

**HISTORIC CONSERVATION DISTRICT REGULATION:
ANALYSIS AND RECOMMENDATIONS
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INTRODUCTION

For years, historic preservation commissions and communities across the country have grappled with the issue of whether or how to protect neighborhoods by some means *other than* traditional local historic district designation when circumstances indicate that the full application of design guidelines might not be feasible. Baltimore City is no exception. This paper looks at the efforts among other cities' historic preservation commissions to use alternative practices in some local historic neighborhoods that still provide some measure of protection. The idea itself is not new, but it's been approached in different ways—and in some cases, it's been tried and then abandoned. Profiles of nine cities are included in bullet point format explaining background, scope of reviews, and how the authority is implemented. The cities are: Dallas, Indianapolis, Memphis, Minneapolis, Nashville, New Orleans, Raleigh, S.C., St. Louis, and Wilmington, Del. A table in the appendix also compares the cities' programs. General findings and observations about the cities' approaches follow the individual profiles. The report concludes with CHAP staff recommendations, including next steps for establishing historic conservation districts in Baltimore City.

This work picks up on discussions begun more than a dozen years ago among planners, CHAP staff and community leadership in the Barclay Greenmount neighborhood regarding creation of a conservation district. Triggered by the Barclay Greenmount-Midway-Old Goucher Plan, the idea was “to create standards less strict than the CHAP districts, but provide some level of control and preservation that National Register Districts don't require.”¹ Due to a combination of factors, these discussions didn't result in steps for implementation; nevertheless, the issues raised are as relevant today as they were then, and the background research that was gathered was very helpful for this report.

The list of cities is representative only. No effort was made to identify every city which has implemented some form of partial review in historic neighborhoods, be it through conservation districts or some other mechanism. The list combines information from the 2005-2006 Baltimore City Planning Department conservation district meetings, from responses to a solicitation to the ListServ of the National Alliance of Preservation Commissions in 2016, and from contacts with preservation commission colleagues.

¹ Tamara Woods, Department of Planning Meeting Report, Barclay Conservation District Meeting, June 30, 2006.

HISTORIC CONSERVATION DISTRICTS IN NINE CITIES

Dallas: Landmark Districts and Conservation Districts

- Dallas has utilized conservation districts since 1988. Work applications are reviewed by a staff which is not connected to the Landmarks Commission, but rather by planners with an architectural background in the Planning Division.
- Local historic districts are known as landmark districts. Work applications in these districts require landmark staff, neighborhood and Landmark Commission review.
- There are now 21 landmark districts and 17 conservation districts.
- The conservation districts are established by ordinance creating a zoning overlay district. The ordinance includes district-specific regulations, the neighborhood study, and a map. It also contains development standards (or it references particular zoning in the zoning code), so uses are also part of the ordinance. A district may be divided into “subareas,” which have different development or architectural standards.
- Some district’s architectural standards may have very detailed, specific standards that address permitted architectural styles, front porches, cladding materials, roof form, and window styles and materials. Other districts may have only a few broad standards.
- Only three or four of the conservation districts have demolition restrictions and demolition review. There have been substantial losses of contributing buildings in some conservation districts.²

Indianapolis: Historic Districts and Conservation Districts

- Indianapolis has 12 historic districts and 5 conservation districts.
- Each conservation district has a neighborhood conservation plan with design guidelines adopted by the commission made a part of the comprehensive plan.
- Architectural and design guidelines are tailored to each conservation district. The guidelines seem to focus primarily to changes on the primary facades and sides. Demolition is also reviewed.

Memphis: Preservation and Conservation Districts

- Creation of conservation districts was driven by City Council opposition to converting National Register Districts to local historic districts (known as “preservation districts”), but also by neighborhood plans which called for the creation of conservation districts.
- The conservation districts were created by city ordinance amending the zoning code to create a Historic Conservation District Overlay.
- Conservation design guidelines were written for each district to regulate new construction (habitable space and additions), demolition, and relocating a structure. At the request of the neighborhoods, fences and outbuildings were added.
- Residents of some conservation districts wanted to add more guidelines and it looked like the line between a conservation and a preservation district was blurring.

² William Hersch, chief planner – conservation districts, Planning Division, City of Dallas, personal communication, July 6, 2018

- Six or seven years ago, the City updated its 1970s zoning ordinance to emphasize more design-based zoning. With this, all local historic districts became preservation districts—but each with its own Preservation District Design Guidelines.³
- There are 13 preservation districts.

