

ARTICLE VI
C-1 Neighborhood Center District

§ 120-33. Purpose.

The C-1 Neighborhood Center District provides for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations in the C-1 District are low intensity, unobtrusive and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation and utilities.

§ 120-34. Permitted uses and structures.

The following uses are permitted in the C-1 District when conducted entirely within an enclosed building:

- A. Attached single-family dwellings.
- B. Dwelling units when part of a mixed-use development with other permitted commercial uses.
- C. Live-work space, subject to the additional requirements for specified uses in § 120-142.1. **[Amended 6-17-2003 by Ord. No. 2003-183]**
- D. Bed-and-breakfast establishments, subject to the additional requirements for specified uses in § 120-132.
- E. Family and group family day-care homes.
- F. Adult family day-care homes.
- G. Day-care centers, subject to the additional requirements for specified uses in § 120-135.
- H. Places of worship.
- I. Convents and rectories.
- J. Public and semipublic uses, except as otherwise listed in § 120-35. **[Amended 7-19-2011 by Ord. No. 2011-247¹]**
- K. Retail sales and service operating between the hours of 6:00 a.m. and 11:00 p.m.; provided, however, that retail sales and service establishments: **[Amended 9-19-2012 by Ord. No. 2012-363; 2-18-2015 by Ord. No. 2015-39; 8-9-2016 by Ord. No. 2016-263; 11-3-2022 by Ord. No. 2022-322]**
 - (1) Licensed by New York State to sell alcoholic beverages pursuant to the Alcoholic Beverage Control Law may operate beyond the hours specified herein to the extent that the alcoholic beverage license so provides; and
 - (2) Licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours.

1. Editor's Note: This ordinance provided an effective date of 9-1-2011.

- L. ²Limited entertainment, not including sexually oriented uses. **[Added 11-12-2019 by Ord. No. 2019-325]**
- M. (Reserved)³
- N. Offices between the hours of 6:00 a.m. and 11:00 p.m.
- O. Restaurants, including outdoor seating and assembly but excluding drive-through facilities, operating between the hours of 6:00 a.m. and 11:00 p.m. **[Added 9-19-2012 by Ord. No. 2012-363; amended 11-17-2015 by Ord. No. 2015-355; 8-9-2016 by Ord. No. 2016-261]**
- P. Restaurants licensed by New York State to sell alcoholic beverages for on-premises consumption pursuant to the Alcoholic Beverage Control Law, including accessory outdoor seating/assembly areas but excluding drive-through facilities, provided that the outdoor seating/assembly areas shall operate only between the hours of 6:00 a.m. and 11:00 p.m. **[Added 11-17-2015 by Ord. No. 2015-355⁴; amended 8-9-2016 by Ord. No. 2016-261]**
- Q. Bars, including accessory outdoor seating/assembly areas, except that the outdoor seating/assembly areas shall operate only between the hours of 6:00 a.m. and 11:00 p.m. **[Added 11-17-2015 by Ord. No. 2015-355; amended 8-9-2016 by Ord. No. 2016-261]**
- R. On-site cannabis consumption lounges operating during bar hours, but no later than 11:00 p.m. **[Added 11-3-2022 by Ord. No. 2022-322⁵**
- S. ⁶Mixed uses, as listed in this section, not including industrial uses. **[Added 9-21-2010 by Ord. No. 2010-323]**

§ 120-35. Special permit uses.

The following uses are allowed as special permit uses in the C-1 District:

- A. Community garages and parking lots.
- B. Parks and recreational areas.
- C. Homeless residential facilities, subject to the additional requirements for specified uses in § 120-140.
- D. Hospice.
- E. Residential care facilities, subject to the additional requirements for specified uses in § 120-146.
- F. Public utilities, subject to the additional requirements for specified uses in § 120-144.

2. Editor's Note: Former Subsection L, regarding low-impact retail sales and services, added 9-19-2012 by Ord. No. 2012-363, was repealed 2-18-2015 by Ord. No. 2015-39. See now Subsection K.

