

Final Report

OKLAHOMA CITY

HISTORIC PRESERVATION

ORDINANCE AND

PRESERVATION GUIDELINES

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INTRODUCTION

The City of Oklahoma City has come to value the preservation zoning ordinance it first adopted in 1969 for its significant role in revitalizing traditional, inner city neighborhoods. The city has seen millions of dollars of private investment made in more than 2,500 residences in the nine locally designated historic districts over the years, as these architecturally, historically and culturally important neighborhoods have had new life breathed into them, with new families arriving and investing in the rehabilitation and restoration of some of Oklahoma City's most important and beautiful historic buildings.

As has been described by the city's Planning Department, however, it has become apparent that the ordinance and its processes and requirements mean different things to different people. The diversity of opinion about the intent and content of the limited design standards outlined in the ordinance, as well as a largely untrained Commission that has had inadequate guidance from its own enabling ordinance, has resulted in confusion and sometimes anger among residents, property owners and public policy makers throughout the community.

The intent of this report and its companion *Preservation Guidelines* is to address some of the more important issues identified as a result of a City Council appointed Study Committee, convened after a series of divisive and controversial certificate of appropriateness appeals in 1999 and following extensive opinion surveys of historic district residents and property owners. One of the most consistently mentioned recommendations found in the survey results was the desire for a clear, objective set of design or preservation guidelines, adequately illustrated, that would assist in reducing the public perception of subjectivity and preferential treatment that had become endemic in the increasingly contentious preservation program. In addition, the preservation ordinance itself was identified as the source of some confusion and misunderstanding, and was perceived to require some re-examination and revision to insure its continued effectiveness and consistent and fair application. Finally, alternative devices, likely through other zoning mechanisms such as conservation districts, that could be used by traditional inner city neighborhoods to better insure their continued preservation and appropriate revitalization, were deemed to be important considerations for future adoption and implementation.

The following document is the final report of the consulting team of Urban Prospects with Marcel Quimby, FAIA and W. Dwayne Jones. Section I consists of an analysis and recommendations for revisions to the city's current historic preservation ordinance, found in Chapter 59 of the Zoning Code, while Section II recommends the establishment of one or more Preservation Review Committees to assist the Historic Preservation Commission, historic property owners and city staff in making sound preservation decisions, as well as extensive training for both Commissioners and committee members. Section III analyzes and makes recommendations for improvements to the city's current Urban Conservation District zoning ordinance, which, while it may be considerably improved and strengthened by way of careful restructuring, can continue to serve as a viable and effective alternative to historic district designation for neighborhoods seeking to manage change and better control their own destinies. An Executive Summary of the *Preservation Guidelines*, the significant and most important of this report's recommendations appears in Section IV, while these *Guidelines* themselves are a separate, stand-alone document that is

attached as an appendix to this report. An additional Appendix consists of an analysis of the preservation and conservation ordinances and programs of several peer cities which were identified as part of the considerable public participation process that was an integral element of the preparation of this report. These peer cities and their programs offered many important and useful models for some of the recommendations found in this report.

The city's preservation and revitalization goals can be met in the future with the continued interest, support and investment of the thousands of residents who live in the historic districts, conservation districts and future such districts in Oklahoma City. It is incumbent on the city government to continue to improve and upgrade the services, such as code enforcement, that are key components in the public/private partnership approach that has shown marked success in urban revitalization efforts across the United States. The investment of millions of dollars in private funds in the inner city improves the quality of life for **all** citizens of the city. The preservation and conservation programs are and will continue to be a vital facilitator of that investment and these recommendations and guidelines will assist in advancing that facilitation role.

I. RECOMMENDATIONS TO THE OKLAHOMA CITY HISTORICAL PRESERVATION AND LANDMARK ORDINANCE

The City of Oklahoma City historic preservation enabling ordinance, which is found in Chapter 59 of the Zoning Code within the Oklahoma City Code (updated to November 1998 and recently amended) establishes the municipal preservation program; creates the (presently named) Historical Preservation and Landmark Commission, its duties and functions; establishes the preservation zoning districts; outlines the requirements and processes of the Certificate of Appropriateness project review process and defines the current design guidelines to be followed in the historic districts. The ordinance, while clearly defining the purposes of and outlining the functions of the program, would benefit from some adjustments and amendments to streamline processes and make more effective and stronger preservation policies while replacing the current limited design guidelines with the “Preservation Guidelines” that constitute a separate section of this report.

The following recommendations for changes, adjustments and amendments to the preservation ordinance are generally organized in the order in which the relevant section or topic appears in the present ordinance. The scope of this report does not include proposed new ordinance language, but instead calls for recommendations that can be proposed for later legal drafting and inclusion in the adopted ordinances of the City of Oklahoma City.

COMMISSION

The presently named Historical Preservation and Landmark Commission should be retitled simply the “Historic Preservation Commission” in order to correct an ungrammatical use of the term “historical” as well to simplify the name and make it less redundant. In addition, wherever the term “historical preservation” appears in the ordinance, the term “historic preservation” should replace it, in order to correct a grammatically incorrect usage.

It is unnecessary, and probably unwise, to require a majority of the commissioners to be residents of historic districts. A recent city attorney’s office determination states that the commission serves a quasi-judicial function while reviewing certificates of appropriateness and therefore must observe rules regarding *ex parte* contact with applicants and other citizens. While this determination will serve to limit the potential for uncomfortable or awkward contact or influence between a commissioner and a fellow historic district neighbor in the context of a certificate of appropriateness application, it is nevertheless to the benefit of the commission to broaden the membership beyond residents of the districts to include qualified, interested citizens from outside the districts who can render unbiased decisions based upon the standards and guidelines established by the city in the revised preservation ordinance. At most, one fewer than half of the membership should be required to be

historic district residents, although there could be a higher maximum limit on the proportion of district residents serving on the commission.

Commission Qualifications

Current ordinance language requires certain specific professional qualifications for some members of the commission and further suggests that all commission members should have knowledge of or interest in historic preservation. It is recommended that the general language be expanded to make clearer the requirement that commissioners have the requisite interest in and commitment to the field that qualifies them to serve on the board and fulfill their responsibilities. Amending language is recommended, such as

- All members must have demonstrated experience in historic preservation and outstanding interest in the historic traditions of the city and have knowledge and demonstrated experience in the fields of history, art, architecture, architectural history, urban history, city planning, urban design, historic real estate development, or historic preservation.

Furthermore, consideration should be given to expanding the professional qualifications listed to include both a real estate appraiser and a historian.

The terms of membership should be amended to limit any commissioner to no more than three (3) consecutive three-year terms before the member is required to rotate off of the commission for at least one full three year term. It is important for the ongoing public credibility of the program to avoid any perception of fixed or “entrenched” membership, and the value of fresh perspectives and broad public participation in the program is an invaluable element of a successful and widely supported preservation program.

