



Global
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**School of Architecture, Planning & Landscape
Global Urban Research Unit
University of Newcastle upon Tyne**

Electronic Working Paper No 33

HISTORIC PRESERVATION IN VIRGINIA

Previously published in December 1997 as Working Paper No. 66

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ISBN: 0 905770 64 1

ABSTRACT

Discussion of American planning systems and processes is inevitably difficult given the decentralised form that land-use planning takes in the United States. This paper looks therefore at one issue - historic preservation - in one state - Virginia. Within Virginia three local authority case studies are considered. Through looking at historic preservation at this micro-scale it is hoped to give insights into the way historic preservation may work (or not) in the US, and the issues which may arise, in a way which would not be possible with a generalised overview. Finally, some comparative observations with British conservation practice are made.

ACKNOWLEDGEMENTS

The research for this paper was undertaken as part of a study visit to Virginia at Easter 1997. As such I am particularly indebted to the hospitality and friendship of Marcia Joseph (at the time Zoning Administrator for the City of Charlottesville) and her husband Jeff. I am also indebted to the many people who generously gave me their time including, Kat Imhoff, Mary Joy Scala, Babette Thorp, Bill Fritz, Mark Wagner and Susan Speed, Mr. Huja, James Murray Howard, Doug Gilpin and Bob Page.

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1. INTRODUCTION : THE SCOPE OF THIS PAPER

It is not the purpose of this paper to give a detailed account of land-use planning or historic preservation processes as they exist across the United States but to look at one planning issue, historic preservation or conservation, in one state, the Commonwealth of Virginia. This is done from the perspective of a British observer and some comparisons are made with the British system. One of the great difficulties at looking at planning in America is its essentially local nature and the difficulty of making generalisations on planning systems and processes. Even within Virginia there are effectively 136 planning authorities¹ and therefore 136 different, often radically different, approaches to the control of land-use and the protection of historic buildings and areas. The major focus of this paper therefore is to look at conservation at the state level, including the role of state and independent state-wide organisations, before focusing on three local government case-studies, with quite different levels of involvement in historic preservation. The broader land-use planning system and the wider context of historic preservation e.g. Federal programmes, are only discussed in so far as they are necessary contextualisation.

2. A BRIEF INTRODUCTION TO LAND-USE PLANNING IN THE USA.²

In the United States the form that land-use planning takes varies considerably from local authority to local authority and from state to state. This is key - land-use control is a local matter, and though the general pattern is of less control over development than a British observer would be used to, there is a tremendous variation in practice from highly regulated to little or no regulation.

The Federal government has relatively little role in land-use planning in the United States - in most respects this is seen as an activity in which Federal intervention is not appropriate or required. Of more significance is the state, but the influence of the state varies tremendously across the country. Generally, however, the next tier, the local government, or the locality, has far greater discretion over its approach to land-use planning than would be found in the British system.

The essence of land-use control is through a system of legally binding zoning ordinances, produced by local authorities. These divide a local authority area into districts which are subject to different regulations regarding the use of land and such matters as the height and bulk of buildings that are allowable. Zoning is intended to be one part of a system of planning. Ordinances are supposed to be prepared in the context of a 'comprehensive plan',

also produced at the local level, though in practice these plans have often not been produced (see e.g. Booth, 1996 or Cullingworth, 1997). The origins of zoning powers lie in police powers; legislating for the health, welfare and safety of the community.

The influence of the state depends in part on its legal structure. States operate one of two basic forms of legal structure, 'Dillon Rule', whereby localities can only operate within the framework set for them within state law (broadly analogous to the legal relationship between British local government and central government) and 'home rule' where local authorities have the freedom to do as they wish unless specifically prevented from doing so by state or federal law. The Commonwealth of Virginia is a Dillon Rule state.

The classic three-armed governance structure of the United States of the executive, the legislature and the judiciary is reflected in the planning process. The planning function is comparable to the legislature and executive - it writes policy and the legally binding zoning documents and seeks to effect them. The interpretation and enforcement of the law, the judiciary function, is performed also by local government in the first instance but by staff separate from the planning function. Thus a 'Zoning Administrator', a local government officer, is performing a legal function of interpreting law. The example of the local government structure of Charlottesville, Virginia as it applies to historic preservation is given in Appendix 1.

Underpinning much American practice is an approach to land law which evolved in the colonial and post-colonial period and was based on the principle of land as a commodity for commercial gain and not, say, as a container for community values (Kunstler, 1993). The obsession of the freedom of the individual to do what they wish with their property is evident in many of the documents produced on historic preservation by government and amenity bodies. For example, there is a constant re-iteration that, in itself, listing does not stop you tearing your house down.

