

Alternative Forms of Historic Designation:  
A Study of Neighborhood Conservation Districts in the United States

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## Introduction

Conservation districts are a planning tool commonly used to preserve distinct neighborhood characteristics. Although not yet widely used in Minnesota, several Twin City neighborhoods have expressed an interest in exploring the implementation of conservation districts as a more flexible alternative to local historic district designation and review procedures. The objective of this study is to summarize the wide range of approaches for creating and maintaining neighborhood conservation districts. Research began in June 2010 with a review of literature related to conservation districts. Next, telephone interviews were conducted with residents and administrators of conservation districts in order to understand how the districts were established and how they are currently functioning. Also examined were several Minneapolis neighborhoods that developed and now implement their own voluntary design guidelines to encourage preservation of existing architecture and compatible new construction. This research was funded by a CURA Neighborhood Partnerships for Community Research grant to work with the Prospect Park and East River Road Improvement Association (PPERRIA).

The following report, “Alternative Forms of Historic Designation: A Study of Neighborhood Conservation Districts in the United States” grew out of a conversation among Professor Greg Donofrio and several members of the Prospect Park and East River Road Improvement Association (PPERRIA) that began in January 2010. The Prospect Park neighborhood, located on the southeast corner of Minneapolis on the border of Ramsey County, was nominated on behalf of PPERRIA for local historic district designation in August 2008. The draft nomination indicated the neighborhood was likely eligible for local designation due to its historical associations as well as its architectural and landscape design characteristics. In accordance with the City of Minneapolis’ Heritage Preservation Ordinance, the Minneapolis Heritage Preservation Commission (HPC) placed the proposed district under its “interim protection” for a period of one year to enable further study. (Interim protection was subsequently renewed by two six-month extensions.) During this time, CPED staff worked toward completing a designation study, gathering neighborhood support, and consulting with a PPERRIA task force on the creation of design guidelines.<sup>1</sup>

While under interim protection, PPERRIA began to have second thoughts about continuing with the local historic designation process. Several Prospect Park residents expressed dissatisfaction with the way that CPED was reviewing applications for alterations to building exteriors while the district was under interim protection; there were, for example, disagreements between residents and CPED staff over applications for window replacement. The PPERRIA task force drafting design guidelines also disagreed with CPED staff interpretations of the *Secretary of the Interior’s Standards* as applied to the design of new construction. Some residents, among which there are many professional architects, grew concerned that local historical designation as

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<sup>1</sup> See “Attachment A,” Prospect Park Survey and Designation Timeline,” to a memo from Aaron Hanauer to the Minneapolis City Planning Commission regarding “The Prospect Park Proposed Historic District: Designation Study—CPC Review and Comments at June 17, 2010 Committee of the Whole Meeting,” dated 17 June 2010.

interpreted and enforced by CPED and the HPC would essentially bring an end to a long tradition of architectural creativity within the neighborhood.<sup>2</sup>

These concerns led to a discussion of whether a different form of neighborhood designation might be more compatible with PPERRIA's desire to achieve specific preservation and development objectives identified by the neighborhood. Several Minnesota cities have also recently expressed an interest in implementing neighborhood conservation district (NDC) ordinances. Preservation plans independently adopted by St. Paul in 2010 and Minneapolis in 2009, both mention considering the creation of NDCs.<sup>3</sup>

This study is not, however, a recommendation to enable the creation of conservation districts in Minneapolis or St. Paul. It offers neither an endorsement of a particular administrative strategy, nor a critical assessment of ordinances found in other cities. The findings of this report indicate that conservation districts vary widely from place to place around the United States. This diversity suggests that conservation district ordinances accommodate flexibility and creativity, enabling neighborhood residents, municipal administrators, and other interested parties to collaborate in the creation of policies and procedures for unique situations and contexts. Additional public engagement will likely be necessary to determine if conservation districts are desired by Twin City neighborhoods. Policies, procedures, and administrative sustainability will all need to be taken into account. The authors hope that this report will be a useful resource to facilitate and inform any future discussions.

### **Definitions: Neighborhood Conservation and Local Historic Preservation Districts**

Neighborhood conservation districts (NDCs) are difficult to define with precise terms or categorical boundaries. The range of policies and procedures encompassed by the NDC title makes them hard to pin down, from a national perspective. Further complicating general definitions is the similarity between NDCs and more well-established and widely-recognized local historic preservation (or heritage preservation) ordinances.

Previous reports and publications provide some general definitions of conservation districts. One prominent study defines NDCs as areas with a distinct physical character that may or may

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<sup>2</sup> The sentiments expressed in this paragraph and the general nature of the disagreements between CPED and Prospect residents are gleaned from several newspaper articles, including: Alex Holmquist, "Historic District Review Continues for Prospect Park," *Minnesota Daily*, 3 Mar. 2010; Alex Holmquist, "HPC Hears Concerns About Prospect Park Preservation," *Minnesota Daily*, 23 Mar. 2010; and Danielle Nordine, "Prospect Park Historic Designation Rejected," *Minnesota Daily*, 11 Aug. 2010.

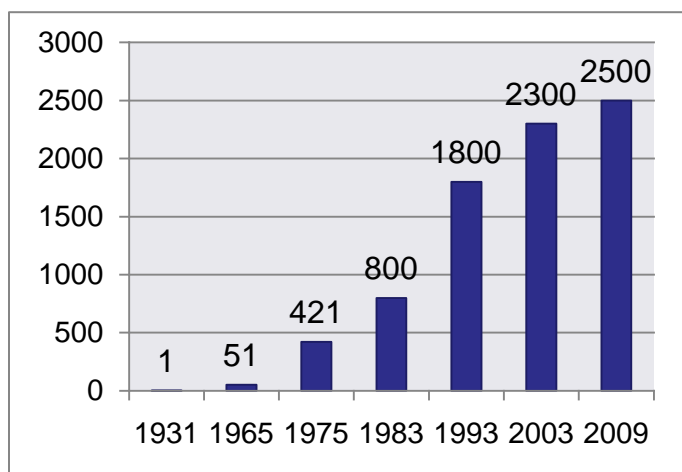
<sup>3</sup> See the Historic Preservation component of the *Saint Paul Comprehensive Plan*, adopted 2010; and *The Minneapolis Plan for Sustainable Growth*, adopted 2 Oct. 2009. As of Nov. 2010 they are available online at [www.stpaul.gov/DocumentView.aspx?DID=11674](http://www.stpaul.gov/DocumentView.aspx?DID=11674), and [www.ci.minneapolis.mn.us/cped/docs/08\\_Heritage\\_Preservation\\_100209.pdf](http://www.ci.minneapolis.mn.us/cped/docs/08_Heritage_Preservation_100209.pdf), respectively.

not merit designation as a historic district, but where residents still have a goal of preservation or conservation. It goes on to say that NDCs are implemented through zoning overlays or by creating independent zoning districts that are designed to protect character-defining streetscapes in older areas. The intent is often to prevent teardowns and alternations or new construction deemed aesthetically incompatible with the existing architecture of the neighborhood.<sup>4</sup> One unpublished report produced for a well-respected regional preservation advocacy organization refers to conservation district programs as a form of “historic district-lite.” In such cases, neighborhood organizations often write guidelines that are similar to, but more lenient than, “historic district-type standards.”<sup>5</sup> This definition suggests that NDCs are not just different than historic district, but somehow less than, or inferior to, historic districts, which are assumed to have stronger protections backed by more substantial enforcement powers.

We must first define historic districts before comparing them to NDCs. One widely-available source published by the National Trust for Historic Preservation (Trust) describes a historic district as “An area that generally includes within its boundaries a significant concentration of properties linked by architectural style, historical development, or a past event.”<sup>6</sup> Another Trust publication about design review defines historic districts as areas that have been designated for architectural protection based on established criteria in which architectural changes are subject to review by a commission in accordance with certain standards. The author notes that many cities use the *Secretary of the Interior’s Standards for Rehabilitation* (the *Standards*), which are often interpreted further through neighborhood design guidelines.<sup>7</sup>

Several sources, including our own findings, refute the characterization of NDCs as a lesser form of local historic districts. There is, in fact, broad variation in the procedures and standards utilized by historic preservation commissions, the number of which has grown dramatically over the past several decades (Table 1).<sup>8</sup>

Table 1: Growth in the Number of HPCs over Time, 1931-2009



Sources: Rachel S. Cox, “Design Review in Historic Districts,” National Trust for Historic Preservation, 2003; and National Alliance of Preservation Commissions.

<sup>4</sup> Julia Miller, “Protecting Older Neighborhoods Through Conservation District Programs,” National Trust for Historic Preservation, 2004.

<sup>5</sup> Lori Salganicoff, “Neighborhood Conservation Districts Survey,” unpublished report for the Preservation Alliance of Greater Philadelphia, August 2003.

<sup>6</sup> Julia Miller, “A Layperson’s Guide to Historic Preservation Law,” National Trust for Historic Preservation, 2008.

<sup>7</sup> Rachel S. Cox, “Design Review in Historic Districts,” National Trust for Historic Preservation, 2003.

<sup>8</sup> It has been suggested that the dramatic increase in the number of heritage preservation commissions over the last three decades is a byproduct of the National Historic Preservation Act amendments of 1980, which established the Certified Local Government (CLG) program, a partnership between the NPS and State Historic Preservation Offices

As of 2009, there were approximately 2,500 historic preservation commissions (HPCs) in the United States; there were fifty-seven HPCs in the State of Minnesota at the end of 2010, according to a list maintained by the Minnesota Historical Society (which serves as the State Historic Preservation Office).<sup>9</sup>

Periodic surveys conducted by the National Alliance of Preservation Commissions (NAPC) provide insights into the operation of HPCs around the country. The 1998 NAPC survey found that roughly 50% of HPCs follow the *Standards*, whereas the other half follow a set of locally-generated design guidelines. Also significant is the finding that more than a quarter of HPCs (28%) has only advisory powers. Sixty percent of HPCs nationally are empowered by state enabling legislation and local ordinances to make mandatory decisions that are enforced through various administrative procedures, permits, and, penalties and fines, when necessary. The remaining 10% of HPCs have some combination of mandatory and advisory powers. (For example, some HPC decisions are mandatory for publically-owned buildings but only advisory for those that are privately owned).<sup>10</sup>

In sum, there is little meaningful difference between heritage preservation districts and neighborhood conservation districts from the national perspective. At the local level in a specific municipality, there may be substantive differences between NCDs and HPCs, in cities that have both. As the following case studies document, some NCDs have standards that approach the level of protections (or restrictions, depending upon one's point of view) as that of HPCs that utilize the *Standards*. Likewise, HPCs also exhibit variations in structure and focus. In Savannah, Georgia, for example, the "Historic District Board of Review" issues binding certificates of appropriateness for exterior paint colors (Figure 1), whereas many other HPCs around the United States do not monitor historic property alterations to this level of detail.

Several authors emphasize the grassroots, participatory nature of conservation districts, noting



Fig. 1. Certificate of Appropriateness for paint color issued by the Historic District Board of Review, Savannah, GA, 2010. Photo by G. Donofrio.

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that encourages and provides incentives for preservation planning and protection at the municipal level. See Deborah Kelly and Jennifer Goodman, "Conservation District Report for the National Trust for Historic Preservation," prepared by the Preservation Coalition of Greater Philadelphia, June 1991.

<sup>9</sup> Minnesota Historical Society, [www.mnhs.org/localhistory/mho/heritage.html](http://www.mnhs.org/localhistory/mho/heritage.html) (accessed 11/16/2010).

<sup>10</sup> National Alliance of Preservation Commissions, Commission Data Project 1998 Survey Results; the NAPC conducted a similar survey in 2009 but has not yet tabulated or published the results.



that many NDCs are administered by their own unique, neighborhood-based review boards. However, in Seattle, Washington, most of the city's local historic districts also have separate historic preservation commissions dedicated to the administration of one district; Seattle's preservation ordinance requires the commissions to include residents from the neighborhood, as well as the creation of guidelines and economic incentives tailored to each district.<sup>11</sup> The objective here is not to belabor the similarities or differences between historic districts and conservation districts. Rather, the more significant message is that both are useful tools for preservation planning that can suit a variety of contexts. Those who fear that conservation districts are a form of "preservation-lite" wherein the architectural integrity of historic properties—their degree of "intactness"—is threatened by serial alterations, as in the proverbial "death by a thousand cuts," may be missing the point. Preservation objectives are rooted in community values, and values cannot be regulated.

## Literature Review

The literature concerning the establishment and administration of local neighborhood conservation districts remains relatively sparse compared to the volume of writings about their closely-related cousins, local historic districts. Still, several articles and short publications merit review in the context of this study. The following literature review includes published sources as well as some unpublished research reports ("grey literature"). It concludes with a brief discussion of literature that is directly related to conservation-district issues such as design review, compatible construction in historic contexts, and the administration of preservation commissions. This material may be useful for communities that are considering adopting conservation districts.

Two publications by the National Trust for Historic Preservation are among the most frequently cited works about conservation districts. Marya Morris includes conservation districts as a section of her 1992 study of "Innovative Tools for Historic Preservation." In comparing neighborhood conservation districts to local historic preservation districts Morris concludes that in many cities the dividing line between the two tools is "not always easy to draw."<sup>12</sup> She provides several case study examples as well as a table summarizing the provisions used to establish and administer conservation districts in a dozen municipalities around the country. More comprehensive is Julia Miller's *Protecting Older Neighborhood through Conservation District Programs* from 2004.<sup>13</sup> Miller defines conservation districts, provides several case studies, considers their possible pros and cons, and offers a useful guide to the common aspects

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<sup>11</sup> For additional information about Seattle, see: [www.seattle.gov/neighborhoods/preservation/historic\\_districts.htm](http://www.seattle.gov/neighborhoods/preservation/historic_districts.htm)

<sup>12</sup> Marya Morris, "Innovative Tools for Historic Preservation," National Trust for Historic Preservation and the American Planning Association (Washington, DC: APA, 1992); quote from page 14.

<sup>13</sup> Julia Miller, "Protecting Older Neighborhoods Through Conservation District Programs," National Trust for Historic Preservation, 2004.

of a conservation district ordinance, such as: purpose, administrative review body, designation procedures, and enforcement, among others. She emphasizes the point that, unlike many heritage preservation programs, conservation district ordinances often require a high degree of public participation for neighborhood research, nomination, and administration.