3. Editor's Note: Former Subsection M, regarding specialty retail sales and services, added 9-19-2012 by Ord. No. 2012-363, was repealed 2-18-2015 by Ord. No. 2015-39. See now Subsection K.

4. Editor's Note: This ordinance also redesignated former Subsection P, concerning mixed uses, as Subsection R.

5. Editor's Note: This ordinance also redesignated former Subsection R as Subsection S.

6. Editor's Note: Original Subsection S, providing the hours of operation for accessory outdoor seating/assembly areas, added 11-17-2015 by Ord. No. 2015-355, which immediately followed this subsection, was repealed 8-9-2016 by Ord. No. 2016-261.

- G. Ancillary parking lots , subject to the additional requirements for specified uses in § 120-131.⁷ **[Amended 6-17-2003 by Ord. No. 2003-183]**
- H. Offices operating beyond the hours of 6:00 a.m. to 11:00 p.m.
- I. Retail sales and services operating beyond the hours of 6:00 a.m. to 11:00 p.m.; provided, however, that retail sales and service establishments licensed by New York State to sell alcoholic beverages pursuant to the Alcoholic Beverage Control Law shall not be required to obtain a special permit to operate beyond the hours specified herein to the extent that the alcoholic beverage license authorizes the additional operating hours. **[Amended 2-18-2015 by Ord. No. 2015-39; 8-9-2016 by Ord. No. 2016-263]**
- J. On-site cannabis consumption lounges operating during bar hours, including bar hours extending after 11:00 p.m. **[Added 11-3-2022 by Ord. No. 2022-322]**

7. Editor's Note: Former Subsections H, Bar, cocktail lounge and tavern, and I, Restaurants, which immediately followed this subsection, were repealed 9-19-2012 by Ord. No. 2012-363, which ordinance also redesignated former Subsections J and K as Subsections H and I, respectively.

8. Editor's Note: Former Subsection B(1)(b) and (c), providing maximum building coverage and maximum lot coverage, respectively, which immediately followed this subsection, was repealed 9-21-2010 by Ord. No. 2010-323.

9. Editor's Note: Former Subsection B(2)(b) and (c), providing maximum building coverage and maximum lot coverage, respectively, which immediately followed this subsection, was repealed 9-21-2010 by Ord. No. 2010-323.



Preservation Guidelines for Designated Landmark Properties and Properties in Preservation Districts

August, 2005

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Prepared for the Rochester Preservation Board
by Peter Siegrist, AIA and Katie Eggers Comeau
The Landmark Society of WNY

Introduction

Residents of Rochester and visitors to our city appreciate the extra effort required of owners in maintaining their historic properties. These places connect us to our past and help make our city distinct from communities elsewhere. In an era when houses and commercial buildings everywhere look alike, Rochester's abundance of historic places makes our city special.

Rochester has eight preservation districts encompassing over 1,000 properties. The first district was designated in 1969, the latest in 1993. In addition to the districts, city government has designated 75 individual properties as city landmarks. Many other neighborhoods and properties are eligible for designation, and may be nominated for landmark status by any city resident.



The law that governs city-designated landmarks is Rochester's Preservation Ordinance. Under the ordinance, a property owner is responsible for getting approval for any alterations to the exterior of his or her property. Approval is required for all non-maintenance exterior work, including any alteration, any removal of features, demolition and major landscaping. Paint colors are regulated only on buildings that are individual landmarks, including those that are within preservation districts.