The ordinance should also more fully address the staffing of the Commission and its programs and functions, calling for the Director of Planning to provide adequate staff support to the historic preservation commission and to assign a member of the staff to act as the historic preservation officer, rather than as “Secretary of the Commission” as presently described. The National Park Service regulations regarding Certified Local Government status include a provision calling for each certified city to designate a “historic preservation officer.”

Quorum and voting

Language describing the status required for a quorum of commission members should be clarified and expanded, in order to establish that a quorum exists when there are physically present a simple majority of the number of members officially appointed to the commission, regardless of the total number of members actually provided for the commission in the ordinance, except that a quorum may not be fewer than an explicit number, perhaps six members. Issues should be decided by a simple majority of the members present. Each member who is present and entitled to vote must vote in accordance with the relevant codes of the City of Oklahoma City and subject to the open meetings act of the State of Oklahoma.

HISTORIC PRESERVATION ZONING DISTRICTS

The present ordinance creates two separate and distinct zoning districts that place designated properties within their boundaries under the auspices of the preservation program and its review processes: the Historical Preservation Zoning District and the Historical Landmark Zoning District. The Historical Preservation Zoning District is, as its name implies, a specific zoning district that restricts land uses, signs, parking, setbacks, and height and imposes other restrictions normally found in an underlying zoning category or district. The Historical Landmark Zoning District, on the other hand, is an overlay district, placed on properties already restricted by an underlying zoning category.

We recommend that the Historical Preservation Zoning District approach no longer be used for new historic district designations. The overlay approach, as found in the Landmark District regulations, affords far more flexibility to protect areas that have a variety of property types (e.g. commercial, institutional and residential), all of which often are related historically to one another and should be incorporated into a single historic designation. Additionally, with adoption of the Preservation Guidelines, the design and development standards that should be applicable to the districts will be institutionalized in that document and do not need to appear again in the enabling legislation that creates the districts.

The seemingly arbitrary separation into independent Urban Design Districts of historic commercial nodes that are related by development period and historical, cultural and architectural significance to the adjacent residential communities has created a cumbersome and overly bureaucratic system that confuses property owners and applicants and divides historically important areas and neighborhoods into independent enclaves for protection, regulation and management. While the city may not be prepared at this time to fold those existing 'historic' Urban Design districts into existing Historic Districts, we strongly recommend that future designations acknowledge all the related historic resources in a particular area, and that use provisions that need to be retained or adjusted be treated through underlying zoning or perhaps a PUD approach. This is consistent with usual practice in most major cities with historic preservation zoning.

DESIGNATION PROCESS

The Designation Criteria section of the preservation ordinance is somewhat vague as to how many (if more than one) of the listed criteria must be met to be eligible for designation. Language should be considered for inclusion in this section that would explain that a historic district or individual property might be established to preserve places and areas of historical, cultural or architectural importance and significance if the place or area has one or more of the characteristics listed in the subsequent language of that section.

Presently, the Historic Preservation Commission, Planning Commission or City Council may initiate a historic district designation process, but the ordinance is unclear about the initiation process as it relates to property owners or neighborhood groups and their interest in a historic designation. The ordinance should more clearly define how a neighborhood initiation of a historic designation is to occur: a petition with signatures constituting a minimum percentage of property ownership – usually no more than 50 per cent -- may be required. In addition, private citizens or

interested organizations may be authorized to initiate a designation, and the ordinance should acknowledge that opportunity as well.

Predesignation Status Quo

The present status of properties within an area should be preserved while a new designation of a district or landmark is being considered to prevent demolition or inappropriate alteration of properties while the designation process is underway. No permits to alter or demolish any property should be issued once the Director has posted notice that the initiation of a designation has occurred. The HPC, Plan Commission or City Council may vote to initiate a designation, that is, instructing the HPC to proceed with preparing the written report – a Designation Report - as required in §4200.6 A. 5.

The property owner should be afforded the opportunity to appeal this initiation to the Planning Commission within ten days of notice thereof, at which point the HPC must, within 90 days, complete **and approve** the Designation Report and forward it to the Planning Commission and City Council for action.

A property owner may apply for a Predesignation Certificate of Appropriateness (CA) if they wish to alter the property during the predesignation period. The CA process is identical to that of a normal application. If an owner wishes to demolish a property during the predesignation period, the demolition application process follows that of a normal application in a historic district.

CERTIFICATES OF APPROPRIATENESS: GENERAL PROVISIONS AND PROCEDURES

Requiring a property owner to apply for a building permit in advance of application for a Certificate of Appropriateness creates an unnecessary burden on the owner and produces one of many (presumably) unintended delays in facilitating preservation and rehabilitation activity in the historic districts. Instead, an owner planning a project should be able to begin the application process at the Planning Department and the Historic Preservation Commission and not be required to apply for a building permit until after the CA review process has unfolded.

With an approved CA, an owner would be able to immediately submit an application for a building permit; this building permit should only be reviewed by the Building Department for compliance with building codes, as the approved CA is evidence that the project has received approval from the HP Commission.

Application Fees for Certificates of Appropriateness

Application fees for certificates of appropriateness have a tremendous, negative impact on one of the very aims of a municipal historic preservation ordinance and program: inner city revitalization. Particularly because the City of Oklahoma City does not have the ability to offer meaningful, locally-based financial incentives to property owners (i.e. given the city's taxing structure, the property tax-based incentives such as abatements that are increasingly common in medium and large size

cities across the country) it is all the more imperative to remove this **disincentive** to re-investment in revitalizing neighborhoods in inner city areas.

Numerous recent studies across many states in the U.S., as well as many more at the local level, have measured the economic impact of historic preservation activity and have concluded that preservation-based neighborhood revitalization has produced significant economic benefits to cities, towns, counties, school districts and states. Not only does the increased property tax base create measurable benefits for the community, but also the increased sales tax revenues generated from construction activity and rising living standards in inner city neighborhoods substantially benefit the immediate community. Job creation, both in immediate construction activity as well as longer term job gains in retail, services and other commercial categories, is another measurable economic benefit of historic preservation investment. Such economic benefits to the city, coupled with the energy savings and exploitation of existing infrastructure inherent in re-use of existing housing stock in inner city neighborhoods, strongly suggest that the city should offer at least a neutral ground upon which homeowners willing to expend funds on housing renovation may proceed with their rehabilitation projects.

Thus, renovation or rehabilitation work that does not require a building permit should **not** require any fee to be paid. If a building permit is required for any rehabilitation or other work, the required CA should not require any additional fees beyond those associated with the building permit.