3. HISTORIC PRESERVATION IN THE UNITED STATES

Historic preservation is the standard term in the USA for what is generally in the UK termed building conservation, or more embracingly, conservation of the historic environment. Planning texts (e.g. Cullingworth, 1997) suggest that historic preservation in the USA has become increasingly sophisticated, evolving from '*a simple approach to the historic preservation of landmarks toward a "planning perspective" on cultural matters*'. Though this maybe true of the best US practice it is clearly not universal practice; indeed what

characterises the American system is endless local diversity of practice. The involvement of government in intervening in the process of conservation can be usefully considered by looking at the functions of:

1. compiling inventories
2. imposing duties on state governments
3. controlling demolition and other works
4. providing incentives.

In the USA the Federal government has been involved in both compiling inventories and in providing tax incentives for preservation. Its role in preventing demolition has largely been restricted to first, acquiring a limited number of sites and second, ensuring that Federal spending programmes do not directly contribute to the loss of identified historic resources. A third role it has played is in requiring States to at least nominally address preservation issues.

The Compilation of Inventories

Historically it is generally considered that in the US endeavours were more focused on history and cultural values than architectural merit and aesthetics, but in more recent times cultural value is perceived as having broadened considerably (Cullingworth, 1997). There are two principal forms of national inventory; the National Historic Landmark Program and the National Register of Historic Places. Neither brings in itself any restrictions on owners' property rights.³ Despite this in neither case may properties be designated over the objections of the owner, or in the case of historic districts, a majority of the owners. This right of objection to listing was only introduced in 1980.

Inclusion as a Landmark is more selective; Landmark sites are automatically included on the Register of Historic Places. The Landmark Program, created in 1960, embraces areas in addition to individual sites. Landmarks are designated by the Secretary of State for the Interior, on the basis of recommendations made by the National Park Service (which forms part of the Department of the Interior). A little over 2000 sites in the USA have been termed National Historic Landmarks, of which over 100 lie within Virginia (Virginia Department of Historic Resources, 1995).

The National Register of Historic Places includes more than 60,000 historic buildings, sites, structures, objects and districts of which over 1600 lie within Virginia.⁴ Though ultimately managed by the Department of the Interior, in Virginia decisions on whether properties should be nominated for the Register are made by the State Historic Preservation Office Review Board. A distinction from the British system worth noting is the inclusion of both individual buildings and areas within the same Register, albeit as different sub-categories.⁵

Given that inclusion on these inventories is voluntary the amount of resources devoted to systematic survey by the Federal government is small. However, localities included as part of the Certified Local Government programme can apply for Federal support for identifying and evaluating its historic resources.⁶ The inclusion of most properties now is at the *request* of owners. This is further limited by requirements for quite extensive documentation to be submitted by owners for their property to be appraised. Thus owners potentially have to commit significant resources of their own to get their property Registered. Some tax benefits may accrue and there is some protection from government sponsored projects (see below), though in the Virginia Department of Historic Resource's guide for owners (VDHR, 1995) kudos benefits are emphasised most.

Imposing Duties on State Governments

It can be argued that the Federal government has at least forced state governments to address the issue of historic preservation. All states are required to have a State Historic Preservation Officer (SHPO), a state historic preservation review board and a scheme for adequate public participation in the state programme. Each SHPO is required to:

- identify and inventory historic properties in the state,
- nominate eligible properties in the state,
- nominate eligible properties to the National Register,
- prepare and implement a state-wide historic preservation plan,
- serve as liaison with federal agencies on preservation matters, and
- provide public information, education and technical assistance (Cullingworth, 1993).

Controlling Works to Historic Properties

As will be clear from above, the Federal government has little role in controlling works to historic properties or areas through its inventories, other than circumscribing its own actions. It has had some role in acquiring and properties of especial importance from the late 19th-century - similar origins to government intervention in Britain.

Tax Incentives and other financial support

The Federal government has been active historically in the provision of tax incentives. In Britain the preservation of grant assistance for capital works is relatively common, but tax incentives for works rare. In the US. the converse is true, grants from the Federal government being restricted to assisting state governments. On the other hand the Tax Reform Act of 1986⁷ permits owners and some lessees of historic buildings to take as an income tax credit 20% of the cost of rehabilitating these buildings for industrial, commercial or residential purposes. The law also permits depreciation of such improvements over a period of time. The

building must be a certified structure that is subject to depreciation, and the rehabilitation must be certified as meeting standards as certified by the National Parks Service. The programme is administered in Virginia by the Virginia Department of Historic Resources.