c0000769.jpg Rochester City Hall Photo Lab

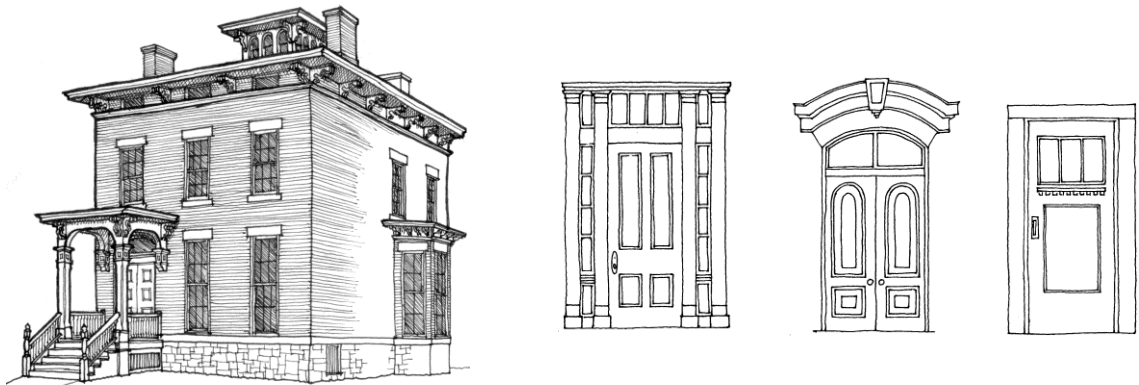
Approval is granted in the form of a Certificate of Appropriateness, once an application is made to the city's Bureau of Buildings and Zoning. The name of the certificate is telling: the new work must be appropriate to the property and to nearby properties. That is, it must "fit" aesthetically with its surroundings. Because it is sometimes difficult to define "fit", most applications are reviewed by the Rochester Preservation Board.

The Preservation Board is made up of city residents with knowledge of preservation, architecture and landscape architecture, and an interest in protecting our historic neighborhoods. Members are appointed by the mayor and confirmed by City Council. By law, the board must have at least one registered architect, four residents of city preservation districts, one member of the Greater Rochester Association of Realtors, and one member of a historic society. The Board meets once each month to review and rule on applications.

Using the Guidelines

These guidelines are based on preservation guidelines from other communities across the country, tuned to reflect the nuances of Rochester's architecture. As such, they can be considered the state of the art in preservation in 2005.

The drawings are meant to suggest solutions to some of the common changes proposed to historic properties. They are suggestions only; and certainly not the only solutions possible. Other solutions are welcomed and appreciated. In this light, the components drawn here should not be considered universal parts that can be plugged into any building. Certain windows that are correct for a Tudor style house, for instance, are inappropriate for a Queen Anne.



These guidelines were prepared to help property owners in three primary ways. First, they are meant to educate owners about historic styles and the elements that comprise these styles. The guidelines begin with a primer of the most common architectural styles in Rochester, each with a list of familiar characteristics and elements. Every historic style has its own appropriate elements, and not every element is correct for every style. Note that the building elements shown here are merely a representative sample, and are not the only ones appropriate to a specific property.

Second, the guidelines are meant to give owners a general idea of how a property might be altered while maintaining its historic character. Rochester's preservation ordinance is not intended to freeze properties into a certain era, preventing them from being altered. It is understood that properties often must change to remain viable and enjoyable. Therefore, alterations, including additions, are expected and allowed. Just as with the original property, alterations tell a story about how the occupants lived, and can themselves become historically significant. The guidelines address some of the more common changes that are appropriate.

Third, the guidelines are meant to show the level of detail that the Preservation Board addresses, so that owners can understand how best to describe their proposed changes to the Board. A historic property is comprised of many small details which, in combination with those of the other properties in a preservation district, yield a significant amount of historic character. The incremental loss of good details or the spread of inappropriate details throughout a district can markedly degrade the entire area. So, while it may seem that the Board can be overly fussy about small issues, its attention to detail over many years has helped maintain the city's overall historic character.

Getting a Certificate of Appropriateness

The term "C of A" is used nationally for an approval to change a historic property, and:

- Is not a building permit, but is required to get one.
- Is required for all exterior construction, alteration, removal or relocation; new buildings in a district, some landscaping; and parking areas in side and front yards.
- Applies to the entire property, not just areas seen from public streets and sidewalks.

A "C of A" is not required for:

- In-kind replacement, repairs or maintenance. For example, new roofing is not reviewed if it is the same material as that being replaced.
- Improvements in the rear yard not deemed as permanent by the zoning office. A jungle gym probably wouldn't need review, but a storage shed might.
- Removal of diseased trees as certified by the City Forester.