CA Application Details

Regulations should specify that the certificate of appropriateness application must include two copies of complete documentation (photographs of the property, plans, exterior elevations, building sections, details, perspectives and specifications when necessary) of the proposed work. This information should graphically show the extent and design of the proposed work. The building owner or tenant is responsible for providing this information, and the actual submittal may be completed by an architect or contractor on behalf of the owner. Within ten days after submission of an application, the Historic Preservation Officer should notify the applicant in writing of any additional documentation required. No application should be deemed to be filed until it is made on forms promulgated by the Commission and contains all required supporting plans, designs, photographs, reports and other exhibits required by the Commission. The applicant may consult with the staff before and after the submission of an application. The deadline for submission of an application should be sufficiently early in the review cycle to provide adequate time for staff and preservation review committee analysis and recommendations and pre-review time by the members of the Historic Preservation Commission.

Time Limit on Certificate of Appropriateness Review

It is important for the ongoing public credibility of the city's historic preservation program to improve the timely delivery of clear and complete decisions by the Historic Preservation Commission in order to maintain and build a successful and widely supported preservation program. Therefore, the ordinance should require that, once a certificate of appropriateness is determined by staff to be complete and filed, a reasonable time limit on the Commission's ability to rule on the application should be

imposed . A 65-day limit, from the date the staff deems the application to be complete, will afford the Commission two full commission hearing cycles to rule on a proposal and offer the applicant a predictable window within which their submission will be acted upon. If a continuance is called for by the HP Commission in order to clarify or request additional information, only one continuance should be allowed within this 65-day time limit allowed for CA's.

A clearer review process should be established, in which the Commission, after holding its public hearing on an application, may approve, vote a continuance (one time only), deny with prejudice or deny the CA without prejudice. The Commission may impose conditions on the approval. The applicant would have the burden of proof to establish the necessary facts to warrant favorable action. Denial with prejudice is defined to mean that the applicant may not return with the same request for at least a year, thus minimizing the likelihood of frivolous or “harassing” applications. Denial without prejudice means the applicant may return with the same request at any time. “Denial without prejudice” gives the Commission the ability to do the same thing that a continuance does, but puts the Commission on record as “denying” the request. The Commission **must** make decisions in a timely manner; the current abuse of the continuance privilege has damaged the credibility and user-friendly reputation of the historic preservation program. The denial with prejudice one-year prohibition can be waived if the Commission finds that there are changed circumstances.

The Commission’s decisions must be in writing, and include (for denials with or without prejudice) written findings of fact and support for the decision, based on the *Preservation Guidelines* and *Secretary’s Standards*.

The city should consider amending the time limit on CA approved work to include language requiring “continuous progress toward completion of work” and prohibition of abandonment of work for a period exceeding 180 days. In addition, the ordinance should establish a procedure for revoking a CA if work is not performed in accordance with the approved CA. The city must, of course, provide adequate enforcement mechanisms and commitment on the part of the legal department to prosecute violators in order to improve the credibility of the historic preservation program and create an effective revitalization program.

Compilation of Adjacent Property Owners List

As in the example of an application fee for certificates of appropriateness, the present requirement that applicants provide the city with a list of adjacent property owners is an onerous and unnecessary burden on the applicant. The city’s own easy access to ownership information suggests this process can be easily accomplished within the appropriate city department. It is recommended that this provision be deleted; establishment of an alternative notification mechanism regarding CAs can be accomplished without this burden. Some cities post a sign on the property (much like a pending zoning change) or list addresses of properties which have applied for a CA on a city’s website.

Administrative Staff Approvals for Certain Items of Work; Guidelines

Several sections of the present ordinance that establish design standards or guidelines for various types or categories of work should be eliminated, as the *Preservation*

Guidelines proposed in another section of this report will supercede this section. Instead, language should be inserted to formally adopt the *Preservation Guidelines* as a stand-alone document by which both applicants and the Commission may plan and review renovation and rehabilitation projects. The Guidelines also define those types of work that can be reviewed and approved administratively, that is, by city staff without formal approval by the Historic Preservation Commission. The ordinance should include language that empowers the staff to make such decisions, and to authorize the staff to send potentially controversial administrative review applications to the Commission for review and approval when necessary.

APPOINTMENT OF ONE OR MORE PRESERVATION REVIEW COMMITTEES

A recent Oklahoma City legal department ruling, which is consistent with similar such rulings in many cities across the country, has found that the Historic Preservation Commission serves for purposes of Certificate of Appropriateness review as a quasi-judicial body (a body making final decisions) and is therefore subject to *ex parte* contact rules that prohibit contact by Commissioners who are reviewing CAs with applicants, citizens or elected or appointed official other than HPC staff. Therefore, Commissioners may not, as some have in the past, directly assist property owners and applicants in the early stages of their preparation of Certificates of Appropriateness.

In light of this determination, it is more important than ever for the Commission and the program to establish stronger links to neighborhood groups, residents and property owners in the historic districts to provide onsite technical assistance, when possible, for owners who are seeking help with preservation and renovation projects. Because Commissioners will have only one opportunity, during the public hearing on CAs, to discuss applications, it is imperative that a mechanism be developed for other interested and informed experts to be available to provide the kind of “customer assistance” that is critical to build and maintain public support for the preservation program.

Therefore, it is recommended that the preservation ordinance include a provision empowering the Commission to appoint one or more “Preservation Review Committees” to serve as an additional, early review body for CA applications. The Committees would serve as an assistance mechanism to help homeowners make the appropriate decisions regarding rehabilitation projects that will meet the standards established by the *Preservation Guidelines* and the Secretary of the Interior’s *Standards for Rehabilitation* as adopted in the ordinance and followed by the Commission in its deliberations.

While the ordinance language should only empower the Commission to appoint the committees, the Commission must adopt its own appointment procedures and rules for these groups that will provide technical expertise to property owners and recommendations to the Commission. Refer to ‘Creation of Preservation Review Committees’ in Chapter 2 of this report for further information about such committees.

MISCELLANEOUS ORDINANCE PROVISIONS

Appeals

The city legal department has already determined that appeals of Historic Preservation Commission decisions will be taken to the Board of Adjustment, as the only appropriate body to hear appeals of a fellow quasi-judicial board. The Historic Preservation Commission will hear appeals of staff decisions on “Administrative Review Only” Certificates of Appropriateness, and appeals of their decisions thereon will be forwarded to the Board of Adjustment.

Demolition

Requests for stronger provisions for the demolition review process, with establishment of a prohibition of demolition of historic properties in place of the current demolition delay, will necessitate careful consideration of the Historic Preservation Commission’s and staff’s capacity for collection and review of the detailed economic analyses required under present legal interpretations of such ordinance provisions.