Taxpayers may also deduct from their Federal income tax the value of historically important land areas and certified historic structures donated to appropriate recipients and, importantly, donations of partial interests such as easements providing permanent restrictions against inappropriate change and development.

Other Federal monies sometimes find their way into historic preservation. For example, 10% of federal highway funds in Virginia are set aside for projects which 'enhance' transportation systems under the Intermodal Surface Transportation Efficiency Act (ISTEA). Historic preservation is one of the eligible categories. In Virginia more than \$26 million were allocated to preservation projects in the first three years of the programme's life.

4. HISTORIC PRESERVATION IN VIRGINIA

A. The Role of the State

The historic preservation planning function of the State can be considered under three headings:

1. the compilation of inventories,
2. the establishment of an enabling legal framework,
3. providing incentives.

The Compilation of Inventories

As already noted above the Department puts forward nominations for inclusion in the National Register of Historic Places. In parallel with this it operates the Virginia Landmarks Register. If a property is considered eligible for inclusion in the Virginia Register it is automatically nominated for the National Register. Evaluation and nomination are considered two quite separate processes with the result that a considerable number of properties are eligible for inclusion in the Registers without having been formally accorded that status. The criteria for inclusion on both Registers are the same. Given the linkage between the two Registers there is a similar number of properties (c. 1600) on both.

The Department of Historic Resources is also involved in a range of other survey work, often in partnership with local government and the Federal government through the Certified Local

Government Program (see above). It has a long term objective of creating a comprehensive inventory of the State's historic resources (Virginia Department of Historic Resources, 1992).

Legal Framework

Authority for the establishment of historic district ordinances in Virginia comes from Title 15.1, Chapter 11 of the Code of Virginia. This enables local governments to enact zoning ordinances which maybe used *'to protect against destruction of or encroachment upon historic areas'* (cited in Brown & Cox, undated). Zoning authorised by this enabling legislation is known as overlay zoning since it applies in addition to existing land-use regulations. Ordinances are not standard but may provide for the following:

- First, that no building or structure, including signs, will be built, erected or altered without approval, subject to appeal rights described below.
- Second, no historic landmark, building or structure within the area shall be demolished or altered without permission. However, demolition control is time limited. Owners may still demolish or move their property providing they have applied for permission and they have been unable to sell the property at a fair market price after a defined period. The time period necessary depends upon the value of the property, with more expensive property being required to be on the market longer. The period ranges from 3 months to a year.
- Third, ordinances may also include maintenance provisions, which require a property owner to ensure that the historic fabric of a structure is not damaged through vandalism or neglect.
- Fourth, enforcement and sanction provisions are usually included.

Ordinances may apply either to historic areas or to individually identified buildings.

The consent process is administered by an architectural review board (though such a body may have a variety of different names) created and appointed by the governing body of the locality. Applicants may appeal to the governing body if denied consent by the board. They may further appeal to the circuit court on points of law. Most Virginia ordinances require some professional qualifications and residency for members serving on an architectural review board.

An important point to note is that though the various Registers compiled at federal and State level are a guide to localities of resources worth protecting through ordinances, there is no compulsion on localities to follow this. Localities can, and do, have protected areas and buildings not on the Federal/State Registers whilst affording no protection to buildings and areas which are included.

Tax Incentives and other financial support

Tax incentives for historic preservation at the State level have recently been introduced. The State Historic Rehabilitation Tax Credit became effective on January 1, 1997. The owner of a certified historic structure incurring rehabilitation expenses is entitled to a state income tax credit as follows:

1997	10%
1998	15%
1999	20%
2000 and thereafter	25%

A certified historic structure is defined as being listed, or being eligible for listing, on the Virginia Register or forming a contributing structure in a historic district listed on the Virginia Register. Work must be consistent with the Secretary of the Interior's Standards for Rehabilitation, and the cost of works must amount to at least 50% of the assessed value of the building for the year before the rehabilitation expenses were incurred.

The state government has also created the Virginia Historic Preservation Foundation, a \$500,000 revolving fund for threatened historic properties.

B. The Role of 'Private, Not-For Profit' Groups

Interested citizens, 'private not for profit groups', or what in Britain would be called amenity societies, are widely cited as having tremendous importance in American historic preservation (e.g. Fitch, 1990) (though this has clearly been the case in Britain also⁸). There are literally hundreds of groups at a local level who may have a role in historic preservation across the State. Notable battles with developers and local authorities have been fought, and won, such as the resisting economic development on a historic battlefield site at Culpepper County, near Washington DC. (Egerston, 1997).