An earlier study by Carol Zellie, cited in both Trust reports, considers the adoption of a conservation district program in St. Paul, Minnesota, and includes several insightful and candid observations. Zellie dedicates particular attention to determining the differences in eligibility criteria between local historic districts and neighborhood conservation districts. Ultimately, she finds it difficult to determine which, if any, of the conservation district she studied were nominated as such because they failed to meet certain architectural or historical standards that would have qualified them as local historic districts. After interviewing planners who administer conservation district programs across North America (18 states and one in Canada) she concludes that:

- conservation districts seem to be applied to areas that are considered unsuitable for historic designation because they lack architectural integrity or there is a concern that historic designation is incompatible with the financial constraints of low- and modern-income homeowners;
- planners gave “mixed reviews of the success of the preservation-oriented conservation districts,” and “some public as well as planner confusion seemed to prevail” in cities with both conservation districts and historic districts; and
- planners still endorsed conservation districts, but also wished they enabled stronger design controls.

Also noteworthy are Zellie’s thoughts on why the St. Paul HPC ultimately decided to not adopt conservation district zoning in 1991. One contributing factor was that the Dayton’s Bluff neighborhood, described by Zellie as an “excellent test case” at the time, objected to the conservation district concept. Residents supporting designation considered conservation districts to be a second-rate substitute for historic district status; they reportedly desired stronger design-review controls, namely, the *Standards* as interpreted by the St. Paul HPC.<sup>14</sup>

While many of the publications mentioned in this review feature case study overviews, one unpublished report includes an important piece of information not included in other studies: the effect of conservation district implementation on planning or HPC staff workload.<sup>15</sup> The findings indicate that, in many cases, the adoption of conservation districts led to a substantial

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<sup>14</sup> Carole Zellie, “A Consideration of Conservation Districts and Preservation Planning: Notes from St. Paul, Minnesota,” *Cultural Resources Partnership Notes* (June 1998): 8-15; an earlier version of this publication appeared in 1993.

<sup>15</sup> Lori Salganicoff, “Neighborhood Conservation Districts Survey,” unpublished report for the Preservation Alliance of Greater Philadelphia, August 2003.

increase in the workload of the municipality's planning, design, and preservation staff. In an attempt to mitigate staff overburden, Austin, Texas requires that neighborhood residents compile the research necessary to demonstrate the need for conservation district designation.

Two recent additions to the conservation district literature address the relationship between conservation district designation and changes in residential property values. These studies contribute to a much larger body of research about the relationship between historic designation and property values, which is among the most frequently examined aspects of historic preservation economics. The preponderance of research on this subject indicates that formal historic designation at any level—local, state, national, or combinations thereof—is associated with measurable increases in residential property values.<sup>16</sup> Preservationists have, for the most part, interpreted rising property values to be a benefit of preservation activity that creates wealth and boosts municipal tax bases, although some of these authors acknowledge gentrification and displacement as legitimate concerns worthy of additional research.<sup>17</sup> Other scholars (namely urban sociologists and geographers) question whether these economic “benefits” are equitably distributed, or if preservation is a predominantly white, middle-class activity supported by pro-growth, neoliberal ideologies.<sup>18</sup> Diaz et al. are the first to ask if conservation district designation is also associated with increases to residential property values. In their study of Dallas, Texas, the authors find a “positive and statistically significant relationship between residential sale prices and properties located within conservation districts.”<sup>19</sup> These price premiums were similar in magnitude to those found in studies of residential historic districts. As with all studies of this type (both conservation districts and historic districts), the authors warn that their results cannot, and should not, be extrapolated and applied to other geographies. Acknowledging that historic districts are often associated in the public mind with gentrification, Bissinger asks if conservation district designation may receive more support, and perhaps also be more appropriate, for a lower-to-moderate income neighborhood of Washington, D.C. The author concludes that a conservation district ordinance tailored to the concerns and desires of neighborhood residents, include objectives to preserve affordable housing and maintain social

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<sup>16</sup> For a partial review of this literature, including a description of methodologies employed in these types of studies, see Robin M. Leichenko, et al., “Historic Preservation and Residential Property Values: An Analysis of Texas Cities,” *Urban Studies* 38, 11 (2001): 1973; and Randy Mason, *Economics and Historic Preservation: A Guide and Review of the Literature* (Washington, DC: Brookings Institution, 2005).

<sup>17</sup> Ibid.

<sup>18</sup> See for example Neil Smith, “Comment on David Listokin, Barbara Listokin, and Michael Lahr’s “‘The Contributions of Historic Preservation to Housing and Economic Development’: Historic Preservation in a Neoliberal Age.” *Housing Policy Debate* 9, no. 3 (1998): 479-485; and John Foley and Mickey Lauria, “Historic Preservation in New Orleans French Quarter: Unresolved Racial Tensions,” in *Knights and Castles: Minorities and Urban Regeneration* (Burlington CT: Ashgate Publishing Company, 2003): 67-89.

<sup>19</sup> Julian Diaz III, et al., “Conservation Status and Residential Transaction Prices: Initial Evidence from Dallas, Texas,” *Journal of Real Estate Research* 30, no. 2 (2008): 225-247.

and economic diversity, may be more palatable than historic designation for residents of the African-American community of Deadwood.<sup>20</sup>

## Discussion

Given the scope of concerns documented by the existing literature, two topics that seem central to the study of conservation districts remain curiously unexplored. The first involves the extent, manner, and methods of public participation in the creation and administration of conservation districts. The second is the matter of design review for new construction in conservation districts. A comprehensive assessment of these issues is beyond the scope of this discussion, and neither of them was an explicit subject of our larger study. Each deserves its own literature review. Offered here is only an abbreviated summary of literature that discusses these two issues in the context of historic preservation, which may offer insights for those wishing to further explore the adoption of a conservation district ordinance.

Although many who have written about conservation districts emphasize the importance of community engagement and grassroots organization, none offer specific methods or approaches for achieving these goals. They are not unique in this respect; what gets written about architecture, planning, preservation and any number of other creative and community endeavors tends to focus on goals and outcomes, rather than detailed descriptions of process. There are some notable exceptions in the field of historic preservation, at least three of which are useful in this context. The first is the groundbreaking book *The Power of Place*, in which Dolores Hayden asserts that the key to making historic sites relevant is to “help citizens define their public pasts.”<sup>21</sup> Doing so requires preservationists to recognize and accept a “shared authority” with the community, “because often people, rather than professors, are the best authorities on their own pasts.”<sup>22</sup> Hayed extends the cognitive mapping methods pioneered by Kevin Lynch as one tool, along with others like oral history and public planning forums, to move beyond the more traditional, top-down and purely aesthetic approaches to urban design and historic preservation.

Also in this more participatory mode of preservation planning is the work of Setha Low and Randal Mason. Low in particular has developed and implemented a ethnographic methodology for assessing community values associated with historic sites; she has also written in great detail about the process she and her students use, and the results they achieve. Low argues that communities will not go out of their way to care of historic properties if they do not feel that their histories and values were taken into account throughout the preservation research, planning,

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<sup>20</sup> Kelly B. Bissinger, “Conservation Districts: A Solution for the Deanwood Neighborhood?,” Georgetown Law Historic Preservation Papers Series, 2007.

<sup>21</sup> Dolores Hayden, *The Power of Place: Urban Landscapes as Public History* (Cambridge, MA: MIT Press, 1995): 46.

<sup>22</sup> *Ibid*, 48-49. Along with professors we might also add consultants and public servants charged with researching historic significance and administering preservation programs.

and implementation phases.<sup>23</sup> Mason echoes this sentiment in his call for a values-centered preservation, which he says is

...defined and driven by an openness to considering the multiple conceptions of a place's values, from which stem two practical challenges: that of analyzing a sufficiently full range of values in order to understand the site holistically and of engaging both experts and lay people as sources of intelligence on values, on priorities, and on management options.<sup>24</sup>

The alternative, according to Mason, is the all too common approach to historic preservation that focuses on materials—building “fabric”—at the expense of all other possible heritage values.

Nearly all writing about conservation districts notes that they are often adopted to prevent new construction that is “incompatible” with existing neighborhood character. This of course raises some obvious questions as to what is, or is not, “compatible,” by what standards, and according to whom? The *Secretary of the Interior's Standards* give little guidance on how new construction should be evaluated in the context of historic districts; indeed, this is one of the more contentious aspects of historic preservation practice in the United States, about which there is often disagreement between preservationists and contemporary architects. Some have argued that preservationists want not only to control the appearance of the past, but also to dictate the look of the future.<sup>25</sup> The conservation district literature sheds little light on how best to balance architectural creativity with community desires for compatibility. There are, however, several sources on this issue—some of them classic, others more recent—that are both thought provoking and instructive, without being overly proscriptive. In the category of the classic is lawyer John Costonis' book *Icons and Aliens: Law, Aesthetics and Environmental Change*, which examines the legal basis of aesthetic control, as well as its often subjective nature.<sup>26</sup> Another classic, but thoughtful and still relevant, discussion of this topic is *Old and New Architecture: Design Relationship*, published by the National Trust for Historic Preservation.<sup>27</sup> Lastly, a new entry to this literature that in part argues for a more creative and expansive interpretation of “compatibility” is *Design and Historic Preservation*.<sup>28</sup>

Design review and community participation are fertile ground for future conservation district research. Translating the admittedly more academic work of Low and Mason to the real-world constraints of local preservation administration may prove challenging. For those who try, experimentation and documentation should be encouraged.

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<sup>23</sup> Seta M. Low, “Anthropological-Ethnographic Methods for the Assessment of Cultural Values in Heritage Preservation,” in *Assessing the Values of Cultural Heritage*, edited by Marta de la Torre (Los Angeles: Getty conservation Institute, 2002).

<sup>24</sup> Randall Mason, “Theoretical and Practical Arguments for Values-Centered Preservation,” *CRM Journal* (Summer 2006): 37.

<sup>25</sup> See for example, William C. Baer, “The Impact of ‘Historical Significance’ on the Future,” in *Preservation of What, for Whom? A Critical Look at Historical Significance*, edited by Michael Tomlan (Ithaca, NY: National Council for Preservation Education, 1998): 73-83.

<sup>26</sup> John J. Costonis, *Icons and Aliens: Law, Aesthetics, and Environmental Review* (Urbana, IL: University of Illinois, 1989).

<sup>27</sup> M. Biddle, ed., *Old and New Architecture: Design Relationship* (Washington, DC: Preservation Press, 1980).

<sup>28</sup> David Ames and Richard Wagner, eds., *Design and Historic Preservation: The Challenge of Compatibility* (Newark, DE: University of Delaware Press, 2009).

## Executive Summary

After many years of establishing historic districts, cities began to create conservation districts in order to protect the character of neighborhoods that may not have been eligible for historic designation, but that had distinct characteristics worth preserving. This is the synthesis and findings of a series of case studies of conservation districts across the United States. The objective of the study was to summarize the wide range of approaches for creating and maintaining conservation districts. The areas of study included:

- Half Crown-Marsh Conservation District in Cambridge, Massachusetts;
- Northside Conservation District in Chapel Hill, North Carolina;
- Cumberland Conservation District in Cumberland/Indianapolis, Indiana;
- Governor-Lucas Conservation District in Iowa City, Iowa;
- Queen Village Conservation District in Philadelphia, Pennsylvania.
- The City of Boulder was used as a case study for cities that were initially interested in the idea of creating conservation districts, where the legislation was never created.<sup>1</sup>

## Catalysts for Conservation Districts

Over the past four decades, cities and neighborhoods have implemented conservation districts to address difficult issues that threaten the character of an area.

- *Demolition and substantial alteration of buildings* in neighborhoods that retain relatively cohesive architectural character lead to the formation of the Half Crown-Marsh Conservation District in Cambridge, MA and the Queen Village Conservation District in Philadelphia, PA.
- *Changing land-uses and demographics*—particularly shifts from owner-occupied to rental units—compelled residents of Northside, Chapel Hill and Governor-Lucas, Iowa City neighborhoods to seek conservation district status. Residents in both neighborhoods were concerned by the poor level of property maintenance performed by absentee landlords. They also wanted to mitigate the impacts of university students moving into the neighborhoods and overwhelming the existing infrastructure.

Other cities or neighborhoods have very unique challenges that the residents attempted to address with the conservation district.

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<sup>1</sup> Miller notes that Boulder, Colorado has a neighborhood conservation district program; in fact, the city of Boulder has no conservation district ordinance, however, Boulder County has a Neighborhood Conservation Overlay District ordinance for unincorporated areas.

- Queen Village, in addition to demolitions, was changing in character because some homeowners were inserting parking into the ground floor of row homes, which not only drastically modified the aesthetic quality of the architecture, but also adversely effected sidewalk pedestrian activity and the overall functionality of the neighborhood.
- Cumberland, Indiana also faced a unique challenge in attempting to keep businesses along the main street through town small and locally-owned, in the face of a seven-lane highway proposal.
- Although Boulder, Colorado never established a conservation district ordinance, the city had been interested in new types of protection that could be used in neighborhoods throughout the city.

## **How the Conservation Districts Were Created**

### *Ordinances*

Establishment of conservation districts is usually done through ordinances, although in some places the process only involves a zoning change.

- *Ordinances in the city code* allow for the establishment of conservation districts in Cambridge, Chapel Hill, Philadelphia, and Iowa City.
- In Cumberland, no ordinance is needed to establish a district: the district is only adopted into the comprehensive plan with no legislative approval.

### *Public Participation*

Public participation during the early phases of creating a conservation district varies from city to city.

- *A grassroots movement from within a neighborhood* is the first step to creating a conservation district in Philadelphia, Iowa City, and Cumberland.
- *Study committees appointed by the city*, including residents from the neighborhood, are used to create conservation districts in Cambridge and Chapel Hill.
- *Public meetings* led by city council or another governing body are an opportunity in every city for residents to voice support or concern about the establishment of a conservation district.

### *Research and Documentation*

There is often a question of whether areas established as conservation districts could have received higher levels of protection through historic district designation.

- *A city-wide survey of historic properties* is an efficient way of collecting information about the historic resources of a city. The city of Cambridge completed one of these studies in the early 1980s, and in the 1970s, the Indianapolis Historic Preservation Commission carried out a full-city study to determine neighborhoods of historic significance: many areas that were not included on this list have since become conservation districts.
- *Disinterest in the higher level of regulation* that normally comes with a historic district is common among residents in some cities, including Chapel Hill, Iowa City, and Philadelphia.

### *Public Notification and Consent*

Although not required in every city, many ordinances specify the level of public notification and consent needed to establish a conservation district.