A legally defensible **demolition prohibition** ordinance (see *Penn Central v. New York*, 438 US 104 *et al*) should provide for a process wherein the applicant for a demolition permit is afforded the opportunity to demonstrate the economic infeasibility of preservation of the structure. Any new ordinance provisions should establish any circumstances in which a demolition permit should be issued, such as

- a. economic infeasibility
- b. structural instability that poses an imminent threat to public safety
- c. non-contributing status in a historic district
- d. structure is to be replaced with a building that is more compatible with the historic district

A comprehensive list of submissions should be required when the applicant intends to demonstrate the economic infeasibility of preservation in order to provide fair, complete and impartial analysis by the Commission. As the property owner has the burden of proof to demonstrate that the property cannot bring a reasonable return, evidence such as independent appraisals, evidence of efforts to sell the property for a fair market value, profit and loss statements, mortgage history, any adaptive use studies or other architectural analyses and the like should be required as part of the initial submission to the Commission. This process is increasingly being adopted by medium and large sized cities across the country.

Similarly, a list of submissions should be required when the applicant intends to demonstrate structural instability of a building, or the design of a building that is proposed to be more compatible with the historic district. These lists of required submittals should be developed and included in the demolition ordinance language.

Demolition by Neglect

In certain districts or portions of districts, some evidence suggests that (mostly) absentee owners are purposely allowing properties to be neglected to the point of structural instability. A common strategy to avoid complying with historic district or

other city codes and ordinances, this so-called “demolition by neglect” contributes to neighborhood deterioration and blight, and intrudes on the rights of adjacent property owners whose investment in rehabilitation and maintenance of their homes is negatively affected.

Numerous municipalities have added demolition by neglect provisions to their historic preservation ordinances to assist the code compliance departments of city government in enforcing existing statutes and improving the visual and physical status of historic districts. A demolition by neglect ordinance provision would define the neglect of the maintenance of a structure to the point that its deterioration threatens the preservation of the structure as an offense. The Commission would be empowered to initiate a neglect case or accept a case initiated by any interested person; instruct the preservation officer to inspect the property to determine if its condition is critical and requires treatment to stabilize it; certify that the property is a demolition by neglect case and request repairs by the owner; cause a reinspection by the staff within a specified period of time; and formally refer the case to the legal department for enforcement action if repairs are not made.

Unique Circumstances Affecting a Certificate of Appropriateness

While the *Preservation Guidelines* are to be adopted as policy and followed by applicants and the Commission in its decision-making process, it is acknowledged that unique circumstances on occasional, individual CA applications will call for a Commission decision that is not based strictly on the standards set forth in the *Guidelines*. Therefore, the ordinance should include language that authorizes the Commission to approve a CA for work that does not strictly comply with the *Preservation Guidelines* upon a detailed finding that the proposed work is historically accurate and is consistent with the spirit and intent of the *Guidelines* and that the proposed work will not adversely affect the historic character of the property or the integrity of the historic district.

Certificates of Appropriateness for Work Already Completed

Unfortunately, property owners may occasionally undertake work on a building within a historic district without complying with the preservation ordinance or applying for a Certificate of Appropriateness, thus resulting in work that is completed in violation of the *Guidelines*. The ordinance should make clear that the first step in an enforcement effort to gain compliance with the law is to require the owner to apply for a Certificate of Appropriateness for the completed work. The Commission, in turn, must be charged with considering the CA **as if** the work had not been undertaken or completed, so that the application is considered for its appropriateness in the context of the property or resource as it appeared prior to any work being undertaken. Review as if the work had not been completed is necessary in order to protect the integrity of the historic resource, the preservation ordinance and its processes, and the equal protection and fair treatment of all owners of properties in the historic districts.

II. PRESERVATION REVIEW COMMITTEES AND TRAINING

CREATION OF PRESERVATION REVIEW COMMITTEES

When empowered to do so by the revised historic preservation ordinance, the Historic Preservation Commission should appoint one or more Preservation Review Committees to provide technical expertise to property owners regarding their renovation and rehabilitation projects and help to interpret and explain the standards and guidelines applicable to their projects, as well as to make recommendations regarding certificates of appropriateness applications to the Commission.

Committee members should be non-Commission members; names of potential nominees to the committees should be solicited from the neighborhood associations in the designated historic districts, as well as from the local chapter of the American Institute of Architects, the State Historic Preservation Office, relevant local historical or preservation non-profit organizations and other appropriate groups that can help to identify qualified and interested volunteers. Each committee should be made up of one or two residents from each of the historic districts to which the committee will be assigned and, if possible, one architect with some background or demonstrated interest in historic preservation and understanding of the pertinent standards and guidelines. A person may serve on more than one committee, and in fact may be required to do so, depending on the availability of design professionals. A formal application and appointment process through the Commission should be established, with rules of procedure adopted for the committees that include quorum and attendance requirements, posting of public meeting notices and reporting procedures.

The committees should meet monthly, on a regularly scheduled date following the deadline for submission of certificates of appropriateness but far enough in advance of the upcoming Historic Preservation Commission meeting to afford adequate opportunities for the committee and applicant to answer questions, amend or adjust the proposed plans to better meet the standards and guidelines and work out problems or concerns before the Commission hearing. A written recommendation regarding each pertinent certificate of appropriateness should be prepared by the chairman of the preservation review committee and forwarded, along with the staff's recommendation, to the Commission in its docket of agenda materials. The Commission can take into account -- but is not required to concur -- with this recommendation when making the final decision about each CA. Each committee should also be prepared to send a representative to the Commission hearing, when requested or appropriate, to answer questions or provide additional information relevant to the applications being reviewed.

Committee members are allowed to meet with applicants to discuss the proposed work (current and future) and to assist the property owner in their submittal; such assistance shall be voluntary and uncompensated.

While these recommendations address Preservation Review Committees, the ordinance should also include a provision empowering the Commission to appoint one or more other committees as deemed necessary.

TRAINING

Ultimately, the success of the preservation program and the public credibility of the Historic Preservation Commission and its Preservation Review Committees will be dependent to a significant degree on the level and quality of ongoing training provided to the members of these bodies. Indeed, the contractual obligation of all Certified Local Governments, including Oklahoma City, is to provide annual training for Commissioners in the areas of design review and preservation standards, due process and other procedural and legal matters that affect the work of the Commission, as well as the history and architectural history of the community.

Numerous local, regional and national training opportunities and sponsoring organizations are available to assist the city in providing training to Commissioners and Review Committee members. The National Alliance of Preservation Commissions (NAPC) hosts a bi-annual national Forum that offers focused training and educational programs, as well as the Commission Assistance & Mentoring Program (CAMP), which can be brought to a city, region or state to provide customized training for Commissioners, staff and volunteers. The National Preservation Conference, sponsored each year by the National Trust for Historic Preservation, also includes training targeted directly at preservation commissions and their special needs and circumstances.

