



April 10, 2008

To: City of Hallowell Comprehensive Plan Committee

From: Sarah Curran, Planning Decisions

RE: Hallowell Historic Preservation

At our March 18 meeting, you asked for examples of historic preservation ordinances from other towns so that you could see a range of possibilities, from strong to weak.

Following extensive in-house discussions with Frank and Mark, I'd like to offer what we think is a more useful way to think about Hallowell's options for a historic preservation ordinance. The question here is more about policy direction than the technical merits of an ordinance. It is, what does Hallowell want to accomplish with historic preservation? The strict preservation of historic buildings? Or the preservation of a historic appearance? When we know the answer to that question, then we can develop an appropriate ordinance. This might be a topic we could address with our visioning session, and take up again as part of our policy discussion.

In the meantime, this memo presents two examples of how historic preservation ordinances can include design considerations: form-based zoning and standards for visual compatibility.

Form-based zoning emphasizes form rather than use, and uses existing neighborhoods and their unique characteristics as the guiding principles for development. Standards include building height minimums and maximums; site standards regarding the placement of the building on a site and the location and configuration of entrances, parking and yards; and street standards with specifications for elements within the public realm, such as sidewalks. Form-based codes often utilize drawings, diagrams and photographs to make requirements easier to understand.

Zoning ordinances in Saco and Bar Harbor both include standards for visual compatibility.

Saco's ordinance establishes a historic district and requires property owners within the district to obtain a Certificate of Appropriateness from the Historic Preservation Commission before a building permit can be issued for new construction visible from the street, additions and renovations of existing buildings visible from the street, and the demolition of contributing buildings. Saco's standards of evaluation for issuing the Certificate of Appropriateness include the standards and requirements of the U.S. Secretary of the Interior's "Standards for Rehabilitation," and standards for visual compatibility, new construction, and demolition.



Bar Harbor's ordinance establishes a Design Review Overlay District which includes its Historic Districts and Historic Corridor District. Within the Overlay District, all buildings and structures are divided into two classes: historic and nonhistoric. Property owners are required to obtain a Certificate of Appropriateness from the Design Review Board prior to undertaking demolition, relocation, or renovation activities on buildings designated as historic; approval is also required for any material change in the exterior appearance of an existing nonhistoric building if the change is subject to view from a public street, and for new construction except for lots with the principal use of a single- or two-family dwelling. Bar Harbor's ordinance provides Design Review Standards relating to visual compatibility; standards for materials and design details for structural projects; standards for materials and design details for accessory projects; and standards for historic buildings, which use the Secretary of the Interior's Standards for the Treatment of Historic Properties as applicable in the opinion of the Design Review Board.

1. Form-Based Zoning

Traditional zoning (also called Euclidean zoning) puts little emphasis on the construction and placement of new developments. Any building, so long as it is compatible to the zoning use, can be placed in any area with only general building guidelines: typically including maximum height, setbacks and floor area ratio (FAR). There is no focus on the building type or its compatibility with existing structures. For example, if there is a row of older commercial buildings which face the street and have no front setbacks (come right up to the sidewalk) and a new building is to be built on the same block, traditional zoning requirements will either not require the building to also have no setback and/or will actively discourage it from doing so.

In comparison to traditional zoning, form-based zoning is in essence zoning by *form* rather than *use*. The focus in form-based zoning is (1) to incorporate the form of buildings and the design of public space into the dialogue on how and where to develop and (2) to use existing neighborhoods and their unique characteristics as the guiding principles for development.

Form-based zoning would include building form standards, such as building height maximums and minimums in order to insure that development fits into the existing character of the district, and siting standards regarding the placement of new structures in relation to adjacent buildings and fronting streets (for example, dimensions to front, side, and rear building lines, and the location and configuration of entrances, parking, yards and courtyards); and public space/street standards with specifications for elements within the



public realm, such as sidewalks. Form-based codes often utilize drawings, diagrams and photographs to make requirements easier to understand.