Minneapolis: Historic Districts and Conservation Districts

- The city adopted an amendment to its Code of Ordinances in 2014 adding an article on conservation districts. Its purpose is “to maintain and enhance the visual character, land use, or activity evident in its notable architectural detail, building type, or development pattern by regulating changes to those attributes and adopting design guidelines for properties within a defined area...” (Minneapolis Code of Ordinances, Article XIII- Section 599.710).
- The ordinance spells out eligibility criteria, the need for a conservation district plan, the development of design guidelines, the approval process, and the review process for work applications in the conservation district. The planning director or the heritage review commission reviews the application. Before approving a demolition application, the planning director or the commission “shall consider the consistency of any proposed new construction onsite with the design guidelines for the conservation district adopted by the commission...” (Minneapolis Code of Ordinances, Article XIII- Section 599.830).
- The city has 18 historic districts. More research is needed about the conservation districts.

Nashville: Historic Preservation and Neighborhood Conservation Districts

- In neighborhood conservation districts, staff reviews applications for new construction, additions to an existing building, demolition of all or part of an existing building, or moving a building into, out of, or within the district.
- In historic preservation districts—in addition to the above—staff reviews any exterior alterations to an existing building including, but is not limited to, replacing windows, re-siding, and re-roofing, as well as fences, paving, and other exterior appurtenances.
- Conservation districts are designated by ordinance, creating a Neighborhood Conservation Overlay District in the Zoning Code and Zoning Map. The ordinance contains the affected zoning map parcels, the property addresses, and a map of the district.
- Individual guidelines are written for each historic preservation and neighborhood conservation district.
- Staff reports: “It has worked well for us since all the conservation districts probably would not have supported the stricter overlay... We also wouldn’t have the staff time to steward 10,000 properties if we had to review everything.”⁴
- There are 21 neighborhood conservation and 7 historic preservation districts.

New Orleans: Full and Partial Control Districts

- New Orleans’ earliest local historic district using “partial control” is the Esplanade Ridge District established in 1979. All buildings along Esplanade Avenue, its chief spine, are under “full control.” This includes review of all exterior work visible from the public right-of-way, as

³ Nancy Jane Baker, manager, Memphis Landmarks Commission, email correspondence, January 26, 2017. Note: The two-person staff for the Landmarks Commission was eliminated on June 1, 2017. The duties were assumed by the Office of Planning & Development.

⁴ Robin Ziegler, historic zoning administrator, Metro Historic Zoning Commission, email correspondence, July 18, 2016.

well as new construction, demolition, and demolition-by-neglect. Away from Esplanade Avenue the district is “partial control,” with the New Orleans Historic District Landmarks Commission (HDLC) regulating demolition and demolition-by-neglect only.

- New local districts of both types have been added over the years, but within the last couple years, all of the four new districts are less than “full control.” In three of these districts, only demolition is reviewed. In the fourth new district, the main avenue in the district is under full control, with the rest reviewed only for demolitions.
- The neighborhood residents of the high-style Garden District, a National Historic Landmark District, resisted local designation for years until development began to threaten some sections and edges. It has been a partial control local district since 2007, with the HDLC regulating new construction only. Because of the built-out character of most of the district, staff is mainly reviewing designs for carports, pool cabanas and garages.
- Having only demolition review with no review of new construction is ill-advised, according to staff, since “what goes up affects the district as much as what comes down.”⁵
- The districts are created through City Council ordinances, which also spell out the level of regulatory authority.

Raleigh, S.C.: Neighborhood Conservation Overlay Districts, General Historic Overlay Districts and Streetside Historic Overlay Districts

- The City of Raleigh’s Neighborhood Conservation Overlay District “is a zoning overlay district intended to preserve and enhance the general quality and appearance of established neighborhoods by regulating built environmental characteristics such as lot size and frontage, building setback, and building height.”
- The city also has two types of Historic Overlay Districts—General and Streetside.
- Within the General Historic Overlay District, 100 percent of exterior changes are regulated.
- Within the Streetside Historic Overlay District, the first 50 percent of a primary building, some additions, the front yard, and the first 25 percent of a vacant lot adjacent to the street right-of-way along with new construction are regulated. Corner lots are subject to more review, since measurements are taken from two streets.
- While the Streetside Historic Overlay District has been available since 2013, the first one wasn’t established until April 2016, and this is the only one so far.⁶ Raleigh has ten General Historic Overlay Districts.
- Raleigh has one design guidelines document, but within it are 1-2 page “Special Character Essays” about individuals district’s history, plan, development, and architecture.
- The Overlay Districts are created by an ordinance amending the zoning code.