- In Chapel Hill, a conservation district is considered a rezoning, and support is not required.
- In Cambridge, the ordinance does not require public consent, but in practice, residents are polled for support and without broad endorsement, the city council will not approve the district.
- Iowa City requires signatures on petitions.
- Philadelphia has a relatively unique method of gauging public support where 51% of neighbors who *are opposed* must respond in writing to block creation of a proposed district.
- In Indianapolis, the Historic Preservation Commission requests that a neighborhood attempt to get 75% of residents' approval, although this number has never been reached.



## **Regulations and Protections: Conservation District Goals**

### *Land Use Categories*

Most conservation districts are almost entirely residential in nature, but some encompass other land uses.

- *Guidelines dealing only with residential uses* exist in Northside, Half Crown-Marsh, and Governor-Lucas, although these neighborhoods do have some areas of commercial or industrial use.
- Cumberland, with its large commercial core, does have specific guidelines for the main street area.
- In Queen Village, the guidelines address commercial/industrial areas as well as residential.

### *Landscape and Vegetation*

As with non-residential land uses, each neighborhood and city treats landscape designs differently within their design guidelines. In most cities examined in this study, landscape was defined as decks, fences, patios, and other structural features in the landscape, whereas some other communities consider landscape to also include plantings, vegetation, and trees. The term “landscape” was therefore treated somewhat ambiguously depending on the city.

- Northside has no guidelines specific to landscape or vegetation within the conservation districts.
- In Half Crown-Marsh, the Historical Commission can review landscape as a condition of another type of alteration to a property.
- Cumberland had the option to include these types of protections, but decided against including them in its guidelines.
- Governor-Lucas guidelines address landscape in terms of fencing, parking, and streets or sidewalks.
- In Queen Village, landscape is also addressed in terms of fencing or sidewalks, but there are no regulations in terms of landscaping on public property.

### *Level of protection*

In some cases, conservation districts can have a level of protection that is nearly as strong as the local historic districts in that city. Other times, residents specifically avoided that level of protection, and instead opted for a broader, less restrictive set of guidelines.

- *A high level of protection* exists in Half Crown-Marsh, where all design review decisions are binding.
- *A medium level of protection* exists for Queen Village, where a certificate of compliance is required for work in the conservation district, and the Planning Commission can attach conditions to this certificate; Cumberland, where decisions are binding, but resident goals were to allow for new construction while conserving the overall character; and Governor-Lucas, where decisions are binding, but fines are minimal and property owners have ignored rulings in the past.
- *A low level of protection* exists in Northside, Chapel Hill, where some residents would like to edit the guidelines to add stronger protections.

## **Administration of the Conservation Districts**

*Who does what?*

Each city has a different way of administering conservation districts.

- *A Neighborhood Conservation District Commission*, made up primarily of residents from the neighborhood, makes design decisions in Cambridge, Massachusetts.
- *The Historic Preservation Commission* of Indianapolis is responsible for design review in both conservation districts and local historic districts, including Cumberland.
- *The Planning department* is responsible for Philadelphia design reviews—specifically, one staff member from the planning department—and in Iowa City, a commission within the planning department makes the decisions.
- *No design review* is required in Chapel Hill: as long as the design proposal meets the requirements of the rezoning, it will be approved.

## *Public Participation*

Depending on the process for design review and public interest in a given city, public participation can be quite strong or somewhat absent from the conservation district process.

- The system in Cambridge is almost entirely resident-driven, where public meetings are held for any design review, and decisions are made by a commission composed of residents from that district.
- In Cumberland, public hearings are held for property owners who wish to make changes to their properties, and in practice these owners are also requested to go to the neighborhood association meeting to present their proposals.

- Iowa City requires only that a property owner submit a proposal to the HPC, which makes a decision at a public hearing.
- The process in Philadelphia is almost entirely without resident input, as is the process in Chapel Hill, where a decision is made within the planning department with no design review or hearing.

## **Conservation Districts in Practice**

### *Identifying Issues*

Once in effect, residents within a conservation district learn what is working best for them within their neighborhood, and what could be improved.

- The Half Crown-Marsh conservation district has seen fewer demolitions, and residents have found that the district is a flexible tool that has been able to change and adapt to meet present needs of the communities.
- Cumberland, as well, has been successful in meeting specific needs, and residents are pleased that new construction has not been impeded by the protections established by the conservation district.
- Unfortunately, Northside in Chapel Hill was attempting to solve many complex, difficult problems with this one tool, and it seems as though many other supplementary measures were needed.
- Governor-Lucas was also attempting to address many complex issues, but residents worked with the city planning department to initiate several zoning changes as well as the establishment of the conservation district, and all these tools combined to create a successful outcome.
- Queen Village has seen an immediate change in the way developers or designers treat the front façade and parking availability of a row house in the neighborhood, improving the quality of the streetscape. However, compliance and enforcement are still issues in the district.

## *Considerations*

Based on the issues that arose once the conservation district was created, some residents offered these considerations for future potential districts.

- *Reviews that are binding or non-binding* is one important consideration: both have advantages and disadvantages, depending on the needs of a particular community.
- *Full-time staff members* for some Preservation Commissions help support these districts, and without these staff members, it would have been extremely difficult for residents to accomplish as much as they did, especially in the administration of the conservation districts.
- *The economic downturn* following the real estate bubble in the early 2000s has made it difficult for some neighborhoods to determine how successful the conservation districts have been, since building and development largely stalled during this decade.
- In Cumberland, residents arranged for a panel of experts to come meet with the residents of the neighborhood about conservation districts. These experts were mostly residents of other conservation districts within the city, and this step in the process was extremely helpful in deciding what kind of district the residents wanted to create.
- In Iowa City and elsewhere, there has been difficulty in enforcing the design guidelines, since the penalties are minimal. This has led to issues with developers and property owners who disregard design review rulings and pay the fine in order to continue to do what they had originally intended.
- Another difficulty seen in Queen Village and other districts is that residents and local architects or developers are often unaware of these guidelines or regulations, and this has created several problems within certain neighborhoods.

## Conservation District Formation Summary Table

<b>Conservation District</b>	<b>Catalysts</b>	<b>Historic/Architectural Research</b>	<b>Public Participation</b>	<b>Public consent</b>	<b>Ordinance</b>
Half Crown-Marsh NCD, Cambridge, MA	Demolition, incompatible infill, incompatible new construction	City-wide to identify National Register-eligible properties	Grassroots movement in beginning; in practice, residents make decisions	Yes; no required percentage	Ordinance in City Code
Queen Village, Philadelphia, PA	Demolitions, ground-level alterations changing street character	National Register Historic District; many individual buildings locally designated	Grassroots movement in beginning; in practice, very little	Unless 51% of residents object, the district is created	Ordinance in City Code
Northside NCD, Chapel Hill, NC	Decrease in owner-occupied homes, infrastructure pressure, crime, loss of low-income housing	None – neighbors not interested in historic districts designation	Grassroots movement in beginning; in practice, none	Not required	Ordinance in City Code
Cumberland Conservation District, Cumberland, IN	Expansion of main street and threat of large chains pushing out small local businesses	National Register Historic District, not eligible for local listing	Grassroots movement in the beginning; in practice, developer must present to neighborhood association before IHPC hearing	IHPC recommends 75% approval from residents	No ordinance: adopted into comprehensive plan with no legislative approval
Governor-Lucas Conservation District, Iowa City, IA	Decrease in owner-occupied homes, less maintenance of rental units	None – neighbors not interested in historic districts designation	Grassroots movement in the beginning; in practice, public hearings at HPC meetings	Resident signatures on petitions and letters of support from the neighborhood	Ordinance in City Code
Boulder, CO	Interest in a new type of district	Yes: consultant hired; Dallas as precedent	None	N/A	N/A

## Conservation District Implementation Summary Table

Conservation District	Reviewing Body	Representation on Review Group	Items requiring review	Land Use Categories	Landscape review	Level of protection
Half Crown-Marsh NCD, Cambridge, MA	Half Crown-Marsh Neighborhood Conservation District Commission	Five members: at least two homeowners, one property owner, and member from Historical Commission	Alterations, additions, demolition	Some commercial and institutional: no separate guidelines	Only as a condition of reviewing another type of alteration	High: all decisions are binding
Queen Village, Philadelphia, PA	Philadelphia Planning Department	Planning department staff member	Alterations, new construction, use of vacant lot, demolition	Residential and commercial/industrial	Fencing and curb cuts on private property; no guidelines for public areas	Medium: some cases of property owners or architects claiming ignorance of the guidelines
Northside NCD, Chapel Hill, NC	[planning department reviews application]	Planning department staff	Any work requiring a zoning compliance permit	No separate guidelines for different uses	Non-binding review for new landscaping	Low: residents would like to edit guidelines to add stronger protections
Cumberland Conservation District, Cumberland, IN	Indianapolis Historic Preservation Commission	Nine members	Any building or structure being erected, located, relocated, structurally altered, reconstructed or restored	Guidelines address commercial core and mixed-use main street, as well as along rail line	Built features (i.e. patios, decks, fences) reviewed; no plantings, trees, or landscaping reviewed	Medium: goals were never to retain all historic fabric, but overall character – there have been minor changes
Governor-Lucas Conservation District, Iowa City, IA	Iowa City Historic Preservation Commission	Eleven members: four appointed at-large, and one member from each historic district	Alterations, Additions, New Construction, Demolition	Residential only	Site and landscaping reviewed (i.e. fencing, parking, sidewalks, trees)	Medium: fines are minimal and property owners have ignored rulings in the past
Boulder, CO	N/A	N/A	N/A	N/A	N/A	N/A

# **Minneapolis Neighborhood Reviews**

Elliot Park Neighborhood

Fulton Neighborhood

Whittier Neighborhood

# Elliot Park Neighborhood, Minneapolis, MN

## **Elliot Park Neighborhood Background:**

Recently, the Elliot Park neighborhood worked in conjunction with Close Landscape Architects to create an Elliot Park Master Plan, which was adopted by the city in 2003. This master plan outlines design practices and principles that serve, in part, as a broad template to measure the appropriateness of proposed development. In 2008, a set of design guidelines was created for the neighborhood that highlights physical features that are compatible or complementary to the existing neighborhood fabric, while leaving room for imaginative design.

Developers wishing to build in Elliot Park are given copies of both the master plan and the design guidelines as a workbook to show what the residents would like to see in their neighborhood. Developers and their architects are also strongly encouraged to meet with the neighborhood association, Elliot Park Neighborhood, Inc., before making any commitment to buy the land. Although the guidelines are only advisory, there are certain issues outlined in the master plan that overlap with regulatory measures and the zoning code, and in those cases, the guidelines are enforceable.

The master plan and guidelines were based on citizen involvement through workshops, design charrettes, and meetings. The neighborhood association has tried to keep the residents informed about planning and design issues and has involved a core group of volunteers in most of the major neighborhood construction projects. Some members of the committee have been volunteering for many years. Despite their best attempts, however, it has been difficult to engage a larger percentage of neighborhood residents.

In developing the design guidelines, there was concern about being overly prescriptive or restrictive. As a result, the guidelines have chapters that focus on issues at many different scales, from façades and courtyards to districts and transit corridors. At each of these scales, the guidelines describe the existing features and qualities of these elements to suggest what a developer should keep in mind when designing in this neighborhood. Considerable attention is focused on the 9<sup>th</sup> Street Historic District, a locally designated district encompassed in the Elliot Park neighborhood, describing the characteristics of its historic built environment.

One section of the design guidelines deals with the public realm, specifically calling out sustainability issues that are important to the residents. Neighborhood residents are constantly looking for the newest, cutting-edge issues that are being discussed in the field of sustainability in order to try to incorporate them more in their overall designs. Consultation with Close Landscape Architects will continue in order to better incorporate these emerging issues over the next few years, especially focusing on how to enhance overall neighborhood sustainability, as opposed to improvements limited to a single development.



An important aspect of this sustainability is creating elements and maintaining the scale of the neighborhood in the public realm to provide pedestrian connections throughout the neighborhood. The Master Plan also suggests “Develop[ing] streetscape improvements to promote connections to downtown . . . [and] creat[ing] a new public square, urban plaza, or gathering space within the Central Core district.” New developments can contribute to that public realm by creating and enhancing pathways through the community. In a way, David Fields, Community Development Coordinator for Elliot Park Neighborhood, Inc., thinks of this as “setting the table:” creating an attractive public realm, which in turn attracts more development which should then enhance the established pedestrian connections through the neighborhood.

One application of the guidelines that many consider a success is the Grant Park development, started in 1999. The developers and owners of Grant Park, a newer residential development in the neighborhood, were very involved with the community throughout the entire process of design, beginning in the conceptual design phases, and even the developers’ first iteration was very well-aligned with the guidelines and master plan. Overall, it was a positive outcome and a teaching experience for the neighborhood in how to facilitate future collaboration with developers coming into the area.

Another recent example is Aeon’s East Village, a new affordable housing development that closely followed the design guidelines and added 180 units of new market rate and affordable rental to the neighborhood. Unfortunately, there have been very few developments in the past few years due to the poor economy, so there have not been many tests of the process using the guidelines. A difficult challenge in creating and upholding design guidelines in this neighborhood has been, and will continue to be, preserving what is left of the historic fabric while at the same time allowing and even encouraging new development in the area.

Recently, the neighborhood has been working in conjunction with other surrounding neighborhoods, using the guidelines toward broader initiatives to revitalize downtown and attract new development. The Downtown Neighborhoods Group consists of representatives from Elliot Park, Loring Park, Downtown, and North Loop neighborhoods in Minneapolis. The group has met regularly for two years, with a core group of six people which expands depending on the meeting topic that month. Members of this group are both neighborhood citizen volunteers and staff members from the neighborhood organizations.

One interesting and unanticipated affect that David Fields has seen in the neighborhood comes from “creative” suggestions from developers. In some cases, developers are attempting to push what Fields calls “suburban ideas” in an urban fabric, without understanding what makes a quality urban environment. Often, this involves issues along the street façade, particularly with

buildings that are not oriented to the street, and rather emphasize on-site parking.<sup>1</sup> Unfortunately, there is not much in the guidelines or Master Plan that deals specifically with these issues, but it may be something that is considered when the guidelines are reevaluated.