The Oklahoma State Historic Preservation Office (SHPO), located within the Oklahoma Historical Society, is one of 50 such state agencies across the nation that provides assistance to local governments, as well as managing the Certified Local Government program for the National Park Service, which provides grant funding, information and education to local preservation commissions.

An informed, educated and skilled preservation commission that fully understands its duties and responsibilities as well as the preservation guidelines which it is charged with implementing in the historic districts will present a positive and constructive face of the Oklahoma City historic preservation program to the citizens, residents and property owners involved in preservation. It is incumbent upon the city to provide adequate training to the Commission and its staff and committees to ensure that fair, reasonable and legally defensible decisions are made to the benefit of the thousands of property owners in the historic districts in Oklahoma City.

III. URBAN CONSERVATION DISTRICT ORDINANCE REVIEW AND COMMENTS

KEY COMPONENTS OF THE ORDINANCE

Purpose

The City of Oklahoma City Urban Conservation District (UCD) ordinance identifies six specific purposes: (1) to identify resources within the urban environment worthy of conservation, (2) to maintain neighborhood character by maintaining the physical environment while accommodating desirable change, (3) to promote reinvestment and focus financial assistance and other economic development programs, (4) to promote and encourage compatible infill development, (5) to encourage and support rehabilitation of the physical environment, and (6) to foster harmonious and orderly growth and redevelopment.

Definitions

Definitions for this ordinance are located in Section 4300.2 of the City Zoning Code and provide explanations for eleven terms, including “conservation,” “designation ordinance,” “infill development,” and “maintenance.” All terms are used in the ordinance.

General Provisions

The general provisions section describes the relationship of the Urban Conservation District zoning category to underlying zoning that applies to all property in the City of Oklahoma City, and further describes how a UCD designation is to be shown on the city’s official zoning maps.

Designation Procedure

The designation procedure section establishes the process by which the city will designate an Urban Conservation District, allowing for initiation by the City Planning Commission, the City Council, the Public Works Department, or by petition from the affected neighborhood with more than 50 per cent of the affected property owners. The initiating entity is further charged with developing a statement documenting the conditions that justify establishment of an Urban Conservation District and defining the purposes and intentions of the designation.

The procedure section maps out the notification and public hearing process required to enact the legislation and explains the requirements for development and inclusion of review criteria for each district designated.

Designation ordinance

The ordinance section outlines the required elements within each designating ordinance that creates an Urban Conservation District, including a boundary description and other elements such as land use assumptions, density restrictions, area and bulk restrictions, accessory uses and yard size standards and parking regulations. Standards regarding conversion of existing structures are also listed as potential elements in a designation ordinance.

The ordinance section also calls for special procedures for enforcement of city housing and building codes in the UCDs, procedures for implementation of the UCD ordinance, and mentions methods for notification of property owners of the existence of designated districts.

Designation Criteria

The section on criteria lists the minimum standards to be met in order for the Planning Commission to recommend designation of an Urban Conservation District, including the need for treatment because of unifying elements and cohesiveness in districts, evidence of structural deterioration or encroachment of incompatible land uses, the potential for revitalization and evidence that a UCD designation would be an appropriate and effective method for the area.

Taxes

The taxes section specifically states that nothing in the ordinance should be perceived as a reason for increased valuation of property for taxation purposes.

EFFECTIVENESS OF THE ORDINANCE

The general content of the Urban Conservation District ordinance, and its apparent initial creation as a broad planning tool to address a variety of neighborhood and community goals, from revitalization of deteriorating areas to protection of “special characteristics,” provides flexibility to neighborhoods seeking to gain some level of control over future development in their areas, as well as strong potential for lack of implementation and enforcement. The Purpose section suggests that one of the goals of the ordinance is to identify “resources worthy of conservation,” yet it does not describe the types of resources that could be considered significant and the Criteria for Designation section sheds no more light on the question.

Unlike most communities’ historic preservation or conservation district ordinances, the UCD statute fails to establish objective criteria against which a neighborhood, area or community is to be measured, thus usually leaving to neighborhood leaders the charge of devising their own review criteria, land use policies and any specific provisions that apply to a targeted area. The Planning Commission’s charge to create an implementing ordinance that protects an area from “detrimental development action” and lists the type of regulation standards that may be included in such a district-designating ordinance does not specifically enable inclusion of architectural design standards.

While architectural issues of compatibility and appropriateness are only implied within the vague ordinance language regarding “unifying elements and cohesiveness” spelled out in the Criteria section of the law, in practice it has apparently been architectural design elements that have been identified in previously designated UCDs as important factors to consider in devising a UCD ordinance. Indeed, more than one former Urban Conservation District has been subsequently designated as a city historic district in order to better manage the physical changes that continued to occur in the neighborhoods. This suggests that the UCDs as presently conceived, implemented and enforced are not adequately addressing the needs of certain communities in Oklahoma City.

In measuring the apparent intent of the UCD enabling ordinance and its quite general language against a recently-developed UCD implementing ordinance for Mayfair Heights, it is apparent that the Urban Conservation District mechanism may be desired by certain neighborhoods not so much to conserve and reinforce the built and natural environment of a specific, “special character,” neighborhood, but to reinforce and encourage enforcement of other (presumed) existing codes and ordinances, such as the underlying zoning that establishes legal land uses and basic development standards as well as other codes that address issues of parking, property maintenance and even abandoned cars and outside boat storage. The draft Mayfair Heights UCD standards expend little time or effort on architectural matters of community character, referencing only exterior building materials and general “compatibility” with existing dwellings in the neighborhood. Such broad generalities in the standards, coupled with a complete lack of requirements for assembly of data or information about the physical, architectural character of the neighborhood and the implication that little or no assistance will be offered by experts or the city staff in devising the specific standards proposed for a new UCD, all argue for the potential failure of an Urban Conservation District designation to help a neighborhood to reach its goals of protecting special community character.

The ordinance provides no information about the actual review procedures to be used when a building project is contemplated within a UCD or a building permit is requested. If conservation of a special built environment – that is its architectural and physical character – of a neighborhood is to be the goal of a community seeking protection through the Conservation District mechanism, the placement of the review authority in the Public Works Department (which is only implied in the present ordinance language) is inappropriate. The city’s Planning Department is already charged with architectural review duties in the context of the municipal historic preservation ordinance, and the expertise of the staff in that department is in place to appropriately review plans for both rehabilitations and new construction in Urban Conservation Districts and forward recommendations and findings on to the appropriate building official for final permit issuance.

