upon determination of worthiness under this Section.
- (2) Criteria for Designation. Any building, group of buildings, site, property, group of properties, or area (collectively referred to herein as "site") proposed for inclusion in the Rochester Historic District should generally (but not necessarily) be at least fifty (50) years old and possess one or more of the features listed below. In any district which contains multiple properties or structures, not every property or structure need meet these criteria; rather the district overall should embody a meaningful degree of continuity, cohesiveness, integrity, and a prevailing conformance with one or more of the criteria.
- (A) The site embodies distinguishing characteristics of, or high quality in, design, detailing, materials, craftsmanship, or a particular architectural style;
  - (B) Its antique age, good condition, and special features make it worthy of preservation.
  - (C) Its unique location and characteristics make it an established and appreciated element or visual landmark for the community.
  - (D) The site is identified as the work of a master builder, designer, architect, engineer, or landscape architect whose individual work was influential in the development of the City of Rochester, region, state, or nation.
  - (E) The site contributes to the visual continuity of the District.
  - (F) One or more significant cultural, social, political, economic, or military events in the history of the City of Rochester, region, state, or nation occurred at the site.
  - (G) The site is identified with a person or persons of historic significance;