To apply for a "C of A", applicants complete a simple form and submit it to the zoning office at least 30 days before the next hearing, with:

- Anything that will help illustrate the proposal, such as photos, drawings, or catalog sheets. Clarity is essential, although professional help is not.
- An environmental assessment form for work that may impact the environment.
- A \$100 fee and copies of everything.

After the application is submitted:

- The applicant posts a cardboard sign (provided by City Hall) on the property notifying the public that an application is pending.
- A hearing is scheduled with the Preservation Board.
- City Hall notifies property owners within 300' of the project.
- Prior to the Preservation Board hearing, each Board member reviews the application and visits the project site.

Preservation Board hearings

- Public hearings are held in City Council Chambers one evening per month.
- Applicants present their proposals to the Board.
- Public comments are taken.
- The Board deliberates in public, and usually makes an immediate decision. The Board can hold an application to await further information.
- The Board considers many subjective characteristics, including:
 - Scale
 - Height
 - Roof shapes
 - Walls of continuity
 - Proportions of openings
 - Proportions of the front façade
 - Directional expression of the façade
 - Rhythm of spacing and buildings on streets
 - Relationship of materials, textures and colors

Written findings are mailed to the applicant within 10 days, although results are known at the hearing.

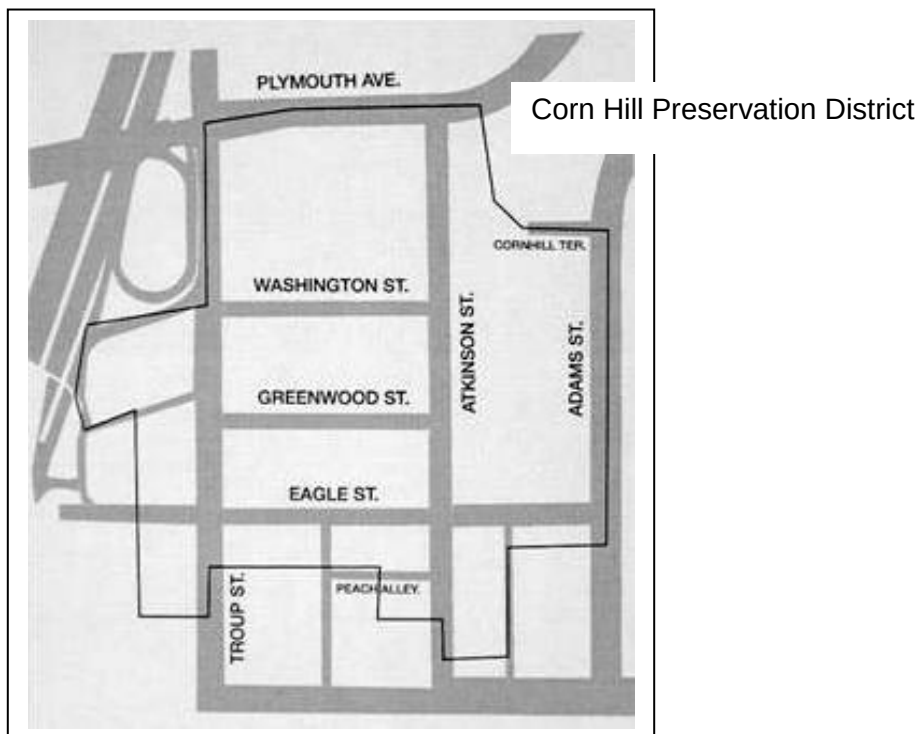
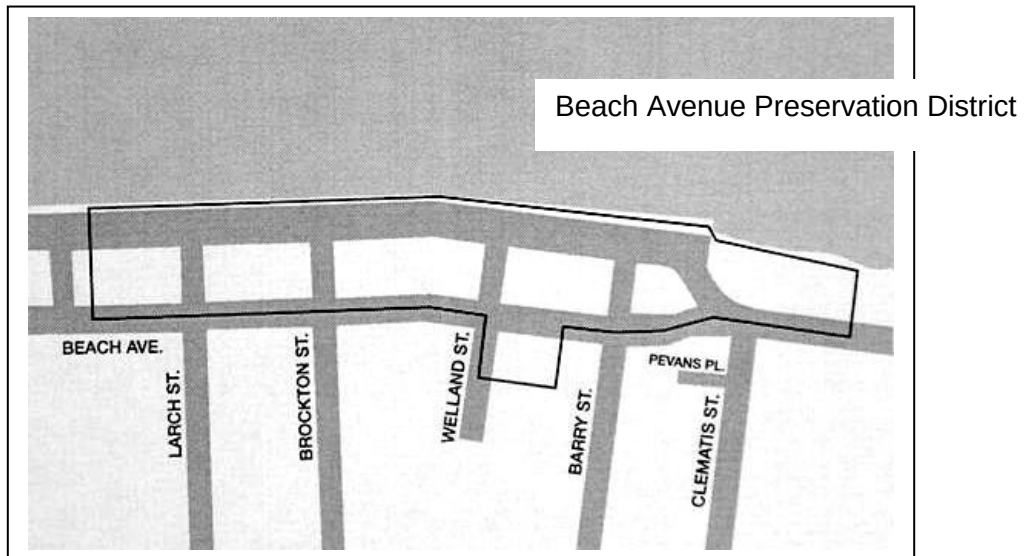
Technical Advice

