

# **Historic Resources**

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## CHAPTER ELEVEN - HISTORIC RESOURCES

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The Horizon 2020 Historic Preservation Plan Element (adopted 2004) provides Lawrence and unincorporated Douglas County with both a broad-based and inclusive preservation model. Its goal is to create opportunities to develop, through preservation activities and programs, livable, vital, and sustainable neighborhoods, commercial centers, cultural landscapes, and rural communities. The plan broadly focuses on the city's and county's cultural resources, including its buildings, neighborhoods and streetscapes, historic sites, trails, battlefields, open spaces, and prehistoric and historic archaeological sites. These are the assets that provide a unique "sense of place" in the region.

This chapter presents goals, policies, and implementation strategies (of the Horizon 2020 Historic Preservation Plan Element) that integrate historic preservation into the city's and the county's planning and land use policies and processes. By capitalizing on preservation's demonstrated strengths, reinforcing current programs, and initiating both short- and long-term new efforts, the city and the county can not only protect valuable resources, they can also coordinate the processes involved in this protection.

### **STRATEGIES: HISTORIC RESOURCES**

The City of Lawrence and Douglas County possess a unique legacy of built and natural resources that reflect its rich history. This legacy deserves to be protected and preserved. This plan capitalizes on the demonstrated success of preservation methodology as a tool for revitalization of older neighborhoods and commercial centers, the popularity of traditional urban environments, the fast-growing heritage and cultural tourism industry, and the strong public support for environmental stewardship. It provides strategies that place preservation as an important component in the city and county's planning and development programs. Five goals compose the key elements of the plan.

- Incorporate preservation as an important component of the city and county planning processes.
- Conserve the rural character of unincorporated Douglas County in strategic areas.
- Incorporate preservation incentives into the city and county's economic development policies and programs.
- Incorporate heritage tourism as an economic development program.
- Establish outreach and educational programs.

## WHY A PRESERVATION PLAN?

Preservation offers two (2) distinct benefits. Historic preservation has its own intrinsic value in celebrating the city and the county's diverse cultural heritage, in honoring the craftsmanship of other eras, in instilling the values by which we live, and in understanding the relationships of the past, the present, and the future. Preservation also has proven practical value as a tool for economic development and environmental stewardship.

- ***Economic Benefit***

The most successful revitalization efforts in the country (cities, towns, or rural hamlets) utilize historic rehabilitation and preservation as the core of their revitalization strategies. Throughout the nation, there are successful models for preservation programs that demonstrate the positive economic impact that occurs when preservation is used as a tool for planned revitalization efforts in older neighborhoods and commercial centers.

Public policy that integrates historic preservation into the planning process and targets it to definable areas provides a level of stability that attracts both short- and long-term investment. Revitalized neighborhoods provide a stable population, a greater tax base, higher job retention, and less drain on city services.

- ***Heritage Tourism Venues***

Preserved neighborhoods and commercial centers attract visitors. Heritage tourism is big business. This plan provides initiatives that capitalize on existing historic resources and themes and presents approaches to developing new heritage tourism programs that promote local and regional synergy, allowing the city and county to capitalize on their historic resources. Lawrence and Douglas County can claim a role in the development of cultural, economic, and political forces of local, state, and national significance. Lawrence and Douglas County retain tangible ties to prehistoric and historic indigenous peoples, the era of European exploration and the fur trade, the Santa Fe commercial trade route, the establishment of the Indian Territory, the Oregon and California emigrant trails, the abolitionist movement, the Border and Civil wars, the evolution of regional livestock and agricultural industries and an acclaimed State university.

- ***Environmental Stewardship***

Preservation is a tool for better stewardship of older buildings, neighborhoods, and rural landscapes. The citizens of Lawrence and Douglas County increasingly support environmental conservation efforts. This growing awareness of how local conditions fit into the larger environmental issues has led to the recognition of the importance of natural resources and of the embodied energy contained in the built environment.

- ***The Federal, State, and Local Preservation Partnership***

The nation's preservation programs are part of a partnership initiated by the federal government with the passage of the National Historic Preservation Act in 1966. Since that time, the program evolved into a working partnership of federal, state and local public and private agencies and organizations.

Federal laws affect preservation in a number of ways. They authorize federal support for national, state, and local preservation programs; define procedures for the identification, evaluation, and protection of cultural resources; provide incentives to protect resources; and mandate procedures to review the impact of federal undertakings on significant cultural resources.