The key state-wide group is the Preservation Alliance of Virginia (PAV), founded in 1984. The Preservation Alliance describes itself as '*Virginia's grassroots information and advocacy network for preservation*'. As such it is composed of a range of member organisations (somewhere over 150) and seeks to work with these and historic property owners, businesses and local governments to protect, preserve and promote the cultural, architectural, historic, archaeological and natural heritage of the State. The Alliance serves as a clearinghouse for preservation information and provides technical assistance and educational programmes. It also works to '*ensure preservation's proper role in the public policy process*'.

PAV cites some of its key achievements as follows (PAV, 1995):

- co-ordination of the passage of Virginia's Rehabilitation Tax Credits for preservation in the 1996 Virginia General Assembly,
- worked to secure funds for preservation projects in Virginia from the Federal (e.g. ISTEAA funding) and State government,
- encouraged the establishment of the Governor's Commission to Study Historic Preservation in 1987 and enactment of recommendations to establish the Department of Historic Resources,
- pushed for the establishment of the Virginia Historic Preservation Foundation, the state's revolving loan fund for threatened historic properties,
- fought threats to historic resources across the State, and,
- trained architectural review board members and developed a Historic District Zoning Handbook.

Of especial note is the energy that PAV puts into proving the economic case for historic preservation - appealing to enlightened self-interest. This is part of a tendency noted above for the need to defend conservation in a way not usually experienced in Britain. So, for example, in 1996 PAV produced a report *'Virginia's Economy and Historic Preservation : The Impact of Preservation on Jobs, Business and Community'*. The report states *'Preservation brings new jobs, new businesses, good wages, significant tourist traffic and economic benefits to Virginians'* and includes, for example, a section on property values.

An example of a body with a slightly different mission, and without a state-wide brief, which nevertheless has had an important impact on historic preservation is the Piedmont Environmental Council (PEC). PEC was established in 1972 to promote the preservation and conservation of the Northern Piedmont region of Virginia, an area covering eight counties. This is a vision which extends beyond historic preservation to a more holistic view of the countryside. The aims of PEC encompass, for example, protecting water quality and keeping agricultural land in use. It is active in advocacy and education.

It has been particularly active in encouraging owners to enter into protective easements over land. It has a target of achieving protection for a million acres, with over 80,000 acres having been placed under permanent easement to date (PEC, 1996). Easements are seen as a means of not only protecting historic buildings and landscapes but as critical to maintaining farms and open space around towns as well as protecting Virginia Byways (historic routes) and state Scenic Rivers. Again, it is strongly argued that they are complimentary to economic well being, especially tourism. PEC played an important role in the inclusion of the 31,000 acre Southwest Mountains Rural Historic District in Albermarle County (see below) on the National and Virginia Landmarks Registers.

5. THE ROLE OF THE LOCALITY: THREE BRIEF CASE STUDIES

About 60 Virginia cities, towns and counties have adopted local historic preservation ordinances (VDHR, 1995).

The efforts of three Virginia localities in the sphere of historic preservation are briefly described below.⁹ They are simply examples of three different levels of involvement and commitment and are not in anyway a representative cross-section. Similarly they do not necessarily represent the most advanced practice in the State. It is the view of the Preservation Alliance of Virginia that across the State historic preservation activity is very patchy but that there is a general trend for more sophisticated and interventionist historic preservation to occur in the north-east of the State, where there are well known historic settlements such as Alexandria and Fredricksburg and where also the influence of metropolitan Washington DC. is felt. However, this is not to say that such practice is confined to this area. For example, Roanoke in the west of Virginia is cited as an example of good practice in integrated historic preservation planning by Cullingworth (1993).

A. Charlottesville

Charlottesville is a historic city towards the north and west of Virginia, sitting to the east of the Blue Ridge Mountains. It lies within the County of Albermarle (see below). It was founded as a planned settlement in 1762 though few buildings from the eighteenth century survive. Its most famous cultural asset is the historic core of the University of Virginia, designed by Thomas Jefferson in the 1820s and a World Heritage site (though this is administratively in Albermarle County, see below). The influence of Jefferson is evident in the design of other buildings in the city which are predominantly neo-classical. It grew as a commercial centre in the nineteenth century and acquired city status in 1888. Charlottesville has five districts¹⁰ listed on the National Register and 35 individual properties. Four of these districts are also on the Virginia Landmarks Register (the exception is the Ridge Street Historic District) but many of the individually designated properties are not.