Form-based zoning regulations can be adopted to replace an existing code or to parallel it, as for example, with the use of an overlay district.

2. Standards for Visual Compatibility

A) Saco Historic District

Saco's zoning ordinance establishes several Historic Districts, and allows for the establishment of additional historic sites and landmarks.

For properties within a historic district, site, or landmark, building permits cannot be issued for the following activities without a Certificate of Appropriateness from the Historic Preservation Commission: new construction within historic districts that is visible from the street; the demolition of a historic landmark or contributing building within a historic district; moving a historic landmark or any building within a historic district; additions, alterations or reconstruction to existing buildings within a historic district or historic site where such would be visible from the public way; new signs within a historic district; new construction of walls, fences, and parking lots within a historic district where visible from the public way; and sandblasting of brick or stone buildings.

To ensure efficiency, applications for a Certificate of Appropriateness for minor and temporary alterations are reviewed by the City Planning Department.

Applications for a Certificate of Appropriateness must include: the applicant's name, address and interest in the property; the property's address and tax map lot and number; the property's present use and zoning classification; a brief description of new construction, reconstruction, alteration, maintenance, demolition or removal requiring the Certificate of Appropriateness; a scale drawing of exterior architectural features indicating the design, texture and location of proposed activity; photographs; and a site plan.

After abutting property owners are notified, the Commission holds a hearing on the application.



The ordinance establishes Standards of Evaluation for the review of applications for Certificates of Appropriateness, stating that, "Design consideration and structural factors related to maintaining historic structures in good condition shall be the Commission's primary area of focus. Every reasonable effort shall be made to provide a compatible appearance for new or renovated buildings, structures, and yards in the historic preservation district, or to maintain the integrity of existing buildings, structures or grounds, giving due consideration to the economic feasibility of maintaining such buildings, structures or grounds."

Saco's Standards of Evaluation include the standards and requirements in the U.S. Secretary of the Interior's "Standards for Rehabilitation" and standards for visual compatibility, new construction, and demolition.

The following U.S. Secretary of the Interior Standards apply: a property shall be used for its historic purpose or a new use that requires minimal change to its defining characteristics; the historic character of the property shall be retained and preserved; each property shall be recognized as a physical record of its time, place, and use; most properties change over time, and those changes that have acquired historic significance in their own right shall be retained and preserved; distinctive features, finishes and construction techniques shall be preserved; deteriorated historic features shall be repaired rather than replaced; chemical or physical treatments that cause damage shall not be used; significant archeological resources shall be protected and preserved; new additions, exterior alterations, or related construction work shall not destroy historic materials; and new additions shall be undertaken in such a way that if removed, the property's essential form and integrity would not be impaired.

Saco's visual compatibility factors address height; width; windows and doors; relations of solids to voids in front facades; rhythm of spacing of buildings on streets; rhythm of entrance and/or door projection; relationship of materials and texture; roof shapes; scale of buildings; and directional expression of front elevation.

Construction of new buildings and structure in historic districts must be "generally of such design, form, proportion, mass, configuration, building material texture, and location on lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with the area."

To preserve historic buildings, the demolition or removal in the historic district requires, in addition to an application for a Certificate of Appropriateness, evidence which supports one or more of these approval standards: the building or structure is not a contributing structure; it is



not of historical significance; presents an immediate hazard because of severe structural deficiencies; no prudent or feasible alternative exists; or the property is deteriorated beyond repair. The Commission may delay issuance of approval for up to 120 days to seek alternatives to demolition.

B) Bar Harbor Design Review Overlay District

Bar Harbor's zoning ordinance establishes a Design Review Overlay District, which includes (but is not limited to) its Historic Districts and the Historic Corridor District.

Within the Design Review Overlay District, all buildings and structures are divided into two classes, historic and nonhistoric. Property owners are required to obtain a "Certificate of Appropriateness" from the Design Review Board prior to undertaking the following activities on buildings designated as historic: demolition; relocation; and additions, reconstruction, alterations, or maintenance involving a change in the exterior color or materials. Approval is also required for any material change, other than routine maintenance and repair and minor renovations in the exterior appearance of an existing nonhistoric building if the change is subject to view from a public street; and for new construction except for lots with the principal use of a single- or two-family dwelling.