Among the most successful incentives are the twenty percent (20%) rehabilitation tax credit for income-producing properties listed individually or as contributing to a district in the National Register of Historic Places and the low-income housing credit that can be combined with the rehabilitation credit. Owners of properties that are listed on the National Register can donate a preservation easement to a not-for-profit entity and receive a charitable contribution deduction. Easements may be donated for buildings, scenic or landscape elements, or for open space.

Each state administers federal preservation programs as well as programs established by the state. The Cultural Resources Division of the Kansas State Historical Society provides technical assistance and administers a number of grant and incentive programs, as well as federal programs. The Kansas Legislature passed a twenty-five percent (25%) tax credit for rehabilitation of income-producing and residential properties listed individually or as contributing to a district in the National Register of Historic Places or the Register of Kansas Historic Places. The program uses the same criteria as the federal rehabilitation tax credit program and is designed to "piggy back" onto the federal tax credits.

By design, the strongest element of the federal, state and local government preservation partnership is at the local level. The federal government and the State Historic Preservation Officer (SHPO) have designated the City of Lawrence as a "Certified Local Government." This status indicates a partnership in compliance with federal guidelines for local government historic preservation programs and state law review. The Lawrence-Douglas County Metropolitan Planning Office administers the program assisted by the Lawrence Historic Resources Commission. The regulatory framework for preservation in the city is in place through a preservation ordinance. The University of Kansas also has Certified Local Government status.

Douglas County does not have a formal preservation program. Under federal guidelines, the county could establish a preservation program focusing on the preservation of resources within the unincorporated areas of Douglas County and become a Certified Local Government.

In addition to the various government preservation programs, there are a number of well-established private entities – neighborhood associations, professional groups historical societies, and preservation organizations – that provide a variety of research, technical, educational, and advocacy roles in promoting the preservation of cultural resources.

## HISTORIC RESOURCES GOALS AND POLICIES

Historic Resources in Lawrence and Douglas County enhance the quality of life within the community and are integral in defining the character of the community. Guidelines are needed to ensure consideration of these resources in land use decisions.

### **GOAL 1: Incorporate Preservation as an Important Component of The City and County Planning Processes**

Ensure the consideration of historic resources in land use decisions.

#### **Policy 1.1: Expand Historic Preservation Identification, Evaluation, and Protection Programs**

- a. Expand the cultural resource survey process to identify important resources to be considered in all city and county planning processes.
- b. Establish an up-to-date survey database.
- c. Launch an ongoing effort to create National Register and local historic districts in the city with design guidelines to maximize the potential to stabilize and increase property values while protecting resources.
- d. In conjunction with property owners, develop and implement a local, National Register, and State Register nomination plan for significant historic properties within the unincorporated areas of the county.
- e. Identify and evaluate, during the development review process, properties that are fifty (50) years<sup>1</sup> or older that will be affected by development proposals such as rezoning, platting, development plans, conditional use permits, and use permitted upon review permits.
- f. Working with property owners, develop a program to encourage listing of eligible properties in the National Register and State Register thereby enabling property owners to utilize the federal and State rehabilitation tax credits.
- g. Reevaluate the city's demolition ordinance and investigate streamlining the 30-day waiting period by developing a policy regarding properties which are potentially eligible for listing.
- h. Explore alternative protection mechanisms used in other communities for protection programs for identified significant rural resources.

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<sup>1</sup> The National Park Service's criteria for evaluation of historical significance exclude properties that achieved significance within the last fifty (50) years unless they are of exceptional importance. Fifty (50) years is a general estimate of time needed to develop the necessary historical perspective to evaluate significance.

**Policy 1.2: Develop or Modify Appropriate Zoning, Building Code, and Fire Code Regulations to Facilitate the Preservation and Rehabilitation of Historic Properties.**

- a. Investigate the possibility of creating conservation districts as an alternative protection mechanism and standard for environs review.
- b. Review and update existing city zoning to be compatible with existing or desired land use that promotes preservation of intact residential neighborhoods and commercial centers that have historical, architectural, and physical integrity. Among the issues to be considered are:
  1. Consistency between overlay zoning and base land use zoning among contiguous properties;
  2. Flexible provisions for developing compatible new "infill" construction on vacant lots;
  3. Allowance of innovative preservation alternatives, such as additional or specialty uses including "bed and breakfast," studios, and other professional uses;
  4. Appropriate design guidelines and site development controls to encourage quality rehabilitation and compatible new construction worthy of preservation in the future; and
  5. Effective procedures to discourage demolition of significant buildings and structures.
- c. Require new development in established areas of the city to use designs complementary to the adjacent streetscape.
- d. Adopt new zoning ordinances or overlay zoning districts for the City of Lawrence to address specific zoning requirements and design elements to allow for construction that is more compatible.
- e. Create transition zones and flexible links within Lawrence by using setbacks, alleys, parks, and open space in ways that are consistent with established patterns.
- f. Adopt a rehabilitation code to address building code and fire code requirements in historic structures for the City of Lawrence and Douglas County.