The review process should be more clearly spelled out, preferably within the UCD enabling statute, but at the very least within each implementing ordinance. An application procedure should be required, and a notification process established to inform the neighborhood of impending, at least large scale, projects in the UCD area. It is not appropriate, however, for the city to absolve its departments and staff of the responsibility for administering or enforcing the provisions of an Urban Conservation District designation, and any implication that a neighborhood “steering committee” or other group might be charged with reviewing and approving request for permits to build or remodel a property in a UCD is completely inappropriate and will likely result in counterproductive, intra-neighborhood conflict. The advantages of a UCD

mechanism, with its inherent Administrative Review process, as opposed to the more public – and lengthier – review of historic district permit requests through the Historic Preservation Commission, will be lost if the administrative review, or indeed inspection and enforcement, responsibilities are placed as a burden on homeowners and neighborhood leaders.

The Conservation District ordinances that have succeeded in protecting the physical character of special neighborhoods in numerous cities across the country have focused their intent and purposes on specific physical and architectural aspects of the communities they were intended to serve. It is important for Oklahoma City to do likewise.

RECOMMENDATIONS

Revisions to the Urban Conservation District ordinance and implementing policies should be considered as follows:

- Place the responsibility for administering the program, developing the criteria and standards for review and the review of projects in the Department of Planning.
- Revise general provision to include language that authorizes the staff to develop special administrative procedures differing from those outlined in the enabling legislation when a special, “sensitive” area is being considered for designation or unusual regulations are being proposed for the area.
- Call for development of a “conceptual plan” or other document for a proposed UCD that identifies and inventories the special characteristics, architectural attributes, styles and other special character-defining features of a proposed district, as well as the land use assumptions and proposed restrictions and standards for the district. The city staff should be responsible for developing the conceptual plan, as it will be the staff that will be charged with implementing and enforcing it.
- Establish and outline procedures for review of proposed building, rehabilitation or remodeling projects in UCDs, including outlining requirements for applications, notification of neighborhood residents, general description of the distinction between those projects requiring a building permit and those only requiring a UCD approval, and any appeal process available to an applicant aggrieved by an administrative decision. A reasonable time limit should be established by ordinance during which the administrative review of projects must be completed and applicants notified of the results.
- Improve and strengthen enforcement mechanisms to insure that the ordinances are fairly and full implemented, all citizens of Oklahoma City receive due process and equitable treatment, and the UCD program is actively implemented and its promise of economic development and stabilization does not continue to be regarded as an empty one by residents of these special communities.

IV. EXECUTIVE SUMMARY OF THE PRESERVATION GUIDELINES

These *Preservation Guidelines* are designed to address the architectural preservation and treatment of buildings within the Oklahoma City historic districts, and will assist property owners in upgrading the historic character of the buildings and environments in which they live when they are faced with decisions about repair, maintenance, rehabilitation and new construction. These guidelines also provide the Historic Preservation Commission with a basis on which to review and approve (or disapprove) such proposed repair, maintenance, rehabilitation or new construction projects.

The present historic preservation ordinance provides only minimal guidance to applicants on a limited range of topics (fences, storm windows, sidewalks and driveways, garage door or non-original window replacement and removal of paint from masonry). With these new, detailed Guidelines, for the first time property owners, the Historic Preservation Commission and the City will have common tools with which to plan, design and review changes to the exterior of properties in the historic districts in Oklahoma City. The Guidelines and the historic preservation ordinance with which they will be associated do not **require** property owners to make changes to their buildings, but only assist with preservation decisions when the owners decide to make alterations or begin new construction.

These guidelines are organized into four chapters: Introduction, Historic Context, the Preservation Guidelines and Appendix.

Introduction

Historic districts are valuable assets to Oklahoma City. Change is important to the community's evolution, and an indication of healthy, vital neighborhoods. The purpose of preservation guidelines is to guide and provide assistance to property owners in shaping such changes and improvements to historic properties while meeting the standards of these guidelines.

These guidelines emphasize the importance of protecting and maintaining historic properties and districts, and promote the repair of historic materials wherever possible rather than replacement. This is consistent with the *Secretary of the Interior's Standards for Rehabilitation*.

Consideration of any proposed changes are reviewed and approved by the Historic Preservation Commission through the Certificate of Appropriateness process; application for a certificate (CA) must be made before construction begins on the project and CA's are reviewed by the Historic Preservation Commission at their monthly meeting.

Historic Context

A critical component of preservation is an understanding of the historic significance of the site and surrounding area (the neighborhood) as well as the context of each neighborhood. For this purpose, a brief history of Oklahoma City and evolution of the nine historic districts (neighborhoods) is provided.

The form and style of a house is unique to each, contributes to the visual integrity of the historic neighborhood and helps to tell the story of the development of these special historic neighborhoods. To better understand the various architectural styles utilized in Oklahoma City's neighborhoods, the most prevalent styles are described: Queen Anne, Neo-Classical Cottage, Colonial Revival, Craftsman Bungalow, Prairie, Mission, Spanish Eclectic, Tudor Revival, Minimal Traditional and International style.

Preservation Guidelines

These guidelines are organized into sections addressing site, rehabilitation, new construction and maintenance; each of these is described in detail. The particular requirements for the various types of Certificate of Appropriateness (standard, routine maintenance and administrative review) is identified for each element in the Guidelines.

Site and Landscape Guidelines

The historic relationships between buildings, sidewalks, streets, landscaping features and open space create the character of a district and should be retained. Particulars about these site issues are discussed and guidance provided for locations of new construction on a vacant lot, sidewalk replacement, locations of service and mechanical areas, fence design and locations, and public property and right-of-way improvements. Some site elements may now be reviewed administratively, without full review by the Historic Preservation Commission.

Alterations to Building Fabric and Components of Historic Buildings

Preservation and Maintenance of historic features of a historic building are identified as the preferred treatment for historic buildings. It is encouraged that non-historic alterations be removed and buildings 'brought back' to their historic appearance. Guidelines are provided for numerous components of a historic building: porches, canopies, porte cocheres and balconies; trellis, doors and entries; windows; awnings, roofs and foundations. Additionally, guidelines are provided for the design of new accessory buildings and garages, materials and finishes, paint colors, signs and lighting fixtures.

Stand-Alone New Construction or Additions

As in other historic neighborhoods across the country, new construction and its integration with existing residential or commercial historic structures is a significant issue. Guidelines are provided for new construction of stand-alone houses, additions to existing structures, and new garages (either new or replacement structures).

For such new construction, the massing and location on a building site are identified. Guidelines are provided for new garages, accessory buildings, and materials used at such new construction.

Maintenance

Proper maintenance is critical to the conservation of historic buildings. Appropriate conservation or preservation treatments are identified: repair of historic materials, and elements needing regular maintenance.

Appendix

The Appendix contains reference information such as definitions, the *Secretary of the Interiors Standards for Preservation, Restoration, Rehabilitation and Reconstruction*, and a Bibliography. The bibliography contains written sources, magazines and periodicals of interest to property owners and a listing of internet resources and organizations. The Certificate of Appropriateness (CA) form is reproduced here, for the use of property owners.