Of the three case studies under consideration Charlottesville has the longest and most sustained involvement in historic preservation. The first local historic district was designated in 1959. It was quite small in area and limited to reviewing the appropriateness of exterior changes in the district. In 1976 a new Historic Preservation Ordinance was enacted which expanded this area and significantly increased the responsibilities of the Board of Architectural Review. This created an area with similar boundaries to, but not co-terminus

with, the Charlottesville and Albermarle County Historic District on the national and state registers. The mid-1970s was also a period of considerable activity in terms of survey work. During the early 1980s the City became concerned about changes taking place to buildings in the downtown area of the City. Several significant buildings had been removed and the facades of others altered. As a response to this the City created a Downtown Architectural Design Control District with its own Board of Architectural Review. This area was not directly related to any area on the national or state registers and was geared more at architectural control than historic preservation as such. In 1991 Zoning Ordinance amendments were made including the addition of 80 individual properties as 'minor' design control districts, effectively extending the same controls to these buildings as existed for the two 'major' design control districts. The buildings covered this way were not necessarily on the national register and indeed many national register buildings were not included. The controls imposed by ordinance in Charlottesville are very similar to those discussed elsewhere. A novel feature which at one time formed part of the ordinance was the automatic inclusion of any building over 100 years old as a 'minor' design control district, though this has subsequently been dropped, in part because of the increasing number of buildings that would be caught. In common with many ordinances it only applies to exterior works visible from a public place or right-of-way.

The next major development was the preparation in 1993 of a Historic Preservation Plan. This sought to review historic preservation activity in Charlottesville, consider historic preservation in an integrated way and define a strategy and targets for future action. A clear linkage is made between this plan and future review of the Comprehensive Plan. Issues raised encompass:

- the need for more local protection through ordinance,
- public education,
- the need for further survey work,
- incentives for preservation,
- discussion of issues of neighbourhood conservation in areas not architecturally worthy of historic district status,
- the need for co-ordinated effort, and,
- the Certified Local Government Program, discussed above and in the Albermarle County section below.

Certainly historic preservation in Charlottesville has not been pursued by restrictive ordinance alone. For example, a low interest revolving loan fund exists, initially funded out of fines for unauthorised works.

Subsequent action on extending local protection has included:

- in 1993 the inclusion of all the remaining unprotected individual properties on the national register within the local ordinance,
- in 1994 the designation of the Ridge Street area as local Design Control District, though on a different, larger boundary than the National Register District,
- in 1997 the creation of a local Design District along West Main Street. Most of this area is of marginal architectural value and is not included in state or national registers, but is considered of strategic importance as it links the university with the downtown. One end of the area overlaps with the Rugby Road - University Corner Historic District.

Historic preservation in Charlottesville is the hardest of the three case studies to get to grips with, due to the complexity of the relationship between local, state and national designations. The City of Charlottesville has a long history of involvement in historic preservation but has tended to act quite independently from national and state assessments of importance. Charlottesville illustrates very clearly that though national, state and local designations are linked in many localities this is by no means necessarily the case. Two districts have been given protection through local ordinance which do not appear, or only in small part, on state or national registers, whilst two districts appear on both those registers but have only partial or no local protection. In the two districts where there is overlap between local and wider designations, in both cases the local boundary is different. A similar complicated situation existed with individual buildings, though this has now been simplified somewhat with the inclusion of all buildings on the National Register within the local ordinance.

B. City of Danville

The City of Danville lies in the extreme south of Virginia, close to the border with North Carolina. It is named for the River Dan on which the city is located and was founded in 1793, being incorporated as a town in 1830 and as a city in 1890. It developed principally through a major textile industry, based on cotton, and as a tobacco market. It has two historic districts included within the Virginia Landmarks Register. It also has two houses and a major mill complex listed. The Danville Historic District was included on the Virginia Landmarks Register in 1972, and is focused around an area of large detached houses, described as *'perhaps the most splendid and most concentrated collection of Victorian and early 20th-century residential and ecclesiastical architecture in the Commonwealth'* (VDHR, undated). The Danville Tobacco Warehouse and Residential Historic District was included on the Virginia Landmark Register in 1980. This is the commercial heart of the City, containing the buildings which formed the core of 19th-century Danville.

A historic zoning ordinance has existed in Danville since 1972. It is entirely concerned with the Danville Historic District; though it includes provision for adding individual properties to the ordinance this has never been acted upon.. The ordinance is of a fairly standard form. It is an overlay zoning which brings within control construction, re-construction, alterations, repairs and demolition. However, again this is only where such actions are visible from a public right-of-way or place, and demolitions are allowed if the relevant tests for marketing the building have been met. Decisions are made in the first instance by the Commission of Architectural Review (CAR), consisting of seven members who are citizens of the City or who conduct their primary business or profession in the City. One has to be an attorney, one a registered architect and one a licensed real estate broker.