**Policy 1.3: Develop and Implement Formalized Procedures to Coordinate Preservation Efforts Among City and County Departments and Agencies**

- a. Establish formalized procedures for the Lawrence Historic Resources Commission (LHRC) or the Historic Resources Administrator to review and comment on City planning activities.
- b. Facilitate the integration of the development review process and the building permitting process with the design review process. Consider alternative processes for project review.
- c. Require historic preservation elements as part of neighborhood, area, or sector plans.
- d. Implement consistent and systematic building and maintenance code enforcement.
- e. Enforce environmental code.
- f. Adopt a rehabilitation building and fire code for the city and the county.
- g. When possible, historic preservation issues should be represented in appointed positions. Representatives of these entities should also be considered as appointed members on the LHRC.
- h. Working with property owners, target significant cultural landscapes for park/green space designation on the National, State or Local register.
- i. Working with property owners, target open space designation to areas with probability for the presence of a high level of archaeological artifacts.
- j. Include a preservation element in the City of Lawrence's Parks and Recreation Master Plan.
- k. Establish a formalized procedure to provide review and comment on new ordinances for their impact on historic resources and historic preservation efforts.

**Policy 1.4: Improve Existing Design Review and State Law Review Process**

- a. Conduct ongoing inspection of work after LHRC review.
- b. Develop review process that promotes more consistent and objective interpretation of environs law.
- c. Develop a program that identifies the provisions of legal enforcement of LHRC decisions.
- d. Reconcile the differences between state law environs review and the City of Lawrence's environs review standards.

- e. Establish a recording process with the Register of Deeds to record National Register, State Register and local register properties.
- f. Investigate ways to simplify the design review process and the state law review process through the integration of building permit applications, design review applications, and development review applications.

**Policy 1.5: Establish Clear, Working Development and Design Review Processes with Federal, State, County, Public, and Private Institutions Located Near Historic Resources.**

- a. Develop agreements regarding development policies for federal, state, public and private institutions such as the University of Kansas, Baker University, Haskell Indian Nations University, Lawrence Memorial Hospital, the Lawrence school district, townships, and rural water districts, which are located near historic areas that include community expectations, a public participation process, and development requirements, including development of expansion boundaries.
- b. Neighborhood, sector, and area plans should establish clear boundaries for commercial areas as well as institutions.
- c. Form stronger partnerships between the Campus Historic Preservation Board and the Lawrence Historic Preservation Commission.

**Policy 1.6: Develop a Public Resources Policy that Values Historic Public Improvements.**

- a. Create a comprehensive approach to infrastructure improvements on a neighborhood-by-neighborhood basis.
- b. Adopt a Brick Streets program to encourage the restoration brick streets and sidewalks in the City of Lawrence. This program should include the identification of the financial responsibilities of all effected parties, including the adjacent property owners.
- c. Investigate and implement appropriate traffic calming measures in residential neighborhoods in the City of Lawrence.
- d. Investigate and implement initiatives to improve parking in Downtown with minimal impact on older buildings.
- e. Improve bicycle and pedestrian routes and rural trails in central and rural locations.
- f. Target Parks and Recreation tax revenues, when appropriate, for cultural resource projects on public lands.
- g. Improve flood control to protect historic properties.

- h. Develop a formal review process for all public improvements to determine the effects on historic preservation and/or historic preservation planning efforts.

Mechanisms are needed to integrate historic preservation efforts in all planning processes.

**GOAL 2: Conserve the Rural Character of Unincorporated Douglas County in Strategic areas**

Ensure the consideration of the protection of historic resources in county planning processes.