The National Park Service has prepared a series of technical bulletins on preserving, rehabilitating and restoring historic buildings. These Preservation Briefs now number 44, and can be fully accessed on the internet at <http://www.cr.nps.gov/hps/tps/briefs>.

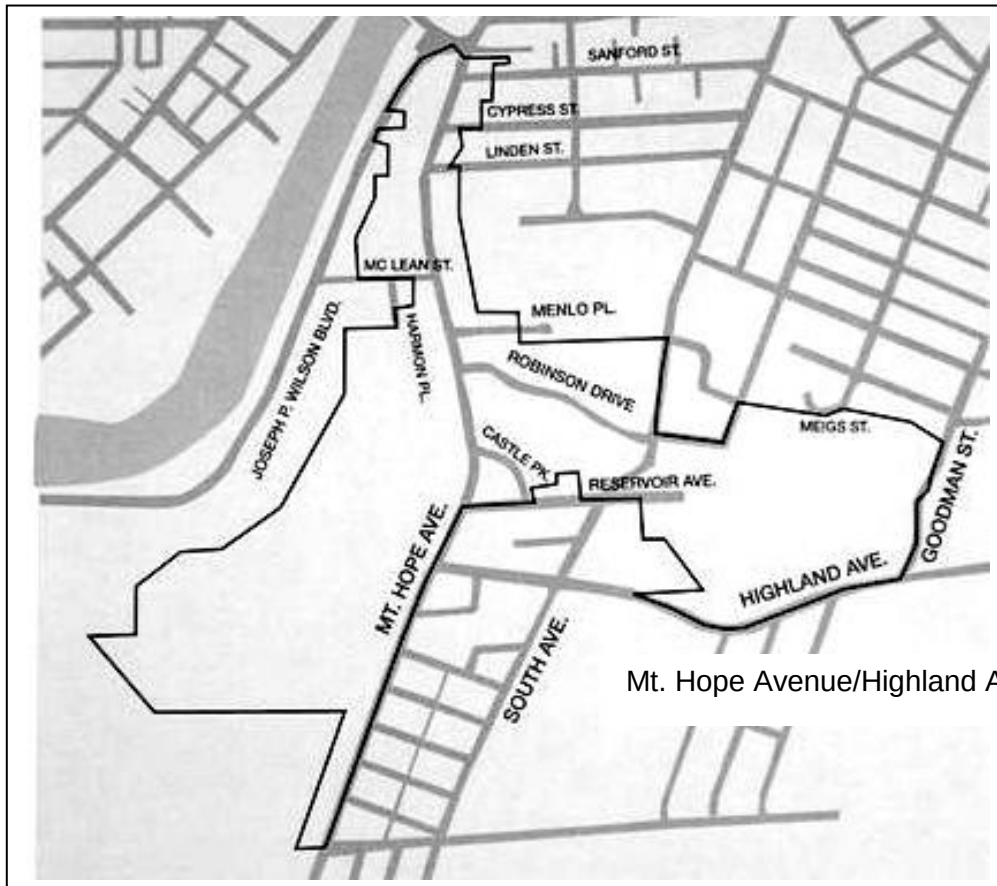
- 01: Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings
- 02: Repointing Mortar Joints in Historic Masonry Buildings
- 03: Conserving Energy in Historic Buildings
- 04: Roofing for Historic Buildings
- 05: The Preservation of Historic Adobe Buildings
- 06: Dangers of Abrasive Cleaning to Historic Buildings
- 07: The Preservation of Historic Glazed Architectural Terra-Cotta
- 08: Aluminum and Vinyl Siding on Historic Buildings: The Appropriateness of Substitute Materials for Resurfacing Historic Wood Frame Buildings
- 09: The Repair of Historic Wooden Windows
- 10: Exterior Paint Problems on Historic Woodwork
- 11: Rehabilitating Historic Storefronts
- 12: The Preservation of Historic Pigmented Structural Glass (Vitrolite and Carrara Glass)
- 13: The Repair and Thermal Upgrading of Historic Steel Windows
- 14: New Exterior Additions to Historic Buildings: Preservation Concerns
- 15: Preservation of Historic Concrete: Problems and General Approaches
- 16: The Use of Substitute Materials on Historic Building Exteriors
- 17: Architectural Character - Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character
- 18: Rehabilitating Interiors in Historic Buildings - Identifying Character-Defining Elements
- 19: The Repair and Replacement of Historic Wooden Shingle Roofs
- 20: The Preservation of Historic Barns
- 21: Repairing Historic Flat Plaster - Walls and Ceilings
- 22: The Preservation and Repair of Historic Stucco
- 23: Preserving Historic Ornamental Plaster
- 24: Heating, Ventilating, and Cooling Historic Buildings: Problems and Recommended Approaches
- 25: The Preservation of Historic Signs
- 26: The Preservation and Repair of Historic Log Buildings
- 27: The Maintenance and Repair of Architectural Cast Iron