St. Louis: Local Historic Districts and Preservation Review Districts

- The Cultural Resources Office is the preservation agency of the City of St. Louis, overseeing 17 local historic districts, where all changes to a building’s exterior are reviewed by compliance with each district’s standards.
- In addition, demolition applications only are reviewed by the director of the office within areas designated as preservation review districts “established by ordinance for areas of the City where

⁵ Eleanor S. Burke, deputy director, Historic District Landmarks Commission, email correspondence, March 13, 2018.

⁶ Tania Georgiou Tully, preservation planner, Raleigh Historic Development Commission, email correspondence, July 19, 2016.

the Board of Aldermen finds that, considering the impact upon a neighborhood and upon the City as a whole, demolition review is in the public interest.” No demolition permit, except in an emergency, can be issued in these districts without the approval of the director of the Cultural Resources Office.⁷

- Preservation review districts appear to capture about 75% of the City’s area. There are about 25 districts of varying sizes.
- In making a determination on demolition, the Office is to take into consideration redevelopment plans passed by ordinance; the building’s architectural quality and structural condition; impact of demolition on the neighborhood; potential for reuse; any proposed subsequent construction; and any commonly-controlled property.
- An owner may appeal the director’s decision to the Preservation Board (Commission) and may further appeal to the Planning Commission.
- Preservation review districts are created by city ordinance after a study by the Cultural Resources Office. The ordinance spells out the authority of the office, the criteria, the process, and the boundaries of the districts.

Wilmington, Del.: Historic Districts and Neighborhood Conservation Districts

- Wilmington’s City Code allows for the creation of neighborhood conservation districts as “a zoning overlay category which recognizes the historic, architectural and cultural resources and merits of areas within the city...”(Wilmington City Code, Art. IX-Sec. 48-422).
- The Design Review and Preservation Commission oversees one neighborhood conservation district (established in 2003-2004) and 12 historic districts.
- The design guidelines for the conservation district “seek to preserve the principle façade(s) of existing structures visible from the public right of way or street. The crucial aspects involve the appearance of the façade(s) and the fenestration (e.g., placement of openings) of windows, doors and related trim.” The façade section addresses materials, roofs, doors, windows and porches. The conservation district design guidelines state “Replacement windows should relate to and be appropriate for the age and architectural style of the structure.” The guidelines also address new construction and additions (Forty Acres Neighborhood Conservation District Design Guidelines, 2010).
- Demolition review is not built into the Commission’s district oversight authority. Rather, it is authorized in the building permits section of the City Code as part of a tier of reviews of demolition applications citywide. According to Commission staff, “We act as the first filter for the entire City for demolitions, not just currently designated districts—which is not as onerous as it sounds, since we look at an address and the level of demolition proposed and dispatch it pretty quickly in most cases.”⁸

GENERAL FINDINGS AND OBSERVATIONS

- Cities vary considerably in **what they review** in districts that are something other than traditional local historic districts. They range from just reviewing demolitions (St. Louis) to the review of

⁷ Daniel Krasnoff, director, Cultural Resources Office, St. Louis Planning & Urban Development Agency, email correspondence, November 4, 2016.

⁸ Pat Maley, AICP, senior planner/design review, Wilmington Design Review and Preservation Commission, email correspondence, January 26, 2017.

alterations and new construction that blurs the line between local historic districts and conservation districts (Dallas).

- The **complexity of the review** ranges from the relatively straightforward (New Orleans' demolition, demolition-by-neglect, additions and new construction) to the more complicated determination of what constitutes the first 25 percent of a structure to be reviewed (Raleigh).
- Some cities write **guidelines specific to each conservation district**, while others do not.
- Administratively, **design review** for these districts may be housed in the planning department **distinct from the historic preservation commission** (Dallas).
- Some conservation districts are **treated as amendments to the zoning code**, as zoning overlay districts, while others are created through **amendments to the city code**.
- **Demolition review** is not always a part of the review authority in a conservation district.
- The creation of these districts is always **driven by the desires of the neighborhoods**.

