

COUNCIL ACTION FORM

SUBJECT: **PROGRESS REPORT ON UPDATE TO HISTORIC PRESERVATION
ORDINANCE (*MUNICIPAL CODE* CHAPTER 31)**

BACKGROUND:

Chapter 31 of the *Municipal Code* was first adopted by the City Council in 1988. This chapter encompasses the City's regulations that apply directly to historic resources, either designated as local historic landmarks, or included within a local historic district. Following the adoption of Chapter 31, the Ames Historic Preservation Commission (HPC), which includes seven members appointed by the Mayor, was established. In 1989, City Council designated the Old Town Historic District as Ames' first local historic landmarks district. Since that time, the HPC has reviewed proposals by property owners for exterior alterations and additions to historically significant structures.

In applying the design guidelines for alterations and new construction over time, the Commission discovered provisions of Chapter 31 that are ambiguous, identified inconsistencies between various sections of the regulations, noted terms that need to be refined, and expressed the need for design guidelines that apply to specific exterior features of homes, such as decks and egress windows, that are not adequately addressed in Chapter 31.

As the HPC began to discuss the need for changes to Chapter 31, a consultant was hired by the City to prepare the "Ames Comprehensive Historic Preservation Plan (ACHP)", which, upon completion, was adopted by the City Council on November 24, 2009. The consultant recommended a thorough review and updating of Chapter 31 as a priority in meeting the goals, objectives and action steps identified in the ACHP. To address inconsistencies and problematic provisions of Chapter 31, it was recommended that the classification of local historic resources be changed from a 3-tier system of "Contributing", "Compatible", and "Non-Contributing" structures which applies only to the principal structure on each site, to a 2-tier system of "Contributing" and "Non-Contributing" structures which would apply to principal structures and accessory structures (i.e., houses and garages) on each site. These tiers would then be consistent with the National Park Service historic resource classification system. In addition, it was suggested that clarity of the Code could be enhanced by resolving inconsistencies within the regulations, by incorporating graphics into the design guidelines to illustrate what is expected, by refining the definition of terms within the Code, and by addressing provisions that are ambiguous. Lastly, the consultant emphasized the importance of avoiding conflicts between changes to Chapter 31 provisions and other adopted City codes (i.e., building codes and ADA provisions).

Following adoption of the ACHP, the City Council included the "Chapter 31 Revision Process" as a Planning Department priority in August 2010. In May 2011, the City submitted a completed Iowa Historic Resource Development Program (HRDP) Grant application to the State Historic Society Office (SHPO) requesting funding to hire a

consultant to review and revise the Chapter 31 regulations. The City was notified in August 2011 that the request for grant funding was not approved.

In response to not receiving the grant funding for the update of Chapter 31, staff proposed that the City Council revise the Scope of Work for the Chapter 31 update for the purpose of staff conducting the update as an alternative to hiring a consultant. In November 2011 the City Council approved the revised Scope of Work proposed by staff (see *Attachment 1 "Scope of Work"*).

To accomplish the Scope of Work, the following six project phases were identified by staff and endorsed by the City Council and HPC:

- **Phase 1** included activating a Work Group for feedback to staff and review, research and analysis of Design Guidelines (**Completed**)
- **Phase 2** is the preparation of the initial draft of recommended text amendments to Chapter 31
- **Phase 3** is a series of workshops by experts in various historic preservation topics (**HPC has conducted three workshops, and may schedule additional workshops in the future**)
- **Phase 4** is the presentation of draft revisions to obtain public input
- **Phase 5** is consideration of the draft text amendments by the State Historic Preservation Office (SHPO) and by the HPC and City Council
- **Phase 6** is Public Hearings and adoption of amendments by the HPC and City Council

The Work Group formed as part of Phase 1 included one representative from each of the following groups of major stakeholders:

- Old Town Historic District
- West/South Campus Neighborhood
- Developers of property in Ames
- Architects
- Builders/Craftsmen who specialize in the rehabilitation of historic homes

Staff met with the Work Group on a frequent basis between March 2012 and May 2013 to review the provisions of Chapter 31 and for staff to obtain feedback regarding the various Code provisions that needed to be addressed. **Issues concerning Chapter 31 that were discussed at Work Group meetings are documented in the "Issue Sheets" ([see the "Phase 1 Progress Report" on the City of Ames website](#)).** Discussion of issues included the following:

- Conversion from 3-tier to 2-tier classification system
- Adoption of 2003 Site Inventory for Old Town Historic District
- Requiring alterations to existing garages to meet preservation standards when classified as "Contributing or "Compatible"
- Alteration Area & New Construction Area
- Use of Substitute Materials
- Synthetic Siding/Exterior Materials

- Synthetic Materials for Windows and Doors
- Consistent/Compatible Materials
- Accessibility Standards
- Porches and Other Similar Exterior Entrance Features

During this time, staff periodically gave the HPC updates on feedback from the Work Group.