### **Lessons learned:**

It took the Elliot Park neighborhood years to establish the norm of developers meeting with the neighborhood association. Developers in Minneapolis understand, as part of their due diligence before finalizing a deal, that they should consult with local governments, including neighborhood associations, before committing to buy the property. A developer is required to consult with the City on all regulatory issues, and the City will refer the developer to the Elliot Park neighborhood organization. After years of work with CPED and Public Works, Elliot Park Neighborhood, Inc. has developed protocol for doing business with the Council Member, who will not approve unless the neighborhood is receptive.

As an urban core neighborhood, Elliot Park has had to address almost every type of planning problem. Maintaining a close relationship with the planning department and the councilman has helped ease the process of establishing and implementing the Master Plan and guidelines. Although it was often difficult to get neighbors involved, the core group of volunteers became very important throughout the process, often attending committee meetings and asking provocative and difficult questions to the developer, and suggesting possible changes to the design. This core group became well versed in the principles of urban design and, because they live and work in or near Elliot Park, they are attuned to the neighborhood character and functional patterns. Having a core group of individuals who stay involved is essential to successfully implementing the guidelines within the community.

One of the most helpful things for the Elliot Park neighborhood was to have a good group of urban planners to work with on the master plan and guidelines who was familiar with urban design work and infill development that is compatible with existing fabric.

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<sup>1</sup> In one instance, a restaurateur proposed a building with no windows facing the street or sidewalk on two sides, with the only entrance facing a 40-space parking lot at the back side of the building (inside the block). It was also a stand-alone, one-story restaurant on a valuable parcel of urban core land. Because the owner and architect were unwilling to change the scope of the design, the proposal was denied by Elliot Park and the City.

**Contacts for further information:**

*Jack Byers, Planning Manager, Minneapolis Community Planning & Economic Development Department (CPED)*

**Sources:**

*David Fields, Community Development Coordinator for Elliot Park Neighborhood, Inc. Telephone Interview. July 22, 2010.*

<http://elliotparkneighborhood.org/>

# Fulton Neighborhood, Minneapolis, MN

## **Fulton Neighborhood Background:**

The Fulton Neighborhood Association was started in 1990 in response to local zoning issues that concerned the residents of the area. Areas of residential homes were being replaced by commercial establishments, leading residents to create the neighborhood association in order to represent their interests in dealing with the city.<sup>1</sup> The neighborhood association acts in an advisory role in working with builders and the city of Minneapolis. When there is a variance request to allow a commercial building in a residential zone in the Fulton neighborhood, the city notifies residents as well as the neighborhood associations within the affected area. The association reviews applications to determine whether it supports the construction or development, or if it should voice its concern over the design. Any comments or concerns are then passed on to the Minneapolis Zoning Administration, which makes the final decision regarding the construction.

The Fulton Neighborhood Association created a set of design guidelines by adapting examples compiled from several other neighborhoods; in turn, the Fulton guidelines have been used by the East Harriet Farmstead neighborhood. The guidelines deal solely with residential buildings, and do not regulate non-built features, such as landscape. These design guidelines operate on a voluntary compliance basis within the Fulton neighborhood, though city planning staff encourages builders to review the Fulton guidelines when they submit development applications. This voluntary compliance has been relatively successful, particularly with the B.L.E.N.D. Awards, which give praise to new design that blends nicely into the existing fabric of the neighborhood. This award program has been exported to other neighborhoods in the southwest area of the city in order to encourage this kind of dialogue between builders and neighborhood associations.<sup>2</sup>

The neighborhood involvement so far in Fulton has been very strong, despite a significant turnover in leadership that is inevitable for an organization after twenty years. A small contingent of people remains in tenured positions, which helps to maintain the institutional memory of the association.

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<sup>1</sup> With the creation of the Neighborhood Revitalization Program (NRP), neighborhoods were encouraged to establish an organization to serve as advisor to the city in order to use the NRP funding. During the time that NRP work was being done in the city, there were no central records keeping track of that work; now, however, a record is being compiled. Recently, the NRP has come to an end, and in its place the Neighborhood and Community Relations (NCR) and the Neighborhood Community Engagement Commission (NCEC) were created.

<sup>2</sup> The B.L.E.N.D. Award website neighborhood map includes Linden Hills, Fulton, East Harriet Farmstead, Armatage, and Kenny.

**Lessons learned:**

A “50<sup>th</sup> and France” Master Plan was created in conjunction with planning consultants for the cost of nearly \$25,000 and was presented to the city by the neighborhood association as a suggestion for what should be done in the Fulton neighborhood. The city denied the Master Plan, saying it conflicted with the existing city zoning code and therefore could not be implemented. One of the most useful people to have involved would be the regional or area planner from the Minneapolis Department of Community Planning and Economic Development (CPED). Working with the planner, the neighborhood can create a list of things it wants to see done or prevented in the neighborhood, and the planner can provide advice about which of those are possible based on existing planning tools.

While the B.L.E.N.D. awards have encouraged good design in the Fulton area, it is still a passive, voluntary process that the builder can choose to ignore.

Residents of the area should be notified and involved during the process of creating a master plan or guidelines or proposing any changes in planning. Business associations may also exist in the area, and should be notified about the process. In the experience of John Finlayson of the Fulton neighborhood, business associations might be difficult to engage, but if they exist, they should remain notified throughout the entire process. During this time, records should be kept on how the different groups were notified so that if at any point in the process a group decides to contest any decisions, there is a record that they were asked to be part of the process the entire time. Otherwise, these groups may delay or halt any major decisions that the neighborhood is trying to make.

**Contacts for further information:**

*Betsy Hodges, Minneapolis City Council member, Ward 13*

*Shana Sether, planning department*

*Ellen Berner, Vice President of the Fulton Neighborhood Association: 612-929-0015,  
[eberner@visi.com](mailto:eberner@visi.com)*

*Rhea Sullivan, Fulton Neighborhood Coordinator: 612-922-3106 (Fulton Neighborhood Line)*

*Mike Christiansen: Great Streets Program, CPED*

**Sources:**

<http://fultonneighborhood.org/>

<http://www.blendaward.org/>

*John Finlayson, Fulton Neighborhood resident and Fulton Neighborhood Association Board Member. Telephone interview. July 16, 2010.*

# Whittier Neighborhood, Minneapolis, MN

## **Whittier Neighborhood Background:**

Hess Roise and Company were hired by the Whittier Alliance, the officially recognized citizen-participation neighborhood organization, to complete a neighborhood-specific historic context study and preservation design guidelines for the entire neighborhood, as well as the Washburn Fair Oaks historic district, which was locally designated in 1976 and listed on the National Register in 1978. The original historic district guidelines were written in 1976, were only three pages long, and did not deal with several important issues, including restrictions on windows; these guidelines were in need of updating. The context study was completed by Hess Roise in the fall of 2009, at which point work was begun on the design guidelines.

When drafting the guidelines, Hess Roise used the Secretary of the Interior Standards for both the historic district and the neighborhood as a whole. The company was also looking at the recent Warehouse District guidelines as a template for the depth of information that the Washburn Fair Oaks district might need in order to create an ideal level of protection. The previous guidelines for this local historic district were drafted in 1976: they consisted of only three pages, and did not address items like windows, nor did the guidelines have any images as examples. The neighborhood design guidelines became another issue.

Hess Roise has been working to make the guidelines easy to understand and as accessible and educational as possible. The guidelines will address preserving the existing character of the neighborhood, as well as existing character of residential and commercial properties individually: this includes any new construction that comes into the area. The overall goal is create a document that could be used as a planning resource and potentially one that could be transformed easily, should the neighborhood seek conservation district status in the future.

One of the struggles of the residents right now is understanding the scope of control they can have over new construction or any other major alterations.<sup>1</sup> As it stands, the guidelines are purely voluntary and educational, and the neighborhood association has no real power to enforce them. Because of this, the Whittier neighborhood has done its own research into the possibility of a conservation district in order to have more control over what happens within the neighborhood. There is also a possibility of designating more historic districts in the area, particularly in one section where land occupied by older workers' homes was recently rezoned to allow multi-story, mixed-use residential buildings, potentially threatening these smaller dwellings.

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<sup>1</sup> Many residents in the neighborhood would like fuller control over design decisions in the area. Some, in fact, have suggested that the existing historic neighborhood boundaries be extended to include more of the surrounding neighborhood; unfortunately, this is not a viable option, as the historic integrity of the surrounding areas has not been well-maintained.

Whittier residents have several concerns associated with future planning and development in their neighborhood. The neighborhood is also experiencing development pressure along its commercial corridors. Nicollet has been a relative success because of Eat Street, but there are smaller-scale businesses along Lyndale that the neighborhood would like to keep intact, and not lose to the newer, large-scale developments that are happening along Nicollet. Along these corridors, there is a great deal of pressure for three- or four-story mixed-use residential buildings. The slowing economy may have bought the neighborhood some time in dealing with these issues. Absentee landlords who fail to maintain their properties are another pressing concern. The neighborhood and the new guidelines are attempting to encourage people to take better care of their properties and do things that help to maintain the historic features and character.

In order to create these guidelines, a relationship between the residents of the Whittier neighborhood and Hess Roise and Company was very important. Funding came partly from Neighborhood Revitalization Plan money, as well as a grant from the National Trust for Historic Preservation to actually create the guidelines. The Whittier Alliance is a very active and well-organized neighborhood group with a Preservation Committee that has been meeting with Hess Roise during this process.

Hess Roise is now focusing mainly on the neighborhood guidelines, the thought being that the local historic district has some protection in place, while the neighborhood currently has none. Some thought has been put into the streetscape of the community, but so far the Whittier streetscape has not been largely threatened in the same way that others have been. Individual properties are now the major focus of the guidelines. In creating these documents, the group has been attempting to anticipate future changes in the neighborhood in terms of development, including future expansions of MCAD or the Art Institute.

Currently, no discussion has taken place regarding the process of implementing these design guidelines. To a degree, the Whittier neighborhood may have a process in place where business or property owners would meet with a land use committee. In the past, the neighborhood has shown true engagement and concern when not included in the process, and residents have come to public hearings to protest projects they find unappealing.

### **Lessons learned:**

The neighborhood still wishes for there to be more control over what can and cannot happen within the neighborhood. In order to do this, they would need more power over construction, as they would get with a historic district, or possibly could have with a conservation district. A few questions to consider: how much more work would it be for the neighborhood or the city to regulate a conservation district than just having advisory guidelines? How do you enforce it? Is it the HPC or the neighborhood making decisions? Who is in



control? What other political situations might this open up? Is it possible for developers to “stack” the committee to their favor over time?

**Contacts for further information:**

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[marian@whittieralliance.org](mailto:marian@whittieralliance.org)*

*National Trust Bulletin on Conservation Districts*

**Sources:**

<http://whittieralliance.org/>

*Gales, Elizabeth, Hess, Roise and Company. Telephone Interview. July 30, 2010.*

# **Conservation District Overviews**

Boulder Conservation Districts  
Cambridge Conservation Districts  
Cumberland Conservation District  
Iowa City Conservation Districts  
Chapel Hill Conservation Districts  
Queen Village Conservation District

# Boulder, Colorado

## **Identifying a Need: Catalysts for Conservation Districts**

In 1995, an effort was made by the city of Boulder to establish a program that would allow for conservation districts in the city. At the time, there was a perception in Boulder of a nation-wide interest in different types of preservation, other than a traditional historic designation.<sup>1</sup> There was interest in the city and thorough research was done into conservation districts and what they might do for Boulder.

Clarion Associates, a planning consulting firm from Denver, was hired to report on the possibility of creating a conservation district program in the city. Dallas at the time had already created several conservation districts, and Boulder used its ordinances as an example to be studied. Several National Trust articles on conservation districts were also studied, including the Stipe and Zellie articles. There was discussion about grant money from the Colorado Historical Society and the State Historic fund, neither of which were ever used. After a while, it seemed there were more questions than conclusions about whether this would be a worthwhile program, and so the idea was no longer pursued.

The main interest in the conservation district program was to recognize or protect resources in a somewhat more flexible way than in traditional historic districts. Soon after the idea of conservation districts was abandoned, the Structure of Merit program was created. This honorific program recognizes buildings for their significance, but there are no protections associated with the designation. Also since the mid-1990s, the city of Boulder has nearly doubled its number of local historic districts and has more than doubled its number of local individual landmarks.

The Boulder Valley Comprehensive Plan is continually being revised and revisited by the city in response to current trends. A revision in 2010 found that the establishment of conservation districts would be consistent with the Comprehensive Plan, which deal specifically with preserving important historic and cultural resources. Meanwhile, the Boulder County Land Use Code adopted legislation to allow the creation of conservation districts in towns nearby.

The city of Boulder completed a study of post-World War II houses in 2010.<sup>2</sup> Formerly, there was a program that reviewed every building over fifty years old that was going to be

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<sup>1</sup> There was, at the time, an on-going discussion in Boulder about whether historic districts were, as James Hewat explained, a “politically viable” approach to preservation. At this time, it was more difficult to designate historic districts than it had been years ago, and there was concern that this new type of district would be seen as “preservation light.”

<sup>2</sup> Similar to many cities in the West, Boulder grew very rapidly from 1950 to 1970, growing five times in population and in building stock as well.

demolished in order to review significance. At one point, the number of buildings was nearly two hundred per year, and the city decided to do a full study of the building stock in order to streamline the process. Money was received from a Colorado Historical Society grant to complete a study of the ten main subdivisions from the post-war era. During this process, consultants suggested that in lieu of traditional historic districts, there might be a new program that could be used to protect these areas. Boulder now is developing such a protection in a program that creates “character areas,” with some degree of design review and resident participation. However, these areas will have less protection than a conservation district, and there are no immediate plans to revisit the idea of conservation districts in the near future.

The last four historic districts to be created in Boulder were done in a very collaborative fashion. Grassroots groups from the neighborhoods approached the city officials about designation, and worked closely with officials in the creation of design guidelines, even though residents would not be a part of the design review. In the most recent example, residents were interested in designation, but did not want to hinder people in the neighborhood from putting reasonable additions onto their homes. In this historic district, there is only emphasis on the street view of a home, and if an addition does not obstruct views from the street or damage the character along the street, it is allowable. James Hewat, a preservation planner for the city of Boulder, believes that some of these neighborhoods would have been more interested in conservation district status than historic district designation, had the opportunity been available.

### **Conservation Districts in Practice**

One concern in the city of Boulder is to avoid residents’ fears of bureaucrats controlling a neighborhood. Fortunately, most of the recent districts were initiated by the neighborhood, and if that process were to be used to create conservation districts as well, it would ensure neighborhood participation. Hewat also emphasizes that many people do not understand what conservation districts are: there are none in the state of Colorado as of now, so people are unfamiliar with the idea. Historic districts, on the other hand, are relatively easy to understand, and residents seem to be comfortable with that type of designation. Perhaps the confusion or lack of understanding about the difference between the two has led to a seeming lack of interest.