APPENDIX

PEER CITIES ORDINANCE ANALYSIS

City of Austin

Texas

www.ci.austin.tx.us

The City of Austin Historic Landmark Commission (HLC) consists of eleven Austin residents appointed by the City Council. This commission may initiate or review applications for overlay zoning to designate historic properties. Properties are defined as those with *historic zoning* including individual buildings, structures, or sites, and National Historic Register Districts (*sic*). Austin has no locally designated historic districts. The HLC also reviews and issues Certificates of Appropriateness for exterior alterations to city landmarks, reviews permits for relocation and demolition and signage in thirteen National Register districts, develops and updates a historic preservation plan, and approves tax abatement applications for designated city landmarks.

Chapter 25 of the Land Development Code includes language regarding historic zoning and the HLC. Members of the Historic Landmark Commission are appointed for two to three year terms with a representative from the following: Heritage Society of Austin (local non-profit historic preservation organization), University of Texas at Austin School of Architecture, Austin Chapter of the American Institute of Architects, Travis County Historical Commission and the Travis County Bar Association. Other members include at least one real estate professional and a professional historian. All members must have knowledge or experience in the architectural, archeological, cultural, social, economic, ethnic or political history of the city and a demonstrated interest in historic preservation. Ex-Officio members may include the Executive Director of the Texas Historical Commission and a representative of the American Society of Real Estate Appraisers. The HLC is staffed by two full-time professionals in the Transportation, Planning, and Sustainability Department of the City of Austin. The commission meets the fourth Monday of each month.

Neighborhood Conservation Combining District (NCCD) describes neighborhoods with adopted conservation district overlays. The NCCD, as it is referred to most often, requires extensive work on the part of the neighborhood. Before submission to the Planning Commission, a staff liaison or Project Manager is determined who serves as an assistant to the neighborhood during development of the application and in presentations to the Planning Commission and City Council. The submittal form is accompanied by a Neighborhood Plan and Architectural Survey. The estimated time for a NCCD to be processed and established is six to nine months. One conservation district now exists in Hyde Park, also a National Register historic district.

City of Albuquerque
New Mexico
www.cabq.gov

The Landmarks and Urban Conservation Commission consists of seven members appointed by the mayor and approved by the City Council. All members must be residents and have a demonstrated interest in preserving the city's architectural, historical or archeological resources. The LUCC reviews renovations, additions, new construction and demolition in the city's four Historic Zones (Huning Highland, Fourth Ward/Eighth & Forrester, Historic Old Town Zone/Historic Old Town Buffer Zone) and eight city-owned and nine privately-owned designated landmarks. Established in 1976, the LUCC meets monthly to review Certificates of Appropriateness. In 2000, the LUCC heard 26 cases, an average annual number. A registered architect, a licensed real estate agent, and property owners in the designated historic zones constitute the membership. Other members must have expertise in archeology, architecture, construction, graphic arts, history, law, planning, or real estate.

One staff member assists the LUCC and is housed in the city Planning Department. The staff offers inventory forms for some 15,000 local buildings, technical guides on historic preservation, research assistance, and guidance and application forms for tax-advantaged historic building rehabilitation and archeological site stabilization.

The city maintains an archeological survey program co-managed by the Open Space Division, Parks and Recreation Department. Sites to be developed may be inspected for archeological resources prior to commencement of work. This is funded through the general obligation bonds of the city.

The city has no conservation district program.

City of San Antonio
Texas
www.ci.sat.tx.us

The Historic and Design Review Commission (HDRC) consists of 15 members appointed by the City Council representing the following categories: architecture, history, architectural history, archeology, planning, landscape architecture, and public art. Four representatives of the business and professional area include real estate, commercial development, economic development, law, banking or accounting and four with backgrounds in urban design, graphic arts, neighborhood representation or a citizen-at-large. Each serves a staggered two-year term. The commission reviews Certificates of Appropriateness in the historic districts and along the Riverwalk. Meetings are held twice each month.

The City of San Antonio maintains a Historic Design and Preservation Division in the Planning Department with a staff of five: Historic Preservation Officer, Senior Planner, and three Planner II positions. Under a special program with the San Antonio Conservation Society, the local non-profit historic preservation organization, a second Senior Planner position is funded to conduct a city-wide historic resource survey beginning in 2002.

San Antonio recognizes 1200 landmark properties, sixteen historic districts, and 1000 archeological sites. The HDRC reviews applications for Certificate of Appropriateness with a average number of 300 annually.

In 2001, the City of San Antonio established a conservation district program to assist neighborhoods interested in preserving neighborhood character. The conservation district program is administered by the Neighborhood and Urban Design Division of the Planning Department. There is one conservation district in place and several under development.

City of Tulsa
Oklahoma
www.tulsapreservationcommission.org

The Tulsa Preservation Commission consists of fifteen members from three groups: Professional Group including a licensed architect, an urban planner or landscape architect, a commercial or residential developer or builder, a licensed real estate broker, a banker or finance person, a historic or architectural historian, and an employee or elected board member of the Tulsa Public Schools. Six members come from a second group referred to as the Community Group and must reside in a historic neighborhood identified in the 1997 Tulsa Historic Preservation Resource Document with at least one owning a non-residential building in one of the neighborhoods. The third group is an Ex Officio Group and includes a member of the Arts Commission and the Planning Commission. All members serve for three years with all appointments coming from the mayor, except the Ex Officio members.

The City Commissioners established a citywide historic preservation program in 1988 by creating the Historic Preservation Zoning category or HP. All work conducted within an HP zone must be submitted to the Tulsa Preservation Commission for a Certificate of Appropriateness (COA) prior to initiating the project. The Commission now offers a COA committee to make initial reviews. This special committee meets every two weeks and makes recommendations to the full Commission at its monthly meetings. The Preservation Commissions uses adopted design guidelines for each district. Design guidelines are developed by the neighborhood and use the *Secretary of the Interior's Standards* for the basis of review.

A COA includes an application form with photographs and drawings illustrating the proposed work. Exempted work includes replacement of guttering and roof of like materials, paint to non-masonry surfaces, interiors, elevations of buildings not visible from an adjoining street, accessory structures including garages, decks and fencing that are not part of the primary structure and not in the front yard, landscape maintenance and new plantings and temporary stabilization efforts.

Tulsa recognizes five historic neighborhoods: Gillette, North Maple Ridge, Swan Lake, Yorktown, and Brady Heights. The historic preservation program is managed by five staff members, four professionals and one clerical.

Tulsa currently offers no conservation district program.

City of Fort Worth
Texas
www.fortworthgov.org

The Historic and Cultural Landmarks Commission (HCLC) consists of nine members appointed by the mayor and city council. The city first adopted its historic preservation ordinance in 1976 and revised it to the current status in 1999. The HCLC meets monthly usually preceded by a work session. The city maintains a staff of three, one planner and two association planners, to staff the HCLC in the Planning Department.