However, despite this fairly early use of its zoning powers historic preservation appears to have become fairly moribund in Danville. This is perhaps evidenced by the lack of changes to or developments of the ordinance adopted in 1972. For example, the tobacco warehouse area or other areas and buildings of local significance have not been incorporated. Furthermore there is little evidence of the ordinance forming one part of a wider strategy for historic preservation as might be seen in Charlottesville, for example. The search for a new focus and momentum for historic preservation led to an invitation to the Preservation Alliance of Virginia to hold a seminar in March, 1997. Observations of a CAR meeting and discussions with officers revealed the system that is in place to be operating in an unsatisfactory way. Procedure is unclear and has not been reviewed for many years. Quite basic procedural activities, such as application site visits are not necessarily undertaken. No guidance, for example on appropriate or inappropriate alterations, to supplement the zoning ordinance has ever been produced.

Danville is a small city with a significant heritage. Despite recognising this as long ago as 1972 it has done little subsequently to systematically protect it. The one protected area has suffered significant problems, and the credibility of the designation has suffered due to a lack of a co-ordinated and professional approach by the various arms of the City government to the area.

C. Albermarle County

Albermarle County surrounds the City of Charlottesville. It is a bucolic part of Virginia. It was settled by native Americans from early times. European settlement began in the 1720s, and the county formed in 1744 though covering a much larger area than the modern boundaries which were arrived at in 1777. The area is perhaps best known for containing the house designed by Thomas Jefferson for himself, Monticello. Monticello, and the University of Virginia in Charlottesville (but forming part of Albermarle County), and also designed by

Jefferson, are both World Heritage Sites. The area has a beautiful rural and hilly landscape. The dominant mark of man has traditionally been agriculture but the County is today subject to severe growth pressures.

The importance of this area in terms of cultural heritage is reflected in the various inventories of historic resources. By mid-1995 there were 58 individual sites and four districts on the Virginia Landmarks Register; all four districts and all but three of the individual sites were also on the National Register. The latest district, added in 1992, is the Southwest Mountains Rural Historic District, which contains some 31,000 acres. Four national Register properties have earned designation as National Historic Landmarks. As already mentioned Monticello and the Rotunda and Lawn of the University of Virginia are World Heritage sites, two of only eight cultural resource World Heritage Sites in the United States. The Virginia Department of Historic Resources wider inventory shows more historic sites than any other county in the state.

Despite this wealth of historic resources there has never been any zoning ordinance instituted in Albermarle County to protect this heritage. A report prepared by the Albermarle County Historic preservation Committee in 1996 distinguishes four attempts to institute such an ordinance. The first attempt occurred between 1977 and 1981. A Historic Preservation Committee was appointed by the Board of Supervisors to investigate the matter. A proposal was delivered to the Planning Commissioners but seems to have foundered on two matters; first how to delineate a historic district and second whether it should be a voluntary or involuntary ordinance. In 1983 the Board of Supervisors asked planning staff to look at less controversial options to historic district zoning. This proved inconclusive. The trail then goes cold until the third attempt between 1990 and 1992 which arose from the 1989 Comprehensive Plan goal to *'Protect the County's natural, scenic and historic resources in the Rural and Growth Areas.'* To expedite accomplishment of the above goal, the Citizens for Albermarle (CfA), a voluntary sector group, formed a Historic Preservation Committee, which met with the Board of Supervisors to volunteer their efforts and a draft ordinance was presented in early 1992. Through 1992 a series of discussions took place. This ultimately led to the Planning Commission resolving to form an official committee to study the matter further. There was no further recorded action until mid-1995 when the fourth, and current, phase starts with the appointment by the County Board of Supervisors of a Historic Preservation Committee. At the time of writing a draft ordinance is being finalised.

Thus though no historic ordinance is yet in place in Albermarle County there has been significant thought put into historic preservation. In addition to the efforts on zoning other

activity has taken place. So, for example, an impressive amount of survey work has been undertaken in the 1990s, including:

- in 1992 the nomination report for the Southwest Mountains Rural Historic District, initiated by the Piedmont Environmental Council. This identified 138 '*contributing resources*', buildings or structures that contribute to the historic character of the area, and 824 non-contributing historic resources,
- in 1995 a report entitled '*From the Monacans to Monticello and Beyond: prehistoric and Historic Contexts for Albermarle County, Virginia*', which developed prehistoric and historic contexts to synthesise the prehistory, history, archaeology and architecture of the County,
- in 1995 a report called '*Historic Architectural Survey of Albermarle County Villages*' covering twelve villages and concluding that six of them are potentially eligible for listing as historic districts on the National Register of Historic Places and the Virginia Landmarks Register.