### **Sources**

*Hewat, James, Historic Preservation Planner for the City of Boulder. Telephone Interview. August 10, 2010.*

# Half Crown-Marsh Conservation District, Cambridge, Massachusetts

## **Identifying a Need: Catalysts for Conservation Districts**

The city of Cambridge has had a conservation district ordinance in place since the mid-1980s at the city level. At that time in the city, the concept of a historic district only applied to areas of the revolutionary period or earlier, and the two historic districts in the city fit into this standard: Revolutionary-era Fort Washington, and a residential district including Cambridge Commons, located in the center of town. The thinking of the time did not consider Victorian period architecture or 20<sup>th</sup> Century resources as historic, so a different type of protection for these areas was needed.

In the first two conservation districts in Cambridge, there were local issues that led to the need for protection of the neighborhood character. Demolition of buildings to create parking lots was pervasive, as well as development of larger apartment buildings and infill development in backyards. The initial idea of the conservation district was not so much to regulate alterations as they were attempting to regulate demolition and infill construction that was so common in these communities.

## **How the Conservation District was Created**

In 1982, a city-wide multiple resource study was done in Cambridge to assess historic properties for National Register listing. This assessment did include some properties that now fall within conservation districts, but the borders of the National Register listing and the local conservation district listing are not the same. However, much of the language used in conservation district guidelines parallels the state historic district law in Massachusetts; this was the framework used for the procedures, and where it differs is in the flexibility of regulations.

When creating a district in Cambridge, the city manager appoints a study committee comprised of residents from the neighborhood and members of the city-wide Historical Commission. The committee has public meetings, to which members of the public are invited and are able to participate in discussions about the neighborhood character, concerns within the neighborhood, and decisions about what to regulate. After a study period of about a year, city staff creates a study report with recommendations of the study committee. Following this, there is a hearing and a committee vote, which is then taken to the Historical Commission for acceptance and recommendation to City Council for action.

During the public review process, a general poll is usually done to gauge interest in a conservation district.<sup>1</sup> Usually this entails a postcard poll or survey of property owners in a neighborhood, which are then compiled to understand the support within the neighborhood for conservation district designation. This survey becomes part of the study report, and all results are made known to city council members who ultimately make the decision of designation. If there is not broad public support, the city council will generally not support the designation.

The Half Crown Conservation District was the first in Cambridge, established in 1984. Later, in 2000, the Marsh Conservation District was created. The process for creating these districts always began as grassroots movements within the neighborhoods.<sup>2</sup> The two districts were near to each other, separated by Longfellow Park; they were smaller districts with similarities in their history and character. It seemed that both in proximity and character, it would work well to merge the two districts, and the Half Crown-Marsh Conservation District was officially created in 2006.

### **Regulations and Protections: Conservation District Goals**

Each conservation district can create guidelines that are tailored to meet the particular needs of a neighborhood. In contrast, historic districts can only exempt certain items, such as paint color, from lists of items that require a full review. Conservation Districts can be relaxed quite a bit, or else it can be nearly as strong a preservation tool as a historic district, depending on the needs of the neighborhood.

Within the Half Crown-Marsh district guidelines, there are no separate guidelines for the small commercial or institutional areas that the district encompasses, including parts of the Harper's Square commercial area and several Harvard buildings; instead, these buildings are included under the same guidelines as the residential properties in the neighborhood. Landscape is not within the Historical Commission's jurisdiction to regulate except as a condition of reviewing another type of alteration. If, for example, a resident would like to add a feature to their home that requires a screen from public view, the Historical Commission can mandate the use of landscape material—a hedge, for example—that would act as a screen.

### **Administration of the Conservation District**

Once created, the district is administered by the Neighborhood Conservation District Commission for that particular district. The Neighborhood Conservation District (NCD)

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<sup>1</sup> This is done in practice, but is not required by the ordinance.

<sup>2</sup> Sarah Burks explained that, in their experience, a “top-down” approach to designating a new district is not nearly as successful as allowing the residents to build grassroots support for the district themselves.

Commissions each have five members and three alternates. According to the City Code, the NCD commission members must include three residents of the district, of whom at least two are homeowners; one neighborhood property owner (who may or may not be a homeowner), and one member or alternate of the Historical Commission.<sup>3</sup> The three alternates must all be neighborhood property owners. The NCD Commission is supported by the Historical Commission, which is a department of the city government with a full professional staff to support the commission and all the conservation district commissions. The Historical Commission itself is comprised of seven members and three alternates, appointed by the City Manager. The Commission includes nominees from the Boston Society of Architects, the Boston Society of Landscape Architects, the Greater Boston Real Estate Board, and the Cambridge Historical Society. There must also be at least one lawyer and one resident of a historic district. When the Half Crown and Marsh districts were combined, this change improved functionality of the district because there were now more properties from which to draw commission members as well as applications.

There is a standard review process for design reviews in conservation districts. A property owner must complete an application in order to make alterations, build an addition, or demolish a structure. The staff reviews this application to determine if it requires a public hearing before the NCD Commission, in which case the residents are notified of the time and date of the hearing. At the hearing, the applicant can present their proposal and residents and commission members can ask questions and make comments; then, the commission deliberates and takes a vote. The decisions made at these hearings can be either binding or non-binding, depending on how the ordinance is written; in Half Crown-Marsh, all design reviews are binding.

### **Conservation Districts in Practice**

Generally, residents seem to be happy with their status and involvement with the process.<sup>4</sup> In Half Crown-Marsh in particular, the creation of a conservation district seems to have effectively addressed some of the major issues that led to the establishment of the district in the first place. The model for these districts has changed over time within the city as well: what started as a flexible tool has evolved and been amended to be more protective over time to better meet the neighborhood needs. Fortunately, it seems the model has been flexible enough to allow these changes to happen, without many unanticipated changes or difficulties. In addition, some

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<sup>3</sup> Jim Van Sickle points out that this representative from the Historical Commission is one of the greatest assets to the NCD commission – that person has the experience and the insight about what is happening throughout the city in terms of preservation.

<sup>4</sup> Sarah Burks points out that, of course, you can never satisfy 100% of the people 100% of the time: there are residents who are unhappy with the designation, and others who may disagree with individual votes of the commission, but this is unavoidable.

of the Cambridge zoning has been amended since the 1980s, reducing the threat of demolition to make way for parking lots or oversized apartment buildings.

Some of the conservation districts in Cambridge have non-binding reviews, which can be positive and negative. On one hand, the reviews create a public forum for neighbors to come and ask questions or make comments. It also gives the NCD Commission an opportunity to give its advice and attempt to sway the property owners to take preservation into consideration. In the end, however, property owners can do as they please, which is often frustrating for commission members, who have taken their time to be there and work with the property owners. It can also be frustrating for the applicant, who may not understand why the process is required. That said, a non-binding review should not be ruled out entirely, but there are cautions that come with this type of process. It is also easier for the commission and developers alike to make decisions when there are more and more in-depth guidelines for them to reference.

Jim Van Sickle, chairman of the Half Crown-Marsh NCD Commission, talks about the difficulty sometimes in keeping the Commission meetings as official as possible. Since the commission members tend to be residents of a neighborhood, the meetings can occasionally get somewhat informal, as members and attendees know each other. This, he says, can be dangerous, because these are official public meetings, and these cases do occasionally end up in court.

One of the greatest assets to the individual conservation district commissions has been the professional staff members from the Historical Commission. These staff members have full-time support jobs that allow each district commission to be made up of volunteers without having to spend all their time preparing for meetings.

### **Further information:**

*Harvard Square Conservation district does not have its own NCD Commission because it is largely commercial; there is some flexibility in certain domains in order to get business owner support.*

### **Sources:**

*Burks, Sarah and Tuffy, Eiliesh, Preservation Planners for the Cambridge Historical Commission. Telephone Interview. July 28, 2010.*

*Van Sickle, Jim, resident and current chairman of the Half Crown/Marsh Neighborhood Conservation Commission in Cambridge. Telephone Interview. August 5, 2010.*

<http://www.cambridgema.gov/>



# Cumberland Conservation District, Cumberland, Indiana

## **Identifying a Need: Catalysts for Conservation Districts**

The Cumberland Conservation District was created in 2005 by the Indianapolis Historic Preservation Commission (IHPC).<sup>1</sup> The Commission designates a district, but is not required to pass an ordinance through the city or county council. Instead, the IHPC reports to the Metropolitan Development Commission (MDC), which manages planning and redevelopment. If the district is approved by the MDC, it is adopted as a part of the comprehensive plan, with no legislative approval needed. The statute that established the IHPC outlines the process of creating a historic preservation area, and conservation districts are encompassed in this title.

The IHPC was created in 1967 and was first staffed in 1975. One of their first tasks was to do a city-wide survey to determine areas of historic significance. Most of the areas that were identified at that time have since been designated as local historic districts. However, several issues arose that suggested the need for a different solution for some areas, other than traditional local historic district designation. In the early 1990s, the city owned a one-block area with nineteenth-century cottages that they decided to move to a smaller block in order to have a denser cluster of homes. The exteriors of the houses were restored and sold off in a single day at an auction. The city at this point was interested in protecting its investments in the houses. Because the IHPC was the only entity doing design review, the city asked for its assistance with designation and ongoing protection. In most instances, buildings moved from their original locations are no longer considered eligible for historic designation. Because of the damaged integrity of the site, a historic district was not applicable, and this became the first conservation district in Indianapolis.

At the same time in the city of Indianapolis, there was increasing interest from neighborhoods that were not historic districts but that had a certain character and wished for some level of protection. They were, however, concerned about the regulatory nature of historic districts, and the IHPC decided to make conservation districts a permanent strategy. The historic districts in Indianapolis were already using a system of creating guidelines where exemptions could be added; in the same way, the conservation districts create their own set of guidelines, which tend to exempt more actions than historic districts from the Commission's scope of review.

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<sup>1</sup> The Indianapolis Preservation Commission is established differently than most Commissions in the country. While most HPCs are established through a local ordinance by a legislative body through state enabling legislation, Indianapolis is different. There are three preservation statutes in Indiana: the first enables local areas to pass ordinances and create preservation boards; the second creates the Meridian Street Preservation Commission; the third is called Historic Preservation in Marion County and it directly authorizes the IHPC. The wording about conservation districts exists only in the first statute, not in the third, which is the administering commission.

Cumberland was historically its own town at the edge of the county, located along The Historic National Road, which functions as a main street. In the 1990s, the state wanted to turn the main street into a seven-lane highway; at this time, the entire town had been designated one of the state's ten most endangered landmarks, and it was considered one of the most significant historic towns in Marion County, Indiana. Representatives from the National Byway system in Duluth, Minnesota approached residents in Cumberland and suggested that there were options available to avoid or mitigate this major change to the main street.

Building on the fact that the street was a nationally-designated byway,<sup>2</sup> Cumberland received special status to preserve the street at only five lanes; residents, however, did not think this compromise was enough to protect their town. Other concerns about maintaining the character of the town arose during this time, as urban sprawl from Indianapolis continued to progress toward Cumberland. The first step that residents took was to have Cumberland placed on the National Register of Historic Places, a process that took two years and involved a report documenting the entire historic nature of the town. Cumberland Historic District was approved at the state level, and it went on to be approved to be listed on the National Register in December of 2001. The final National Register nomination identified each property as being contributing or non-contributing to the historic fabric of the area. This entire process was considered incredibly valuable in moving toward the ultimate goal of the residents: the creation of a conservation district.

### **How the Conservation District was Created**

Once Cumberland was on the National Register, it gave the community a protective tool to use when working with the state, which was spending federal funds on the highway project. Following this national designation, residents began working with the IHPC, who has local jurisdiction over the town. Primary concerns were the conservation of the small blocks, the original town layout from 1831, narrow streets, and the scale of houses; there was also pressure with the new highway from major corporations to come into the town and damage the small-town character.<sup>3</sup> There had already been pressure from some major corporations to build big-box stores or strip malls along the highway, a future residents hoped to avoid. Residents began attending national conferences that dealt with these same issues, which was an opportunity to have a conversation with other communities to see what they might be doing differently.

Soon, a grassroots group of neighbors founded the organization Cumberland GAP (Growth and Progress) in order to be a voice for the community. Within a year, the group sought

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<sup>2</sup> The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration.

<sup>3</sup> As Mark Reynold pointed out, this is happening all over the country. In fact, in 1999, National Public Radio did a program on the trend of small towns being destroyed by highway projects and urban sprawl. Cumberland, Indiana was one of the examples used on the program, which was heard all over the country.

501c3 status and was regularly attending Town Council meetings, raising awareness of the byway and talking about historic significance, suggesting new solutions for the problems at hand. The group started working with the IHPC, and over a period of four years obtained the necessary signatures and created a set of guidelines. Generally, the IHPC requests the residents to get seventy-five percent of the property owners to sign in support of the conservation district; this is not required by the ordinance, but is done in practice.<sup>4</sup> The idea behind this resident support is that some neighborhoods have recently attempted to gain designation for what IHPC Administrator David Baker called “disingenuous reasons,” like attempts to keep bars out of neighborhoods. This tends to happen because the IHPC is the only group in the city with design reviews. The final conservation district consisted of 112 parcels, and approximately 60 buildings. The guidelines were based on a template created by the IHPC, discussing each component within the community to decide which elements they wanted to protect in the designation.

In order to begin the process of becoming a conservation district, the neighborhood creates a boundary map, significance statement, and petition. The IHPC then authorizes the application process to continue, and the residents do an analysis of neighborhood issues, create objectives and recommendations, all of which are incorporated into the design guidelines. The IHPC holds a public hearing, followed by a public hearing by the Metropolitan Development Commission, where there is a final vote. If it is approved, the conservation district is officially designated. From that point forward, certificates of appropriateness are required to perform any exterior work on designated buildings, excluding activities exempted by the district guidelines. Typically throughout this process, citizens create committees in order to generate conversation among the residents about neighborhood issues, preservation objectives, and design guidelines, attempting to gain consensus. In the end, the plan is created through collaboration between district residents and IHPC staff.