Upon completion of tasks by the Work Group, the “Phase 1 Progress Report” was prepared by staff in October 2013. This report included recommendations to the Historic Preservation Commission and the City Council on proceeding with specific text amendments and public outreach (see “Phase 1 Progress Report” on the City of Ames website).

Those staff recommendations were reviewed by the Historic Preservation Commission at their meetings in November and December, 2013. After reviewing the staff report, the HPC is recommending that the City Council direct staff to proceed with the remaining phases to implement text amendments identified in the recommendations of the “Phase 1 Progress Report.”

The following three broad categories of recommendations for updating Chapter 31 have been identified, and are described further below:

1. Historic District Classifications
2. Design Issues
3. Materials

Staff has summarized the relevant issues and recommendations for each category to guide the scope of potential text amendments. For a full explanation of the issues and range of options that have been reviewed, see [“Phase 1 Progress Report” on the City of Ames website](#). In consideration of staff resources for on-going administration of Chapter 31, Staff does not believe that there would be an additional burden on staff time. One of the objectives of the update is to make reviews more efficient through better direction and guidelines and this may allow for more staff level reviews of minor activities without going to a full board for review. Additionally, the annual number of permits requested has been on average less than one per month with the HPC. The intended changes should not substantially increase the number of HPC reviewed Certificates of Appropriateness that involve a significant amount of staff time in preparing public hearing notices and staff reports.

Category #1, Historic District Classifications

- Adopt the **two-tier classifications system** consistent with national standards that identify properties as either Contributing to the historic significance of the district or Non-Contributing, and apply the Regulations to all Contributing properties.
- Adopt the **2003 Inventory of the Old Town Historic District**, replacing the 1988 survey, thereby applying the two-tier classification system and **applying the regulations to 19 additional properties**. (See Attachment 2 for Map)

- Apply preservation standards to **Contributing garages** in the Old Town Historic District supported by the 2003 Inventory and if identified as contributing for any future districts. Approximately 50% of the homes in the Old Town Historic District have a garage identified as Contributing in the 2003 Survey.
- **Simplify terms** and remove the distinction between **Alteration Area and New Construction Area**. Apply the same standards for either alterations or new construction to all areas of a Contributing building in a manner consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties.

Category #2, Design Issues

- Adopt **new design guidelines for Contributing garages**, including a standard for demolition that is less stringent than the standards for demolishing principal buildings.
- Develop **new design guidelines for all new construction and additions** anywhere on a Contributing property, consistent with simplifying Alteration Area and New Construction Area terminology.
- Include allowance with new construction guidelines for **new materials that match historic materials** in size, design, texture, use and other characteristics to be specified.
- Add Design Guidelines that **allow ramps** when they:
 - Are located to preserve historic character;
 - Minimize loss of historic features at the point where the ramp connects (porch, railings, steps, windows);
 - Are incorporated behind historic feature;
 - Are faced with painted untreated wood, brick or stone, depending on type and quality of historic materials.
- Modify standards for **new garages** to be more appropriate for garages compared to general standards for homes.
- For porches, decks, fences, ramps, egress windows and fire escapes, revise the regulations by allowing for new elements, new design details, substitute materials, and consistency within all codes.

Category #3, Materials

- For alterations, improve guidance about in what situations to allow **substitute materials** and elements in place of historic materials and elements. Allow substitute materials and elements when the historic material on the structure is so deteriorated or damaged that it cannot be repaired and one of these conditions exists:

- The historic material on the structure is not readily available;
 - Craftsmen with the skills needed to work properly with the historic material are not available;
 - The historic material has inherent flaws, were of poor quality or are causing damage to adjacent materials; or
 - Current codes that apply to the project require changes from historic materials.
- Simplify terms and eliminate the distinction between **compatible and consistent** to regulate materials for alterations. For alterations, improve guidance about what materials are allowed to substitute for historic materials, including standards for specific substitute materials in specific applications, such as fiber-cement board siding on new construction. Require substitute materials to be compatible with the historic materials in appearance.
 - Require the involvement of qualified professionals in exploring options and developing details so that the **substitute material** can be installed without irreversibly damaging or obscuring the architectural features and trim of the building, thereby preserving the historic building and its historic integrity.