Furthermore, though the County has been reluctant so far to institute a historic zoning ordinance it has introduced zoning overlays which introduce architectural control on entrance corridors. The goal is to secure a higher standard of design on specified routes, reflecting traditional architecture and '*to promote orderly and attractive development within these corridors*' (Albermarle County, undated).

The Historic Preservation Committee has, not surprisingly, recommended the adoption of a historic overlay district ordinance, to apply to individual sites or districts. It recommends the inclusion initially of properties already on the Virginia/National Registers, with next consideration given to villages recommended in the village survey. The draft ordinance is relatively standard in format and would potentially control '*new construction, reconstruction, alteration, or restoration of any building or structure or site feature*' and '*demolition, razing or moving of any building or structure*'. However, the proposal to include new construction is seen as controversial, especially given that the Southwest Mountains Rural Historic District encompasses 31,000 acres. On the other hand, dropping this component would make inclusion in the Certified Local Government program difficult (see below). The proposed ordinance does not include measures used elsewhere, such as sanctions against those who deliberately neglect their property. The existing Architectural Review Board would be renamed the Review Board and deal with applications. This would be supported by a Historic Preservation Committee which should advise the Review Board and consider wider matters of historic preservation.

It is important to note, and it is important in the strategy of the current Historic Preservation Committee, that the proposed ordinance forms only one part, albeit a crucial one, of a broader approach to historic preservation. First, it is intended to be integrated with the Comprehensive Plan. Second, the Historic Preservation Plan sets out recommendations concerning a range of other activity including an educational programme, providing local incentives through, for example, creating a revolving loan fund, further investigation and survey of historic resources including archaeology, the County being a good steward of its own historic properties and the promotion of heritage tourism. Becoming part of Certified Local Government Program is also seen as a desirable goal. This gives the local authority a larger role in procedure concerned with historic preservation, for example in reviewing national Register nominations for properties before they are considered by the Department of Historic Resources. It also allows access to funds for surveys, developing policy and guidance, archaeological investigation works, educational programmes etc.

Albermarle County provides an interesting contrast with the City of Danville. Albermarle, unlike Danville, does not yet have a historic district overlay ordinance. However, within Albermarle there has been sustained and multi-faceted activity on historic preservation matters. If an ordinance is eventually introduced it will be part of a considered and comprehensive Historic Preservation Plan. In Danville by contrast the historic district overlay ordinance exists in isolation. Since its introduction 25 years ago little seems to have happened and historic preservation has lost prominence and credibility.

D. University of Virginia

Though the University of Virginia (UVa) is not a local authority it is worth a brief footnote to the above, especially given its significance to both the City of Charlottesville and Albermarle County. UVa is wholly contained within the boundaries of the City of Charlottesville. However, all University land falls within the administrative provenance of Albermarle County. The historic core is covered by all the national and state categories of relevance. In addition it is a World Heritage Site. However, in the absence of any local ordinance it is not subject to any government control.

The historic core comprises the 'Academical Village' of the Rotunda, a half scale interpretation of the Pantheon, housing amongst other functions the library, and ten pavilions linked by arcades, housing both academic and living accommodation. Essential to this composition is the space between, 'The Lawn'. Important also are the gardens to the rear of the pavilions. UVa over the last century has gradually developed an appreciation of the significance of this complex, from considering it little more than functional real estate to appreciating its significance in the world's cultural heritage (Howard, 1993). This

appreciation became increasingly sophisticated in the 1980s. In 1983 the University appointed an Architect for the Historic Buildings and Grounds, and shortly after created the Jeffersonian Restoration Advisory Board to guide works. A series of guidelines, broadly based on ICOMOS principles have been evolved, replacing previous romanticised approaches based on 'spirit of place', with a more self-effacing archaeological approach. Howard (1993) illustrates how this has been achieved with repairs to a number of pavilions over the last decade.

In its approach to the management of the 'Academical Village' UVa has stepped out of mainstream conservation practice in Virginia. As befitting its international importance it has through a process of management and self-regulation adopted a philosophy and approach to conservation in-line with leading international orthodoxy.