STAFF RECOMMENDATION

- **That CHAP move forward to create the legal framework to enable the establishment of historic conservation districts in Baltimore City through amendment of Article 6 of the City Code.**
- **In historic conservation districts, new construction, additions, demolition, and demolition-by-neglect would be under CHAP review.**
- **Historic conservation districts would be established in the same manner as CHAP local historic districts: identification, nomination, study, and designation.**
- **Individual properties could qualify for participation in the CHAP-administered historic tax credit program.**
- **The staffing implications of this move must also be explored and understood.**

NEXT STEPS (in no particular order)

- Complete this draft report including further research on tax credit implications in other cities and staffing implications for this implementation
- Reach out to Maryland Historical Trust
- City Planning Commission
- Obtain input from Housing and Community Development and Baltimore Development Corporation
- Public outreach—Baltimore Heritage, Preservation Maryland, neighborhood organizations
- Coordinate with city property tax credit update
- Legislative Reference – to advise on mechanism to implement

APPENDIX A

Sample Cities with Options Other than Full Application of Design Guidelines for Local Historic Districts

City	District(s)	What's Regulated	Legal Mechanism	Status
Dallas, TX	Historic districts (21) and Conservation districts (17)	Architecture, development standards, use. Tailored to each district. No demolition review.	City conservation district enabling ordinance Zoning overlay Staff review only	Current
Indianapolis, IN	Historic Districts (12) & Conservation Districts (5)	Tailored design guidelines.	Neighborhood conservation plan with design guidelines adopted by the Commission & part of Comprehensive Plan	Current
Minneapolis, MN	Historic districts (18) and conservation districts		City code	
Memphis, TN	“Preservation” and “conservation” districts	New construction, demolition, relocation, fences, outbuildings	Zoning: Created through Neighborhood Plan framework. Design guidelines written for each district.	After re-write of zoning ordinance, all districts are “preservation districts,” but each with neighborhood-based design guidelines. 13 districts.
Nashville, TN	“Historic preservation” and “neighborhood conservation” districts”	New construction and demolition	Zoning: Creation of Neighborhood Conservation Overlay District in Official Zoning Map	Staff reports that it has worked well, since all districts would not have supported full review, and they can review demolitions. Would not have staff time to cover 10,000 properties otherwise.
New Orleans, LA	“Full” and “Partial Control” Historic districts	In all partial: demolition and demolition by neglect. In some partial: Also new construction.	City Code: Level of review spelled out in ordinance creating district.	All of the most recently added districts (4) are partial control
Raleigh, NC	“General Historic Overlay District,” “Streetside Historic Overlay District” and Neighborhood Conservation Overlay District	General HOD – 100% of all exterior changes. Streetside HOD – First 50% of building, front yard; first 25% of vacant lot; new construction.	Zoning Overlays	

St. Louis, MO	“City or local historic districts” & “Preservation Review Districts”	Local districts – all changes to exteriors. Preservation Review Districts – Demolition applications for new construction	City ordinance for both types.	17 local districts; 26 preservation review districts
Wilmington, DE	1 neighborhood conservation district. 12 historic preservation districts	Principal façade(s) of existing buildings, new construction, visible additions. Staff also reviews <i>all</i> demolition applications throughout city with those in NR or NR-eligible districts or urban renewal area given further review.	Overlay zoning.	

APPENDIX B - Links to Municipal Historic Preservation Commissions Cited

Dallas –

<https://dallascityhall.com/departments/sustainabledevelopment/planning/Pages/Conservation-Districts.aspx>

<https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/Pages/default.aspx>

Indianapolis –

<https://www.indy.gov/agency/indianapolis-historic-preservation-comission>

Memphis –

<https://shelbycountyttn.gov/389/Memphis-Landmarks-Commission>

Minneapolis –

<http://www.minneapolismn.gov/hpc/index.htm>

Nashville –

<http://www.nashville.gov/Historical-Commission/About/Historic-Zoning-Commission.aspx>

New Orleans –

<https://www.nola.gov/hdlc/>

Raleigh, S.C. –

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

St. Louis –

<https://www.stlouis-mo.gov/government/departments/planning/cultural-resources/index.cfm>

Wilmington, Del. –

<https://www.wilmingtonde.gov/government/boards-commissions-and-committees/design-review-and-preservation-commission>