### **Regulations and Protections: Conservation District Goals**

Each district is required by statute to prepare a unique preservation plan. Thus far, each of these plans has been customized for the specific district. At the time of this writing, there are sixteen conservation districts, many of which share similar design guidelines. When the first few sets of guidelines were created, each was designed from the ground up. More recently, the IHPC put together workbooks that a neighborhood can use in creating either a historic or conservation district. The workbooks suggest a starting point for creating a set of guidelines, which are then customized for the specific needs of the neighborhood.

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<sup>4</sup> No neighborhood has ever gotten a full seventy-five percent in support of a conservation district; however, the IHPC encourages neighborhoods to attempt this percentage in order to show a reasonable level of support.

Because of its history, Cumberland has a large commercial core, as well as residential areas and rural farmland beyond. The guidelines in Cumberland specifically address commercial areas, especially the mixed-use main street area.<sup>5</sup> Land use requirements are mandated in the area by the zoning code, while the conservation district guidelines suggest preferred uses allowed by the zoning along the corridor. The conservation district was broken into three specific planning districts: A is the main street corridor, a mix of residential and commercial uses; B consists primarily of residential areas to the north and south that were maintained as residential only; C is a corridor to the south of the community along an abandoned rail line that is being developed as a trail, and the guidelines dictate trail-friendly businesses.<sup>6</sup>

Within the district template, landscape and trees are also controlled through the guidelines. However, the statute never uses the words “landscape,” “plants,” “plant materials,” or anything else that suggests the IHPC has any authority over landscaping in the neighborhoods. In Cumberland, residents chose not to use this option under the template, only regulating built landscape features like fences, decks, or other structural features, but not the design of land topography, plantings, or most vegetation. Currently, they do review any planting and removal of trees.

### **Administration of the Conservation District**

The Cumberland Conservation District is now administered by the IHPC. The design review process is the same for both historic and conservation districts. First, an application is submitted; for the simpler cases, the staff has the ability to make decisions without a public hearing, or else a hearing officer can conduct a public hearing for other types of work, which is done once a week. The IHPC meets once a month. A date is set for a hearing with either the hearing officer or the commission, at which point the property owner must send out notice to surrounding properties and place a notice in the paper. Architectural reviewers on the staff will work with applicants to get plans to an appropriate point for approval. If it is approved at the hearing, the IHPC grants a certificate of appropriateness. Although not mandated by statute, in practice applicants must go to the neighborhood association to present the proposed design. If a property owner has not gone through this step, the commission will almost automatically discontinue the process.

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<sup>5</sup> The main street through town is officially US Historic Road 40/East Washington Street.

<sup>6</sup> The Cumberland Conservation District Historic Area Preservation Plan states: “Consider changes in use from residential to trail-friendly businesses along Warehouse Rd., provided residential buildings retain their residential exterior appearance. Businesses should directly relate to the Pennsy Trail.” The definition of a “trail-friendly” business is not further explained.

## Conservation Districts in Practice

According to Cumberland Conservation District resident and Council Member Mark Reynold, the design review is one of the biggest values of the process. Neighbors are generally happy with the amount of input they have in this process, but there are always those who have issues with the way things are managed. Because the Cumberland Conservation District was recently established in 2002, they have not seen enough activity to see the process working and any benefits or problems with that process.

The goals within the conservation districts were always somewhat different from those in the historic districts, and based on this distinction, many see the conservation districts as highly successful. The goals in these districts were never to retain every piece of historic fabric, but rather to retain the remaining character and feel of a neighborhood. Within these neighborhoods, there have been alterations and new designs and materials introduced, all of which were deemed to be appropriately compatible. Neighbors seem to be generally very satisfied, publicly voicing support for the program.<sup>7</sup> Some residents wish for more say or longer timeslots to speak during IHPC meetings, but generally, they seem pleased with the outcome.

Mark Reynold, Cumberland resident, was actively involved in establishing the conservation district, and suggested that it would have been helpful to spend more time on the original National Register document, with a better historian and a “beefier” document. This would have given them much more to work with when creating the conservation district, with more of a historic background for the town which could be used to create design guidelines.

One of the most helpful things for residents was to invite a guest panel to come in from other conservation districts in the city. All were residents of the neighborhoods, some representing areas with very strict guidelines, and others representing areas with rather lenient guidelines. Residents of Cumberland had very good, pointed questions about the process, which created some very good dialogue that was important in swaying people toward the conservation district option.

### Contacts for further information:

*Sara Olds, Cottage Home Neighborhood Resident. 317-634-5237, [Sara.o@att.net](mailto:Sara.o@att.net)*

*Mark Patty, President, New Augusta Village Association and New Augusta resident: interesting neighborhood with parallel issues, 317-250-2755, [markpatty1950@sbcglobal.net](mailto:markpatty1950@sbcglobal.net)*

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<sup>7</sup> In a highly atypical situation, a politician became upset about a decision that was made within one conservation district. In response, many residents from conservation districts in Indianapolis came out in support of the program, showing that this is a single case, not symptomatic of a larger problem among residents.

**Sources:**

*Baker, David, Indianapolis Historic Preservation Commission Administrator and Payne, Ashley, Preservation Planner. Telephone Interview. July 20, 2010.*

*Reynold, Mark, Cumberland Conservation District resident and Cumberland Councilmember. Telephone Interview. July 27, 2010.*

<http://www.indy.gov>

<http://www.town.cumberland.in.us/>

# Governor-Lucas Conservation District, Iowa City, Iowa

## **Identifying a Need: Catalysts for Conservation Districts**

The Governor-Lucas neighborhood is within a mile of the University of Iowa, a major research institution. The University has a student population of about 30,000 and of those, only about 95% of incoming freshman have housing that is on-campus; the remainder of students live in surrounding neighborhoods. The neighborhood is also near downtown, a farmer's market, and other desirable amenities, and slowly the area attracted more and more home owners who were concerned with what was happening to the rental properties in the community.

## **How the Conservation District was Created**

Iowa City established an ordinance to encourage the creation of conservation districts. If a neighborhood would like to seek designation, generally a grassroots group of residents will form and go through the process of creating the district. The standard guidelines were created by the city, which can be applied to any district. The conservation district ordinance is not customizable to the individual needs of a specific neighborhood, as opposed to historic districts in the city, which each create their own unique ordinance. Once in place, a conservation district is administered by the city and planning department.

In order to create a conservation district, residents must get signatures on petitions and letters of support from the neighborhood. This is compiled with information about the neighborhood, the issues that threaten the character of the area, and an argument for designation.

In the Governor-Lucas neighborhood, a small group of residents began a grassroots movement that fought several times for down-zoning of the neighborhood to limit the intensity of development. Specifically, they sought to reduce the number of occupants per housing unit (or internal density) and restricting by lot size what could happen within the area. The area was down-zoned twice, each time further restricting use and occupancy. According to the updated 2010 version of the zoning code, a lot must be a certain width in order to be made into a duplex, a restriction which most of the homes in the area do not meet. In conjunction with this, neighbors began buying rental properties and restoring them to single-family homes, in order to begin reversing the trend in the neighborhood. In addition to these zoning changes, the residents decided to apply for conservation district designation.

## **Regulations and Protections: Conservation District Goals**

Within the Governor-Lucas neighborhood, the only non-residential building is the Bethel African Methodist Episcopal Church, which is listed on the National Register of Historic Places. The church is not specially addressed in the guidelines. The majority of residential use in the area is single-family, with some homes divided to create multiple units. There is also one older apartment building and a sorority house on the border of the district.

The Iowa City Historic Preservation Handbook addresses both historic and conservation districts. Section 4.12 in the handbook deals specifically with site and landscaping, primarily focusing on fencing, parking, and sidewalks or streets. Trees and shrubs are to be removed if too close to a historic building; otherwise, there is no mention of vegetation guidelines.<sup>1</sup>

## **Administration of the Conservation District**

Once designated as a rezoning by the Iowa City Council (with recommendations from the HPC and the Planning and Zoning Commission), the process for design review is to submit the design to the HPC, which then makes a recommendation to the city.<sup>2</sup>

## **Conservation Districts in Practice**

According to Martha Greer, resident of the Governor-Lucas conservation district, residents seem to be pleased with the amount of protection these changes have afforded the neighborhood. Generally, there are fewer rentals in the area, and renters in this area tend to be more community-focused. The neighbors also recognize that it was a combination of efforts, including zoning changes, conservation district designation, and other city ordinances that caused these positive changes to occur.<sup>3</sup> One difficulty has been in enforcing the guidelines; Greer explains that the fines for going against a decision made by the HPC are minimal,

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<sup>1</sup> Under the heading "Vegetation," the handbook reads: "Removing large trees that are planted closer than 20 feet to historic buildings and shrubs planted closer than 5 feet. Trees, shrubs and other substantial plantings can increase the moisture and mold at the exterior walls and the roots can damage foundations."

<sup>2</sup> There is no prescribed percentage of property owners that must approve of the creation of the conservation district. If more than 20% of residents file protest statements, then it requires a super majority (6 out of 7) of City Councilors to vote in favor of the designation.

<sup>3</sup> The nuisance abatement ordinance was created in order to lay out rules for being a good neighbor: if a rental property receives several citations from the police, the landlord must evict the tenants. Suddenly, landlords were more concerned about the behavior of their tenants, and neighborhoods continued to improve.



providing little incentive for compliance to those less interested in preserving the historic character of the neighborhood.<sup>4</sup>

Today, there is a mix of undergraduate students, graduate students, young professionals, families, and elderly in the neighborhood, all of whom (including the students) enjoy the relative peace of the neighborhood, in contrast to the parties that were common in the past.

The fines imposed for going against a decision by the HPC were too minimal to be effective. If this is a tactic that the neighborhood wants to use, the fines or punitive actions must be substantial enough to compel compliance.

The creation of any type of historic district can lead to changes in financial plans. In the case of Governor-Lucas, the change was difficult for the landlord business model for a property, especially in a neighborhood so desirable for students. Because of this, there were landlords that were extremely vocal against the designation during the process.

Any official tool, like the creation of a conservation district, must be weighed against the goals of the neighborhood. While it is useful to learn from other communities, local factors must also be considered. The city and planning department, in particular, must be willing to be partners in the process, and there must be a strong foundation of residents who are interested. Sometimes, other zoning changes or ordinances must be made in order to fully realize the goals of the neighborhood; otherwise, this designation can be dovetailed with existing ordinances that might be beneficial.

#### **Further information:**

*Steve Long, resident of Governor-Lucas, 319.621.3462, [steveicnyc@hotmail.com](mailto:steveicnyc@hotmail.com)*

*Ann Freerks, resident of Governor-Lucas, (319) 384-0059, [Ann-freerks@uiowa.edu](mailto:Ann-freerks@uiowa.edu)*

#### **Sources:**

*Kuecker, Christina, Indianapolis Historic Preservation Commission Staff Member. Telephone Interview. July 21, 2010.*

*Greer, Martha, Governor-Lucas Conservation District resident. Telephone Interview. July 30, 2010.*

*Iowa City Historic Preservation Handbook*

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<sup>4</sup> In a recent example, a property owner petitioned for an exception to the City Code, in order to tear down a garage that was considered a contributing structure in the district. The request was denied by the HPC, but the property owners proceeded with the demolition, in violation of the City Code. Neighbors documented the demolition, including photos and license plate numbers of the vehicles doing the work. The city used this as a test case to take to court; unfortunately, they lost the case. Without stiffer penalties for violating City Code, residents are concerned that property owners will have little incentive to comply.

# Northside Conservation District, Chapel Hill, North Carolina

## **Identifying a Need: Catalysts for Conservation Districts**

The Neighborhood Conservation district ordinance in Chapel Hill was created in 2003 as part of the establishment of a land use management ordinance. Prior to this time, some neighborhoods had expressed interest to the Town Council about conservation districts for several years, so when the land use management ordinance was revised the council added a number of tools that had been suggested, including conservation districts. Once the ordinance was adopted, the Northside neighborhood came forward and began the process of creating the first conservation district in Chapel Hill.

## **How the Conservation District was Created**

Residents were very engaged throughout the process of creating the conservation district. A committee of residents from Northside, appointed by the Town Council, met and worked through the process. Decisions were made by residents on what they wanted to preserve and what was most important to them. After that, they found a way to regulate the things that were most important, and learned what they could or could not regulate based on zoning code already existing. A consultant was hired by the town for the process—and is hired each time a conservation district is created—who suggested language from examples of other existing conservation districts. Each conservation district goes through this initial process, yet many guidelines turn out very similar because of shared concerns throughout the town. However, it is possible to completely customize the guidelines for each district.

Prior to this option, no studies had been done regarding the eligibility of the Northside neighborhood for local or national historic district status, as residents were not interested in that level of regulation. The neighborhood at the time was predominantly low-income families, so there was concern over perceived added maintenance expenses that might come with historic district designation. Although Northside was the first to express interest in conservation district designation, it is not exemplary of most of these districts in Chapel Hill, with unique challenges and issues.<sup>1</sup> The neighborhood is located next to downtown and near a major university, and demographics were shifting away from owner-occupied residences to rooming house-type developments for students. This was creating major parking issues and was nearly overloading the infrastructure of the community. Other complicated issues like crime and the desire for more

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<sup>1</sup> Other neighborhood conservation districts in Chapel Hill were primarily created to discourage the demolition of older buildings in exchange for a McMansion-type home: for these neighborhoods, the conservation district status has been a very useful tool.

police attention were prevalent in the neighborhood at the time. Residents hoped that a designation would be a useful tool in dealing with some of these major issues.

### **Regulations and Protections: Conservation District Goals**

There are no guidelines specific to non-residential land uses or landscape in the Chapel Hill conservation districts. In Northside, building height limits closer to downtown become higher, since they would be closer to the commercial and industrial zoning district. Also in Northside, there are some landscape and foliage design guidelines for any new landscaping, but these are all non-binding. However, since these guidelines are not part of the ordinance, they are often overlooked by developers and are not usually followed very closely.

### **Administration of the Conservation District**

The process of becoming a conservation district in Chapel Hill is essentially a rezoning, so neighborhood support is not required by the ordinance, and the council has the final authority in approving or denying the district. For some of the more recently established conservation districts, ballots were sent out to residents to solicit feedback and to gauge interest.<sup>2</sup> Usually there is at least some feedback from the neighborhood and a liaison is appointed from the town staff to meet with residents and report back to the Planning Board. The residents of a neighborhood are still relied upon heavily to create a plan, and generally, these plans are accepted without objection by the Planning Board.<sup>3</sup>

Once established, the area is an overlay zoning district. When an application comes in for a single-family zoning compliance permit, it goes through the planning department and is processed like any other zoning compliance permit.<sup>4</sup> If the property is within the neighborhood conservation district, there are additional regulations that must be met for it to be approved. There is no design review process, only this dimensional review: as long as the design meets the requirements specific to the conservation district, including issues like building orientation, site design, and design details, it will be approved.