6. CONCLUSIONS AND BRIEF COMPARATIVE DISCUSSION

Virginia is of course but one state amongst fifty, the three case studies chosen three local authorities amongst 136. This is the problem in writing about planning and historic preservation in the USA; the system is so inherently diverse as to make meaningful generalisation very difficult. However, though regulatory processes are ultimately very much a local affair, the State and Federal Government do have a role in setting the policy and legal climate within which localities operate. The State is more influential in 'Dillon rule' states such as Virginia, given the legal structure that accompanies this model, whereby local government can only operate within the framework of law set at state level. At both Federal and state level the compilation of inventories and the creation of tax incentives are important. In Virginia the trend appears to be for the State to become more conservation minded, as evidenced by the recent introduction of State tax concessions. There is also a strong 'conservation lobby', through the state agency the Virginia Department of Historic Resources, and campaigning organisations such as Preservation Alliance of Virginia. Some localities appear to have evolved a sophisticated approach to historic preservation, integrated with land-use planning. The fact remains, however, less than half of the local authorities in the state have a historic preservation ordinance.

Despite the difficulties of drawing general conclusions the case studies do give though give some idea of what is *possible* in historic preservation, and also give a contrast for reflecting on the British system. A very preservation minded local authority in Virginia, with all the necessary local political support, can introduce fairly effective regulation over historic areas and buildings. The limitations derive from the state enabling legislation. Perhaps key amongst these are the ability to demolish if the building is not fairly rapidly sold and the inability to

have any control over interiors. The first of these has a broad parallel in the tests set out in PPG 15 (DoE & DNH, 1994), but as is so characteristic of the difference between the two systems, in Britain this is subject to an exploration of the particular case 'on its own merits' potentially taking into account many other factors, whereas in Virginia the rights are absolute. The actions of a preservation minded authority need not be limited to imposing a restrictive overlay ordinance but can become part of a comprehensive approach to conservation planning. In the case studies sketched above it was notable how Albermarle County, despite enduring problems in achieving an ordinance, has evolved a wider strategic approach to historic preservation; something lacking in Danville despite its long-standing ordinance.

An authority not interested in historic preservation in Virginia can of course choose to do nothing. In Britain such an authority would have to at least process applications and would be subject, in theory at least, to central government scrutiny. This raises issues of process. In section 2 various process functions were outlined, i.e.:

1. compiling inventories
2. imposing duties
3. controlling works
4. providing incentives.

In Britain elements of these have become quite closely enmeshed. For example, the process of listing a building automatically renders it subject to state control. This is not the case in the USA and the example of Charlottesville shows how the processes of inventory and regulation can become quite detached, partly due to the responsibility for each function resting with a different tier of government. On the other hand in Britain there is no automatic linkage between inclusion on state inventories and financial incentives (other than the idiosyncratic VAT rules), state support being focused around a rather haphazard and modest provision of grants, whereas in Virginia there has been access to tax concessions at a Federal, and now State, level.

Above all though the differences between historic preservation in Virginia and conservation in Britain are less to do with process and more to do with fundamental differences in philosophy. The notion of the rights of the individual to do what they want with their property, without interference from government, is deeply embedded in the American psyche, whereas in Britain there is perhaps a more clearly articulated notion of the collective good.¹¹ It is perhaps ironic that the notion of 'commonwealth' is more firmly embraced within Britain than the Commonwealth of Virginia.

NOTES

¹Within Virginia there are 95 counties and 41 independent cities.

²For a detailed account of American land-use planning see Cullingworth 1997 or 1993.

³It does, however, give significant protection from Federal programmes such as, for example, road building. There is a statutory requirement for Federal projects to be subject to a review process, popularly known as the section 106 process and requires consideration of alternatives to the destruction of historic properties.

⁴Within these figures are 700,000 contributing buildings within historic areas at national level and 31,000 within Virginia.

⁵The British system has evolved incrementally and, rather notoriously, the different mechanisms of heritage protection have never been integrated. Thus scheduled monuments, listed buildings and conservation areas remain distinct, but overlapping, categories.

⁶Local governments meeting certain criteria, such as having historic ordinances in place, can seek this status.

⁷Federal tax incentives were first introduced in 1976.

⁸Amenity bodies have played an important role in Britain at least since the founding of the Society for the Protection of Ancient Buildings in 1877

⁹This work derives from a study visit to Virginia at Easter 1997. The case studies were developed from contacts with officials in state-wide agencies and the individual local authorities.

¹⁰This is complicated by the inclusion of the University of Virginia Historic District. Though within Charlottesville the University is technically located on Albermarle County land along with all other University property.

¹¹Whose articulation this is of course debatable; is it a genuine consensus or is it imposed by a relatively small elite? These issues are discussed in Pendlebury & Townshend (1997).

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