Historical designations fall into one of three categories:

- **Highly Significant Endangered (HSE)** properties are evaluated as the most important in the city. Each property meets five out of the ten criteria for designation. Rehabilitation plans for properties designated HSE must be approved by the HCLC and may not be demolished unless the owner proves loss of significance or economic hardship. All HSE properties become exempt from city taxes at the time of designation and may be further exempt from taxes on improvements for 10-15 years and a tax freeze on the land value if at least 30% of the value of the improvement is spent on rehabilitation. All tax exemptions must be approved by the HCLC and the city council before work begins.
- **Historic and Cultural Landmark (HC)** which meets three of ten criteria for significance. Individual buildings or groups of two or more constitute a historic district and may qualify. A tax exemption for a ten year freeze on city taxes on the value of the land and improvement is available to owners who renovate properties when rehabilitation costs exceed 30% of the improved value. All tax exemptions must be approved by the HCLC and the city council before work begins.
- **Demolition Delay (DD)** properties are those with special merit and are subject to a delay in demolition permitting for a maximum of 180 days. The HCLC may shorten or waive the delay period, but it does not review alterations to the building.

The city has no active conservation district program.

City of Kansas City
Missouri
www.kcmo.org

The Planning, Preservation and Urban Design Division is housed in the City Planning and Development Department of the City of Kansas City. The division is responsible for administering the Landmarks Ordinance (first adopted in 1967, revised 1977 and 1982), staffing the Landmarks Commission, and planning for the preservation of the city's architectural and historical resources.

The Landmarks Commission consists of nine members appointed by the mayor and represent the following composition: one attorney, one real estate broker or appraiser, one mortgage lender, and one art historian, architectural historian, or

historian. The city manager, director of development and director of public works serve as Ex Officio members. All appointments are for a three-year term.

The Landmarks Commission recognizes historic buildings in the National Register of Historic Places or the Kansas City Register of Historic Places, both evaluated against the criteria for National Register listing. A volunteer survey program allows neighborhoods to conduct their own surveys prior to applying for designation. The Commission adopted in 1996 a set of Urban Design Guidelines based on the *Secretary of the Interior's Standards* to assist in the review of applications within historic districts. Applications are called Certificates of Appropriateness and include a description of the project, pertinent plans and drawings, photographs of existing conditions, and a \$25 fee. The staff offers a brochure "Making Changes to Landmark Buildings" to guide the owners application. The city recognizes 22 historic districts, one thematic listing, and 62 individual buildings or complexes.

The staff of the Planning, Preservation and Urban Design Division also oversee the Landmarks Historic Trust Corporation (LHTC), which is a 501 (c)3 organizations to hold preservation easements on historic buildings in Kansas City. An Old House Network managed by the staff provides technical support to the owners of historic houses. Additional staff support is provided to research properties and advise on tax credit availability. Kansas City maintains a staff of six with two additional positions, one in graphic arts and another clerical.

In 1995 the City of Kansas City adopted the *Kansas City Preservation Plan* incorporating two earlier planning documents: the Historic Resources Survey Plan (HRSP, 1992) and the Archeological Resource Masterplan (ARMP, 1993).

In the 1995 Plan, leaders evaluated conservation districts as an option for neighborhoods.

City of Denver
Colorado
www.denvergov.org

The City of Denver authorized the Landmark Preservation Ordinance as Chapter 30 of the revised Municipal Code in 1967, and amended in 1994. The ordinance established a nine-member Denver Landmark Preservation Commission appointed by the mayor with the following composition: two from the Denver Chapter of the American Institute of Architects, two submitted by the state historical society, two submitted by the chair of the planning board, two directly appointed by the mayor, and one submitted by the Colorado Chapter of the American Society of Landscape Architects. All appointments must have a demonstrated interest, knowledge or understanding of historic preservation, and represent the fields of architecture, landscape architecture, history, real estate, law, city planning, fine arts, general contracting, education, commerce and industry. The Commission is authorized to set up two subcommittees, one for design review and others referred as district committee for each designated historic district. The LPC meets twice each month except during the summer. A Lower Downtown Design/Demolition Review Board meets monthly as well and represents this second type of subcommittee.

The Community Planning and Development Agency of the city maintains a staff of two professionals to oversee the Landmark Preservation Commission and 59 individual landmarks and 11 historic districts.

City of Dallas
Texas
www.ci.dallas.tx.us

Dallas passed its first historic preservation ordinance in 1974 in anticipation of citywide interest in establishing historic districts. The Swiss Avenue Historic District (1972) predated the citywide ordinance, but the West End Historic District (1976) and South Boulevard/Park Row Historic District (1978) followed it to become the city's first local historic districts authorized by a Landmark Commission. Some 18 historic districts now exist in Dallas as well as 79 individual landmarks.

In 2000 the City of Dallas passed an update and expansion of the local ordinance. The current legislation calls for 15 members, giving each city council position one appointment. Three alternates may also serve. The members must represent the following areas: redevelopment of commercial historic properties, one architect, one historian, one urban planner, one landscape architect, and one real estate appraiser. All members must have a demonstrated interest in historic preservation and the history of the city. Each appointment is for a two-year period; meetings are held the first Monday of each month. The Dallas Landmark Commission uses a standard certificate of appropriateness process using design guidelines adopted for each district or landmark at the time of designation.

The preservation ordinance adopted in 2000 added an economic hardship clause, demolition by neglect section, and created a fund for historic preservation. In February 2001, the ordinance was amended to change aspects of the task forces (formerly including a Landmark Commissioner) that serve as neighborhood-based Preservation Review bodies, and adjust the notification process to property owners. The historic preservation program is housed in the Department of Planning and Development (recently combined with sections of economic development and code compliance) and staffed with three full-time professionals and one full-time clerical.

In 1986 the City of Dallas adopted its first conservation district legislation to create a less restrictive form of aesthetic review. Conservation districts may be established at the request of property owners and developed over a period of months with property owners voting to support each step in the development of standards. The standards are tailored to each district but typically include broad design direction for exterior alterations. Rather than being reviewed by the Landmark Commission, review of changes in conservation districts occur at the staff level at the point of application for a building permit. The City of Dallas now recognizes nine conservation districts.

The City of Dallas first adopted an aggressive and generous economic incentive package in 1993 to create demand for reinvestment in the center city and encourage revitalization of neighborhoods. The program offers tax abatement on city property taxes to various levels depending on the type and amount of reinvestment. Housing and retail development received the most incentives if occurring in the downtown. In April 2000, the city reauthorized the incentives under a new title, Historic

Preservation and Neighborhood Revitalization. The last revision expanded available neighborhoods and enhanced opportunities for homeowners.