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<sup>2</sup> This process came about after a neighborhood came forward in protest of being made into a conservation district, a process that continued for almost three years and ended, as Rae Buckley described, as a “complete debacle.”

<sup>3</sup> The only time a board has objected was when a neighborhood created occupancy restrictions in a plan, essentially redefining what an “occupant” or “family” was: the board restricted this change, allowing only land regulations.

<sup>4</sup> In the town of Chapel Hill, any construction that adds square feet to a building must have a zoning compliance permit.

## Conservation Districts in Practice

The residents of Northside Conservation District were attempting to solve many complex, difficult problems using the one tool of conservation district status. Unfortunately, it seems many other tools used in tandem would be necessary to solve some of the more complicated problems, and this designation has not done as much as the community had hoped. Also unfortunate are the changes that have happened over the years, as developers have found ways to get around the guidelines and develop rooming houses anyway, one of the major issues that could have actually been addressed by this designation. Because of these difficulties, residents have expressed interest in editing the guidelines to make them more protective, something they were initially wary of doing.

Another potentially unforeseen change was in the ability to develop low-income housing, something that was very important to the residents in this area. Many think that the ordinance, in attempting to keep out rooming houses, has actually made it very difficult to create smaller or subdivided housing.<sup>5</sup>

A struggle right now in Chapel Hill is the issue of evaluation in these conservation districts. For some of the neighborhoods, it is difficult to judge success because of the unknown of what would have happened without the regulations. It is also difficult to imagine tools or metrics that could be used that don't overstress the consultants, staff, or finances of the town. However, it is a future goal for the planning department to establish some kind of evaluation system to see if these districts are accomplishing what the residents had hoped they would accomplish. As an evaluation tool, Rae Buckley, Planner for the Town of Chapel Hill, believes it may have been helpful to have an upfront commitment from a group of people in the neighborhood that would be willing to have a follow-up discussion several years after implementation about the success of the conservation district.

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<sup>5</sup> Rae Buckley expressed these concerns, while at the same time cautioning that those who are voicing these concerns are often also the ones who would like to develop the rooming houses. In her opinion, without these regulations, the rooming house problems would have "run even more amok."

## **Contacts for further information**

*The city of Raleigh Neighborhood Conservation Department, 919-516-2626: Raleigh also has NCDs, but they are more staff-driven, where staff survey an area and design the guidelines themselves based on the survey, as opposed to the residents creating the guidelines themselves.*

## **Sources**

*Rae Buckley, Housing & Neighborhood Services Senior Planner for the Town of Chapel Hill. Telephone Interview. July 27, 2010.*

<http://www.ci.chapel-hill.nc.us/index.aspx>

# Queen Village, Philadelphia, Pennsylvania

## **Identifying a Need: Catalysts for Conservation Districts**

As of 2010, the city of Philadelphia had designated thirteen local historic districts. The neighborhood of Queen Village became the first and to date, the only conservation district in the city. The neighborhood is directly adjacent to several local historic districts and has a period of significance from 1700 to 1920, with many unique structures including the first shot tower in the United States, built in 1808. In the opinion of David Schaaf from the Philadelphia Planning Department, this neighborhood may have enough integrity to seek local historic district designation instead of the more lenient conservation district designation.

The Queen Village Neighborhood Conservation District was created in 2007 under a 2004 ordinance at the city level that provides for the creation of neighborhood conservation districts. The neighborhood was already designated a historic district on the National Register of Historic Places, as it is the oldest neighborhood in the city, predating the founding of Philadelphia.<sup>1</sup> Many of the houses in Queen Village are individually designated as local historic landmarks, and several surrounding neighborhoods are local historic districts. Queen Village, however, had not been designated a local historic district because of more recent development: the neighborhood was very popular for development before the economic downturn that began in 2006. Developers were buying older, unprotected properties and demolishing them to make way for new construction. Though not yet formally designated, many of the homes in Queen Village were old, intact, and well maintained, even if not yet widely considered historically or architecturally significant within the community.

Another major concern in the neighborhood involved ground-level alterations that resulted in a dramatic change in the way that houses addressed the sidewalks and street frontage. More townhome owners were converting their first floor into parking, adding a garage door that faced the street. This not only destroyed the look and character of a street, but it also created safety issues by taking people and habitable rooms off the street level. In addition, this new trend of what Mike Hauptman, a Queen Village resident, called “garagification” was leading to parking problems. Each new private garage required a curb cut, the effect of which was the permanent removal of a public parking space along the street. Many of these trends were common throughout parts of Philadelphia near Center City, where real estate was valuable and people could walk to work.

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<sup>1</sup> The Queen Village Neighbors Association website describes the history of the neighborhood: “Long before William Penn and the founding of Philadelphia, Swedish settlers arrived in 1638 at a place the local Lenni Lenape Indian tribe called Wiccaco . . . The King of England granted a land charter for what is now Pennsylvania to William Penn, who founded the city of Philadelphia in 1682 (just north of present day Queen Village).”

## **How the Conservation District was Created**

Several neighbors began having meetings about creating a conservation district, something for which legislation had been created, but had not yet been used. With the support of the Queen Village Neighbors Association Board of Directors, a small group of residents began to draft the guidelines, with substantial input from two neighborhood architects. The guidelines were created through personal observation and a series of discussions about the character of the neighborhood. The Philadelphia City Planning Commission gave the group studies of conservation districts in other cities that had been done in the past in order to show examples of how the districts were created, but these were used only as reference. The guidelines were simplified down to a series of basic ideas about what characterized the neighborhood and what should be preserved. While the guidelines for the neighborhood were being created, the councilmen put through a demolition moratorium in order to stop the ongoing trend of teardowns and new construction.

Queen Village is the only conservation district in Philadelphia as of 2010. However, other neighborhoods have come to the Queen Village Neighbors Association to ask for advice or suggestions about becoming a district. Because of the way the process works, each neighborhood could create its own ordinance completely tailored to fit the needs and desires of its residents, which would then be adopted as an ordinance into the zoning code.<sup>2</sup>

During the process of creating the Queen Village Neighborhood Conservation District, there were several points at which it was required to have neighborhood meetings to discuss the guidelines. At these meetings, presentations were made and attendees could make suggestions, express concerns, or offer general input. Once the guidelines were established, a letter was sent to every property owner in Queen Village from the city council person for the district. This letter explained that unless they received written responses back from 51% of the property owners rejecting the guidelines, the ordinance would pass. This threshold was slightly contentious, because the likelihood of 51% of property owners responding, let alone rejecting the ordinance, was very remote. In a district of between 5000 and 6000 residents, only about twenty objections were received, and the ordinance passed.

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<sup>2</sup> The Queen Village Neighborhood Conservation District was created in an ordinance that was adopted into the Philadelphia City Zoning Code Section 14-908.

## **Regulations and Protections: Conservation District Goals**

Because Queen Village is an architecturally eclectic neighborhood, there was no intent to create guidelines that would preserve a certain style;<sup>3</sup> rather, the goals were to maintain the overall character of the streetscape, taking into account features like materials and scale. Particularly important, given the private garage conversions, was maintaining the traditional relationship of residences to the public sidewalk and street, which was generally characterized by stoops, human-scaled doors, and ground-level windows. The guidelines require review for major items; specifically, there must be an inhabitable room facing the street,<sup>4</sup> and materials, scale, and height must be appropriate to the surrounding structures. The guidelines were created to be as flexible and un-obstructive as possible to enable creativity for people who wanted to build a house or new building in the neighborhood.

The guidelines deal with two broad categories of land use: residential and commercial/industrial, although the way the legislation is framed states that these districts are to be mostly residential.<sup>5</sup> While the residential guidelines are extensive, the commercial and industrial regulations deal only with building set-back line, parking and loading, and materials. Some of these regulations, such as materials and setbacks, are the same as the residential areas. Other important commercial areas adjacent to the neighborhood were actually excluded from the conservation district because they were already encompassed in another local historic district. Landscape is addressed to some degree in terms of fences and curb cuts on private lots, but no guidelines exist for landscape in public areas.

## **Administration of the Conservation District**

The Queen Village Neighborhood Conservation District is administered by the Philadelphia City Planning Commission. The residents are now no longer very involved in any decision-making processes. Mike Hauptman, one of the two primary authors of the guidelines, believes this a troublesome issue that may need revision, as he would like to have remained more involved. According to Hauptman, the residents “lost all involvement once the guidelines were adopted, and I think we need to do something about that.” When someone in the city applies for a building permit, if the planning examiner sees that it is in Queen Village, the drawings are sent

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<sup>3</sup> There is one building from the 17<sup>th</sup> Century, many buildings from the 18<sup>th</sup> Century, and infill or new construction up until very recent years. There are also very tiny streets with the much older houses, and then large, modern city streets with newer buildings.

<sup>4</sup> Because many of the row houses are so narrow (on average 16' wide), this guidelines effectively eliminates the possibility of putting a garage on the front of a house, which was the major concern of the residents at the time. The definition of a “habitable room” is also very clearly defined, not permitting foyers, bathrooms, or other small space to count toward this requirement.

<sup>5</sup> The ordinance states: “At least seventy percent (70%) of the NCD’s area must be of residential use and zoned residential.”



to the city planning commission, which evaluates the proposed design for compliance with the guidelines. There is one staff member at the planning commission that is specifically responsible for permits in the Queen Village Neighborhood Conservation District. If the proposal is found to comply with the guidelines, it then goes back to the planning examiner to finalize the building permit application. Hauptman believes that in general, many of the residents of the neighborhood are probably fairly unfamiliar with this process.

### **Conservation Districts in Practice**

The fact that the district was implemented at the beginning of the downturn in the economy makes it difficult to measure its success as of now. There have only been about a dozen properties that have gone through the review process in the few years of its existence at the time of this writing in order to see how it is functioning, and it will take more than that over the next few years to truly measure success. However, one noticeable change has happened with the guideline against garages on the front of a house: developers have already begun thinking differently about parking in a city neighborhood, and Hauptman explains that people have “gotten creative” about where to put a car. Another indicator is that a small amount of resistance that existed within the neighborhood when getting the district implemented seems to have largely dissipated.

Many architects, owners, and builders are unaware of the existence of the conservation district, which has already caused some problems with development in the neighborhood. In one example, David Schaaf from the Philadelphia Planning Department described a situation in which an architect designed a home on a six-foot-wide carriageway street that was 33 feet in height, far surpassing the district guidelines of 22 feet. The architect had obviously not read the code, and had designed without these guidelines in mind.

In another example, Schaaf described the first application within the district, which proposed a first-floor garage, no habitable room on the ground level, and six other violations of the guidelines. The architect and owner both claimed ignorance of the new code. The case was taken to the city planning commission, where some residents of the neighborhood came forward to say that the developer should be able to go forward with the design because of a dispute over the inclusion of this particular part of the neighborhood. In the end, the case was overturned and the developer was allowed to move forward with his original design. Since then, the planning department staff has made an effort to speak with all architects developing projects in the conservation district in order to work out the problem without taking it to the commission for a decision.

## Sources

*Hauptman, Mike, Chair of the Queen Village Zoning Committee and former Co-chair of the Neighborhood Conservation District Committee; also co-authored the guidelines for neighborhood. Telephone Interview. July 21, 2010.*

<http://www.qvna.org/>

*Schaaf, David, Philadelphia City Planning Commission Director of Urban Design. Telephone Interview. July 27, 2010.*

*Philadelphia City Zoning Code Section 14-908*

## Interview Questions

### **For Cities with Existing Conservation Districts:**

- 1) When creating the conservation district, was there an ordinance in place that could be used, or was it necessary to create a completely new legal structure? Were there ordinances needed at the state and city levels?
- 2) Prior to conservation district designation, were any studies conducted on eligibility of the area for local or national historic designation, or other types of designations?
  - a) If so, is there documentation of any of this work? How was the study conducted, and by whom? How did that study affect the decision to become a conservation district, if at all?
  - b) If not, has there been any speculation on the possibility of eligibility? Is there any documentation of this speculation?
- 3) When drafting the scope and guidelines for the conservation district, was the neighborhood involved in some way?
  - a) Was a community-based planning process used to determine what to conserve, why, and how?
- 4) Does the city ordinance allow/encourage neighborhoods to customize the scope and guidelines of individual conservation districts to suit specific neighborhood characteristics, as well as resident concerns and desires? Or, is one conservation ordinance applied to all conservation districts?
- 5) Who administers the conservation district?
  - a) Historic/Heritage Preservation Commission: How is the neighborhood involved in conjunction with the HPC? How are decisions made?
  - b) City/Planning Department: How is the neighborhood involved in conjunction with the city/planning department? How are decisions made? Who exactly makes these decisions (if “city staff:” who are they?)
  - c) Neighborhood Committee: What is the makeup of the committee (who are the members, how many)? What is the official name of the organization? Is it linked to an existing neighborhood association, or is it a separate entity?
  - d) Combination (specify)
  - e) Other (specify)

- 6) Was neighborhood consultation and approval required to create the conservation district, in terms of property owners, home owners, renters, or other? If so, how was this support measured and documented?
- 7) In terms of size of the conservation district: How many
  - a) People/households?
  - b) Properties/structures?
  - c) Acres/blocks?
- 8) Does the district include land uses other than single-family residential? Do these different areas have slightly different guidelines, or are they all treated the same?
  - a) If they have different guidelines, what are those differences, and how do those areas function in relation to one another? How were the boundaries defined?
- 9) What led to the decision to become a conservation district? Were other options studied before deciding on the conservation district? What were the trends or issues in the neighborhood that motivated the consideration of conservation districts? Were these considerations that were common throughout the city? Were there others that were specific to this neighborhood?
- 10) Has the conservation district effectively addressed the issues that led to its formation?
  - a) If yes, how do you know? Has the effectiveness been measured in any way? Can it be?
  - b) If yes, are there other factors that were not considered that should have been?
  - c) If not, what things are still happening that were not improved by the creation of the district?
  - d) Has the creation of the district in any way created new, unanticipated changes in the neighborhood, either positive or negative?
- 11) How did the process of creating the conservation district begin?
  - a) Did a neighborhood group or association initiate the process? Did the two (neighborhood association and conservation district) occur at the same time, or did one encourage the establishment of the other? How many members in each? Are there any standing neighborhood committees on land use or other issues?
  - b) Was it initiated by neighbors just talking among themselves and deciding to take action?
  - c) Was it initiated by the city/planning department/HPC?
- 12) What is the process for design reviews? Does the neighborhood have a say in the decisions made, or are the decisions made by an outside group?