- 28: Painting Historic Interiors
- 29: The Repair, Replacement, and Maintenance of Historic Slate Roofs
- 30: The Preservation and Repair of Historic Clay Tile Roofs
- 31: Mothballing Historic Buildings
- 32: Making Historic Properties Accessible
- 33: The Preservation and Repair of Historic Stained and Leaded Glass
- 34: Applied Decoration for Historic Interiors: Preserving Historic Composition Ornament
- 35: Understanding Old Buildings: The Process of Architectural Investigation
- 36: Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes
- 37: Appropriate Methods of Reducing Lead-Paint Hazards in Historic Housing
- 38: Removing Graffiti from Historic Masonry
- 39: Holding the Line: Controlling Unwanted Moisture in Historic Buildings
- 40: Preserving Historic Ceramic Tile Floors
- 41: The Seismic Retrofit of Historic Buildings: Keeping Preservation in the Forefront
- 42: The Maintenance, Repair and Replacement of Historic Cast Stone
- 43: The Preparation and Use of Historic Structure Reports
- 44: The Use of Awnings on Historic Buildings: Repair, Replacement and New Design

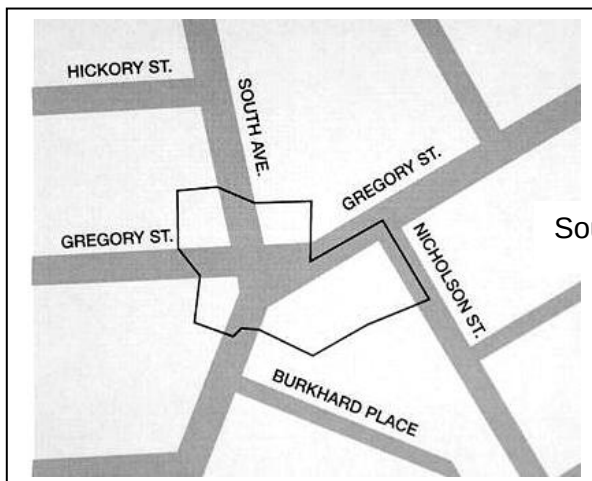
Rochester's Preservation Districts



Rochester's Preservation Districts Continued

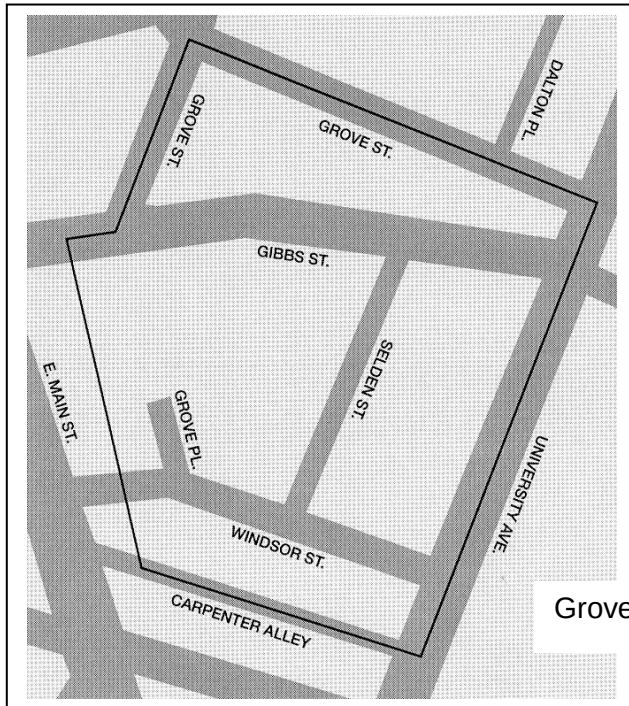


Mt. Hope Avenue/Highland Avenue District



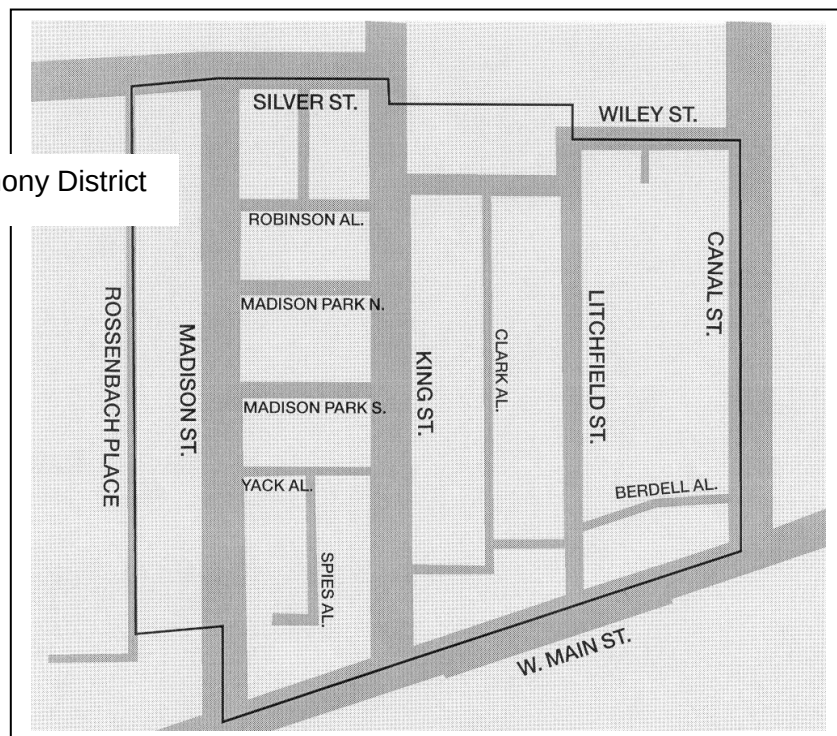
South Avenue/Gregory St. District

Rochester's Preservation Districts Continued



Grove Place District

Susan B. Anthony District



Rochester Preservation Board Review Standards

Certificate of appropriateness. In approving applications for certificates of appropriateness, the Preservation Board and its committees shall consider and evaluate the propriety of issuing the certificate in terms of its effect on the purposes for which landmarks and preservation districts are designated. In addition, the Board and its committees shall be guided by the following standards and considerations:

(a) Properties within a preservation district. In reviewing applications for certificates of appropriateness in a preservation district, the Preservation Board shall consider quality of design and quality of site development, including but not necessarily limited to:

[1] **Visual compatibility.** New and existing buildings and structures, and appurtenances thereof, which are moved, reconstructed, materially altered or repaired shall be visually compatible in terms of the following criteria:

[a] **Height.** The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.

[b] **Proportion of front facade.** The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways and places to which it is visually related.

[c] **Proportion of openings.** The relationship of the width to height of windows shall be visually compatible with buildings, public ways and places to which the building is visually related.

[d] **Rhythm of solids to voids in front facades.** The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways and places to which it is visually related.

[e] **Rhythm of spacing and buildings on streets.** The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways and places to which it is visually related.

[f] **Rhythm of entrance porch and other projections.** The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways and places to which it is visually related.

[g] **Relationship of materials, texture and color.** The relationship of the materials, texture and color of the facade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.

[h] **Roof shapes.** The roof shape of a building shall be visually compatible with the buildings to which it is visually related.

[i] **Walls of continuity.** Building facades and appurtenances, such as walls, fences and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street, to ensure visual compatibility with the buildings, public ways and places to which such elements are visually related.

[j] **Scale of a building.** The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches and balconies shall be visually compatible with the buildings, public ways and places to which they are visually related.

Rochester Preservation Board Review Standards

[k] **Directional expression of front elevation.** A building shall be visually compatible with the buildings, public ways and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

[2] **Quality of design and site development.**

[a] The quality of the open spaces between buildings and in setback spaces between street and facade.

[b] The quality of materials and their relationship to those in existing adjacent structures.

[c] The quality of the design in general and its relationship to the overall character of the neighborhood.

[d] The quality of the site development in terms of recreation, pedestrian access, automobile access, parking and servicing, and the retention of trees and shrubs to the extent possible.

[3] **Special considerations for existing buildings.** For existing buildings the Board shall consider the availability of materials, technology and craftsmanship to duplicate existing styles, patterns, textures and overall detailing. When several acceptable alternatives are appropriate, costs may be considered by the Preservation Board.

(b) **Landmarks.** In reviewing applications for certificates of appropriateness with respect to landmarks, the Preservation Board shall consider the following factors:

[1] **Standards.** All the standards set forth in this section.

[2] **Color.** The color shall be compatible with the style of the structure or improvement. Any change in color from the existing color at the time of designation shall be reviewed to ensure its appropriateness for the structure or improvement.

[3] **Exterior repairs.** Any exterior repair shall be reviewed by the Board to ensure its compatibility with the original design concept of the structure.

[4] **Restorations.** Any program of restoration shall be compatible with the original design, when the plans or other records exist, or with the general design of buildings of that era.

[5] **Interior repairs.** Any interior repairs for buildings with interior landmark designation shall be compatible with the original design.

Rochester Preservation Board Review Standards

Landmark designation standards. No structure, improvement, landscape feature or cultural site in the City shall be designated a landmark pursuant to the provisions of this section unless it shall have the potential to provide cultural and civic benefits for the people of the City by reason of prevalence of one or more of the following standards:

(a) Preservation Board standards:

[1] Presence of significant character or historic or aesthetic interest or value as part of the maritime, architectural, economic or social heritage of the City, county, state or nation.

[2] Identification with an historic person or event.

[3] Embodiment of the distinguishing characteristic of an architectural style.

[4] Significance as representative of the work of a master builder, designer, architect or landscape architect.

[5] Significance as an established and familiar visual feature of the City because of a unique location or singular physical characteristic.

[6] Relationship to a distinctive area of the City, lakefront or riverfront.

[7] Presence or potential presence of information important to history or prehistory.

[8] Worthiness for inclusion or listed on the State or National Register of Historic Places.