Use of appropriate materials is critical to the integrity of an historic resource. The above described changes clarify what is required of a material to be consistent with historic character and how it may be applied to a home. The intent of this language is not to broadly allow for replacement of historic materials with substitute materials on Contributing resources, but instead make it clearer to a homeowner when it is allowed and how to proceed. However, it would also allow for a clearer understanding that substitute materials are permissible for New Construction, such as additions and new structures.

ALTERNATIVES:

1. The City Council can support the recommendations described in this report and **direct staff to start drafting text amendments** to Chapter 31, present the draft amendments to the public and to SHPO, and proceed with public hearings for consideration of the text amendments to Chapter 31 for completion in 2014.
2. The City Council can support the recommendations described in this report, but **defer implementation until it is prioritized along with other Council priority projects** for the Planning and Housing Department.
3. The City Council can direct staff to draft text amendments that vary from those outlined in this report, as determined by the City Council.
4. The City Council can defer action and request further information or analysis from staff or the HPC.

CITY MANAGER'S RECOMMENDED ACTION:

Staff believes the above describe topics and proposed direction to proceed with developing text amendments accomplishes the original goals and scope of work for the Chapter 31 Update. The focused amendments will support the integrity of an historic district, while allowing for accommodation of the desires of contemporary lifestyles. The described approach is a balance of these two objectives. Additionally, staff believes it will improve overall customer service without a significant increase in staff time for the on-going administration of Chapter 31.

The Historic Preservation Commission has reviewed the staff recommendations for changes to Chapter 31, based upon feedback from the Work Group, and supports the recommendations as proposed by staff.

Staff believes if Council directs staff to initiate text amendments now it will allow for the project to be completed by the end of 2014. Staff's next steps would be to complete draft text amendments for public review in the spring of 2014, complete public outreach and coordination with SHPO in the summer of 2014, and return to City Council for adoption of text amendments in the fall of 2014.

While the update of Chapter 31 has been a longstanding interest of the City, there are approximately 25 additional interests of Council Goals or Council referrals that are currently outstanding. Planning staff will provide an update of outstanding Council Goals and Referrals at an upcoming Council meeting in February. However, staff believes that – due to the time already invested in background work on this project – it should continue forward at this time to the next step of drafting text amendments.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby supporting the recommendations described in this report and directing staff to begin drafting text amendments to Chapter 31, to present the draft amendments to the public and to SHPO, and to proceed with public hearings for consideration of the text amendments to Chapter 31, with planned completion in 2014.

Attachment 1
Scope of Work for Chapter 31 Update

- Review the existing Design Guidelines in Chapter 31 and update them where necessary to reflect current preservation practice and sustainability trends for the use of alternative materials in residential districts, and to reflect a range of “periods of significance.”
- Develop new fence Design Guidelines that will be appropriate for the various historic districts and landmarks throughout the city.
- Develop Design Guidelines for garages, including, but not limited to, appropriate standards for solid/void ratio, materials, and appearance.
- Assess the impact of making the local historic district resource classifications (3-tier system of “Contributing”, “Compatible” and “Non-Contributing”) consistent with the National Park Service resource classification (2-tier system of “Contributing” and “Non-Contributing”) that would also be applied to garages.
- Analyze how terms are used in Chapter 31, and determine if definitions are needed.
- Develop and clarify definitions as well as Design Guidelines to distinguish between “Consistent” and “Compatible” in terms of materials and architectural design.
- Develop Design Guidelines to address ADA issues (e.g. – how to sensitively incorporate a ramp into the design of the structure).
- Develop specific Design Guidelines to allow the sensitive integration of egress windows and fire escapes.

Attachment 2 Proposed Old Town Historic District Contributing Properties Map

Changes to Classification of Properties in Old Town Historic District
From 1988 to 2003 Inventories



Note that Compatible from the 1988 Inventory is treated the same as a Contributor for the process of requiring a Certificate of Appropriateness under the current CHP. 31