- a) If the former, how are the decision made by residents? Is it generally an accepted practice, or do members of the community see any issues with this process? Is it difficult to get the community to participate in the process, or are they generally engaged? Has there been a change over time in regard to neighborhood interest and participation?
  - b) If the latter, how do residents of the neighborhood feel about that process? Do they feel they are accurately represented, or are they wishing for more representation in the decision-making process? If residents are interested, are there plans to incorporate residents more in the future through changes in legislation or process?
- 13) Based on the current ordinance and its implementation, how do you feel the district is functioning?
- a) Could it be better? How?
  - b) How do the residents of the neighborhood feel it is functioning? Have they expressed concerns regarding the process?
- 14) Was the conservation district based on a model ordinance, or language borrowed from examples of other ordinances found in your city or elsewhere?
- a) If yes, what were the models used? Who did this research? How did this research affect your decisions in creating your own district?
  - b) What, if any, kind of research went into the district itself? For example, were there surveys of buildings, landscapes, or residents that were completed? Were there other types of documentation that were used to record the existing conditions?
  - c) In relation to (b) above, what basis is being used to review new construction going into the area?
- 15) Do you feel that the property values or quality of life in the neighborhood have improved in any ways since the creation of the conservation district? Have there been any documented measures of this change?
- 16) Is there anything in the legislation that deals with non-built features in the neighborhood?
- a) How important were these features to the residents?
  - b) How have residents responded to this type of protection, as opposed to protection of the built structures in the neighborhood?
  - c) What landscape features are specifically called out for protection in the neighborhood? Why were these particular features called out?
- 17) Is there anyone else I should contact in order to get more information on any of these subjects? Do you have their contact information?

**For cities with legislation but no established districts:**

- 1) In what year was the conservation district legislation added into the planning legislation in your city? What trends or issues led to the addition of conservation districts? At the time, were there any neighborhoods that had expressed interest in becoming a conservation district?
- 2) Why have no conservation districts been established yet in your city? Do you believe that neighborhoods know about and understand the legislation and still made a decision not to create a district?
- 3) Are there any initiatives to get neighborhoods more interested in the process? If no, what are the future plans for this legislation?

# List of Known Conservation Districts by State

## **Alabama**

- none

## **Alaska**

- none

(American Samoa)

## **Arizona**

1. Phoenix
  - a. Willo Conservation District
  - b. Sahuaro Conservation District
  - c. Coronado Conservation District
  - d. Windsor Square Conservation District
  - e. Encanto Vista Conservation District
  - f. Story Conservation District
  - g. Central Arcadia Conservation District
  - h. Mountain Park Conservation District
  - i. Roosevelt Conservation District

## **Arkansas**

1. Fayetteville

## **California**

1. Napa
2. Riverside
3. Davis
4. Santa Clara

## **Colorado**

1. Boulder
2. Boulder County
3. Fort Collins
4. Denver (in process)

## **Connecticut**

- none

## **Delaware**

1. Wilmington
  1. Forty Acres Neighborhood Conservation District

## **(District of Columbia)**

- none

## **Florida**

1. St. Petersburg (“Neighborhood Design Review”)
2. Havana
3. Miami
  - a. Coconut Grove Neighborhood Conservation District
  - b. Charles Avenue Neighborhood Conservation District
4. Clearwater
  - a. Coachman Ridge Neighborhood Conservation Overlay District
  - b. Island Estates Neighborhood Conservation Overlay District
5. Miami Beach
  - a. Gilbert M. Fein Neighborhood Conservation Overlay District

## **Georgia**

1. Atlanta
2. Savannah
  - a. Cuyler-Brownsville Planned Neighborhood Conservation District
  - b. Victorian Planned Neighborhood Conservation District
  - c. Mid-city Planned Neighborhood Conservation District

## **(Guam)**

## **Hawaii**

- none

## **Idaho**

1. Boise
  - a. Near North End Conservation District
  - b. Hyde Park Conservation District



## **Illinois**

1. Champaign
2. Urbana
3. Lake Forest
4. Chicago
  - a. Harlem Industrial Park Conservation Area

## **Indiana**

1. Bloomington
  - a. Prospect Hill Conservation District
  - b. McDoel Conservation District
2. Indianapolis
  - a. Ransom Place Conservation District
  - b. Fayette Street Conservation District
  - c. New Augusta Conservation District
  - d. Cottage Home Conservation District
  - e. Cumberland Conservation District
3. Richmond
  - a. Depot Conservation District
  - b. Linden Hill Conservation District
  - c. Harry A. Frankel House Conservation District

## **Iowa**

1. Iowa City
  - a. Clark Street Conservation District
  - b. College Hill Conservation District
  - c. Dearborn Street Conservation District
  - d. Governor-Lucas Conservation District
2. Dubuque
  - a. Downtown Neighborhood Conservation District
  - b. Fourth St. Neighborhood Conservation District
  - c. Fenelon Place Neighborhood Conservation District
  - d. Third St. Neighborhood Conservation District
  - e. Washington St. Neighborhood Conservation District
  - f. Jackson Park Neighborhood Conservation District
  - g. West 11<sup>th</sup> St. Neighborhood Conservation District
  - h. Broadway St. Neighborhood Conservation District
  - i. Brewery Neighborhood Conservation District

## **Kansas**

1. Manhattan (?)

## **Kentucky**

- none

## **Louisiana**

1. Jefferson Parish
  - a. Old Metairie Neighborhood Conservation District
2. New Orleans
  - a. Neighborhood Conservation District

## **Maine**

- none

## **Maryland**

1. St. Mary's County
2. Hebron
  - a. Neighborhood Conservation Area
3. Rockville
  - a. Lincoln Park Conservation District
4. Annapolis
  - a. Eastport Gateway Conservation District

## **Massachusetts**

1. Amesbury
2. Cambridge
  - a. Mid Cambridge Neighborhood Conservation District
  - b. Half Crown-Marsh Neighborhood Conservation District
  - c. Avon Hill Neighborhood Conservation District
  - d. Harvard Square Neighborhood Conservation District
3. Boston
4. Brookline
5. Lexington
6. Lincoln
7. Lynn
8. North Andover
  - a. Machine Shop Village Neighborhood Conservation District

9. Wellesley
  - a. Denton Road Neighborhood Conservation District

## **Michigan**

- none

## **Minnesota**

1. Red Wing
2. Stillwater
  - a. Residential Conservation District

## **Mississippi**

- none

## **Missouri**

1. Springfield
  - a. Rountree Urban Conservation District
  - b. Walnut Street Urban Conservation District

## **Montana**

1. Bozeman
  - a. Conservation Overlay District

## **Nebraska**

1. Omaha
  - a. Dundee Neighborhood Conservation District
  - b. S. 10th Street Neighborhood Conservation District
2. Lincoln
3. Kearney
  - a. Pioneer Park Neighborhood Conservation Overlay District

## **Nevada**

1. Clark County (“Residential Neighborhood Preservation Overlay District”)
2. Reno
  - a. Powning Conservation District

## **New Hampshire**

- none

## **New Jersey**

- none

## **New Mexico**

1. Santa Fe

## **New York**

- none

## **North Carolina**

1. Raleigh
  - a. Brookhaven Neighborhood Conservation Overlay District
  - b. Cameron Park Neighborhood Conservation Overlay District
  - c. Five Points East Neighborhood Conservation Overlay District
  - d. Foxcroft Neighborhood Conservation Overlay District
  - e. Glen Forest Neighborhood Conservation Overlay District
  - f. King Charles Neighborhood Conservation Overlay District
  - g. Laurel Hills Neighborhood Conservation Overlay District
  - h. Mordecai Neighborhood Conservation Overlay District
  - i. New Bern Edenton Neighborhood Conservation Overlay District
  - j. North Boylan Neighborhood Conservation Overlay District
  - k. Oakwood Park Neighborhood Conservation Overlay District
  - l. Oberlin Village Neighborhood Conservation Overlay District
  - m. Roylene Acres Neighborhood Conservation Overlay District
  - n. Runnymede Neighborhood Conservation Overlay District
  - o. Southpark Neighborhood Conservation Overlay District
  - p. Trailwood Neighborhood Conservation Overlay District
2. Boone
  - a. Blanwood Drive Neighborhood Conservation District
  - b. Forrest Hills Drive Neighborhood Conservation District
  - c. Grand Boulevard Neighborhood Conservation District
  - d. Grandview Heights Neighborhood Conservation District
  - e. Stadium Drive Neighborhood Conservation District
  - f. Queen Street Neighborhood Conservation District
3. Chapel Hill
  - a. Northside NCD

- b. Greenwood NCD
  - c. Kings Mill-Morgan Creek NCD
  - d. Pine Knolls NCD
  - e. Mason Farm/Whitehead Circle NCD
  - f. Coker Hills NCD
  - g. Glen Lennox Area Neighborhood (in development)
  - h. Highland Woods Neighborhood (in development)
4. Apex
    - a. Small Town Character Overlay District
  5. Durham
    - a. Tuscaloosa-Lakewood Neighborhood Conservation Overlay District
  6. Greensboro
    - a. Westridge Neighborhood Conservation Overlay District
  7. Winston-Salem
  8. Mooresville
    - a. Mooresville Mill Village Neighborhood Conservation Overlay District
  9. New Bern
    - a. Lawson Creek Neighborhood Conservation Overlay District
    - b. Dryborough-Riverstation Neighborhood Conservation Overlay District
    - c. Ghent Neighborhood Conservation Overlay District

## **North Dakota**

- none

(Northern Marianas Islands)

## **Ohio**

1. Dayton

## **Oklahoma**

1. Oklahoma City
  - a. Cleveland Urban Conservation Zoning Overlay District
  - b. Hilldale Urban Conservation Zoning Overlay District
  - c. Linwood Place Urban Conservation Zoning Overlay District
  - d. Gatewood Urban Conservation Zoning Overlay District
  - e. Mesta Park Urban Conservation Zoning Overlay District
  - f. Heritage Hills East Urban Conservation Zoning Overlay District
  - g. Jefferson Park Urban Conservation Zoning Overlay District
  - h. Mayfair Heights Urban Conservation Zoning Overlay District

## **Oregon**

1. Portland
  - a. Eliot Conservation District
  - b. Irvington Conservation District
  - c. Kenton Conservation District
  - d. Mississippi Avenue Conservation District
  - e. Piedmont Conservation District
  - f. Russell Street Conservation District
  - g. Woodlawn Conservation District
2. Oregon City
  - a. McLoughlin Conservation District
3. Hillsboro
  - a. Station Community Residential-Orengo Townsite Conservation
  - b. Station Community Residential-Downtown Neighborhood Conservation

## **Pennsylvania**

1. Bethlehem
  - a. South Bethlehem Historic Conservation District
2. Borough of West Chester, Chester County
3. Philadelphia
  - a. Queen Village Neighborhood Conservation District

(Puerto Rico)

## **Rhode Island**

- none

## **South Carolina**

1. Rock Hill
  - a. Neighborhood Conservation Overlay District
2. North Charleston
- 3.

## **South Dakota**

1. Sioux Falls

## **Tennessee**

1. Knoxville-Knox County
  - a. Fairmont Park Neighborhood Conservation District

- b. Ft. Sanders Neighborhood Conservation District
- c. Tazewell Pike Neighborhood Conservation District
- 2. Nashville
  - a. Belmont Hillsboro Neighborhood Conservation Zoning Overlay
  - b. Blakemore Neighborhood Conservation Zoning Overlay
  - c. Cherokee Park Neighborhood Conservation Zoning Overlay
  - d. Eastwood Neighborhood Conservation Zoning Overlay
  - e. Lockland Springs-East End Neighborhood Conservation Zoning Overlay
  - f. Elmington Place Neighborhood Conservation Zoning Overlay
  - g. Richland West End Neighborhood Conservation Zoning Overlay
  - h. South Music Row Neighborhood Conservation Overlay
  - i. Woodlawn West Neighborhood Conservation Zoning Overlay
  - j. Hillsboro West End Neighborhood Conservation Zoning Overlay
  - k. Belle Meade Link Triangle Neighborhood Conservation Zoning Overlay
- 3. Memphis
- 4. Lakeland

## **Texas**

- 1. Dallas
  - a. King's Highway Conservation District
  - b. Lakewood Conservation District
  - c. Page Avenue Conservation District
  - d. Greiner Area Conservation District
  - e. Lake Cliff South Conservation District
  - f. Hollywood/Santa Monica Conservation District
  - g. Bishop/8<sup>th</sup> Conservation District
  - h. North Cliff Conservation District
  - i. M Streets Conservation District
  - j. Greenway Parks Conservation District
  - k. M Streets East Conservation District
  - l. Belmont Addition Conservation District
  - m. Kessler Park Conservation District
  - n. Edgemont Park Conservation District
  - o. Vickery Place Conservation District
  - p. Rawlins Conservation District
  - q. Northern Hill Conservation District
  - r. Stevens Park Conservation District
- 2. Bryan
  - a. Residential Neighborhood Conservation District
- 3. San Antonio

- a. Beacon Hill Area Neighborhood Conservation District
4. Greenville
  - a. Lee/Washington Neighborhood Conservation District
5. Galveston
  - a. San Jacinto Neighborhood Conservation District
6. Austin
  - a. East 11<sup>th</sup> Street Neighborhood Conservation Combining District
  - b. East 12<sup>th</sup> Street Neighborhood Conservation Combining District
  - c. Hyde Park Neighborhood Conservation Combining District
  - d. North Hyde Park Neighborhood Conservation Combining District
  - e. North University Neighborhood Conservation Combining District
  - f. Fairview Park Neighborhood Conservation Combining District
7. Tyler

## **Utah**

- none

## **Vermont**

- none

## **Virginia**

1. Roanoke
2. Norfolk
3. Woodlawn
4. Charlottesville
5. Richmond

(Virgin Islands)

## **Washington**

1. Seattle
  - a. Pike/Pine Conservation Overlay District

## **West Virginia**

1. Charleston

## **Wisconsin**

1. Green Bay
2. Madison



3. Milwaukee
  - a. East Village Conservation Overlay District

## **Wyoming**

1. Teton County
2. Jackson