Activities not subject to design review include routine maintenance or repair such as repainting using the existing colors, replacement of window glass, and repair of roofing materials as long as the material is of a similar color, texture and general appearance; and minor renovations such as replacing old windows with new windows of the same size and material, replacing old siding with new siding of the same material and color, and replacing old roofing with new roofing with the same color and style.

The applicant may present any information to the Review Board that he/she feels will demonstrate compliance with the standards. The burden is on the applicant to demonstrate that the application meets the requirements. A list of minimum submission requirements is provided.

With regard to demolition of historic buildings, the ordinance established two processes: immediate demolition, if the Review Board issues the Certificate of Appropriateness; and delayed demolition, if the Review Board does not issue the certificate. Under delayed demolition, the building may be demolished provided four months' notice of the proposed demolition is given; it must be posted on the premises of the building or structure proposed



for demolition in a location clearly visible from the street, mailed to the Maine State Historic Preservation Office, delivered to the Bar Harbor Historical Society, and published in a newspaper of general local circulation at least three times.

In reviewing an application for a Certificate of Appropriateness for a historic building, the Design Review Board may use several categories of Design Review Standards: standards relating to visual compatibility; standards for materials and design details for structural projects; standards for materials and design details for accessory projects; and standards for historic buildings.

The ordinance also provides a list of locally significant buildings within the district that reflect the type of design the review standards are intended to foster. These buildings are the standard of design against which proposed projects are judged.

Standards relating to visual compatibility consider building height; building scale and design; proportionality of the front or street façade; proportionality of windows; building spacing; relationship of the building to the street; pedestrian relationships and facilities; and motor vehicle facilities and services.

Standards for materials and design details for structural projects consider siding material; exterior finishes; windows; doors and doorways; roofing; trim; and entrances.

Standards for materials and design details for accessory projects provide standards for awnings, canopies, and umbrellas; outdoor displays; lighting; and landscaping.

Standards for historic buildings use the Secretary of the Interior's Standards for the Treatment of Historic Properties as applicable in the opinion of the Design Review Board. Additionally, the following standards apply: a building or structure classified as historic shall only be moved, reconstructed, altered, or maintained in a manner which will preserve its historic and architectural character; the Design Review Board shall approve the issuance of a certificate of appropriateness for the demolition of an historic building only if the property owner shows that the preservation of the building is not consistent with the purposes of this article, that the building cannot be preserved because of the structural condition of the building, or the cost of renovations makes its retention infeasible; the Design Review Board shall approve the issuance of a certificate of appropriateness for the relocation of an historic building to another site only if it is shown that the preservation on its existing site is not consistent with the purposes of this



article, that the building cannot be preserved because of the structural condition of the building, or the cost of renovations makes the retention infeasible.

With regard to the renovation or expansion of a historic building, Bar Harbor's ordinance states that the design review requirements are intended to preserve and protect, improve, and enhance the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and neighborhoods of the district. Any building designated as historic shall retain all of its original features to the maximum extent feasible. Modifications or additions shall maintain the architectural style and treatment of the original building.

The following standards apply to the renovation or expansion of an historic building in Bar Harbor: all materials shall match the original materials in texture, dimension, color, location, and design; existing features such as porches, steps, handrails, balusters, cornices, columns, lintels, windows, fixtures, hardware, doors, and roofs shall be retained; the design of any modification of or addition to the existing building shall maintain the architectural style of the existing building and shall conform to the existing treatment with respect to trim and exterior finishes; handicapped access shall be located and constructed so as not to obscure character-defining features of the entranceway or porch; porches and steps shall not be enclosed in a manner that destroys their intended appearance; and the selected paint colors shall be colors shall be based upon the architectural style of the structure as well as the period in which it was built.