**Policy 2.1: Develop a Preservation Program for the Identification and Evaluation of Cultural Resources in the Unincorporated Areas of Douglas County**

- a. Develop and implement a rural survey plan to identify and evaluate rural resources based on a systematic approach by township areas, giving priority to areas with the highest rate of development.
- b. Working with rural property owners, develop a cultural landscape component for the identification and evaluation of cultural resources.
- c. Develop an archaeological survey plan for the county that:
  1. Includes an archaeological predictive model for Douglas County that identifies areas of high, medium and low probability, and
  2. Prioritizes archaeological survey to focus on areas in which development is ongoing and in which resources would most likely be expected.
- d. Establish a survey database.

**Policy 2.2: Develop a Preservation Program for the Protection of Cultural Resources in the Unincorporated Areas of Douglas County to be Integrated into County Planning Policies and Processes.**

- a. Develop and establish by ordinance a rural preservation program for the unincorporated areas of the county.
- b. Explore the benefits and liabilities of establishing Douglas County as a separate Certified Local Government (CLG).
- c. Investigate successful protection strategies used in other areas of the nation and develop a plan to implement those that are applicable to Douglas County, such as conservation easements and incentives to encourage private stewardship.
- d. Develop and implement a Local Register, National Register and State Register nomination plan for significant historic properties currently within the unincorporated area of the county.

- e. Target and prioritize sites for preservation, such as the natural areas – unplowed prairie and woodlands – identified in this Plan.
- f. Target significant cultural landscapes for park/greenspace designation.
- g. Target open space to areas with a predictive model for the presence of a high level of archaeological artifacts.
- h. Investigate the use of funding mechanisms to retain open space around historic sites.

**Policy 2.3: Eliminate Disincentives to Orderly Planned Development**

- a. Evaluate the "Five-Acre Exemption."
- b. Encourage and support annexation plans and urban growth boundaries for all municipalities within Douglas County.
- c. Support policies that encourage development to occur in the urban growth boundaries of associated municipalities.

**Policy 2.4: Conserve the Visual Distinction Between City and Rural Areas**

- a. Support the creation of transition zones between rural areas and cities using wetlands, open spaces, parks, golf courses, "rails-to-trails," small farm transition areas, and commercial/rural transition areas, i.e., businesses that require open space.
- b. Create limits on development outside the urban growth areas or boundaries.
- c. Promote retention of agricultural land use through programs such as the transfer of development rights and conservation easements.

Economic incentives are needed to help facilitate the preservation of historic resources.

**GOAL 3: Incorporate Preservation Incentives into THE CITY'S and County's Economic Development Policies and Programs**

Include economic incentives for historic preservation in city and county economic development plans.

**Policy 3.1: Encourage the Utilization and Linkage of Existing Incentives**

- a. Develop a program to list as many eligible properties in the National and State Registers as possible, enabling property owners to utilize the federal and state rehabilitation tax credits.
- b. Maximize the use of incentives by combining them into preservation "tool kits" – different combinations of incentives targeted for specific areas and tailored to certain needs – to provide flexible and lasting strategies to address stabilization and revitalization of older residential and commercial centers.
- c. Target public incentives to projects in areas with existing public infrastructure and significant historic resources.
- d. Notify owners of eligible properties and assist them in providing access to applicable rehabilitation incentives and grants.
- e. Investigate the use of Community Development Block Grant (CDBG) funds to foster historic preservation efforts.
- f. Establish and fund the Historic Preservation Fund as described in the city's Conservation of Historic Resources Code.

**Policy 3.2: Develop Incentives to Encourage the Rehabilitation and Occupancy of Historic Properties**

- a. Attach appropriate design guidelines to incentive programs.
- b. Create tax incentives by using such tools as the Neighborhood Revitalization Act.
- c. Create incentives to increase critical mass development in Downtown.
- d. Create and target incentives to historic commercial areas such as façade improvement grants and economic incentives to owners or businesses that occupy or lease space in historic buildings.

- e. Develop and implement policies and programs that eliminate parking issues as a disincentive to rehabilitation of buildings, including review of use permits and accompanying parking requirements and implementation of public/private shared use of parking structures.
- f. Create incentives to preserve historically significant farming areas.
- g. Provide design and/or technical assistance to property owners undertaking preservation projects, such as schematic architectural design assistance for renovation/restoration of residences, businesses, and rural structures.
- h. Develop incentives to retain and strengthen small neighborhood commercial areas.
- i. Utilize or create incentive programs for abatement of environmental hazards in significant historic buildings.
- j. Develop incentives to reduce the number of multi-family units in houses originally designed as single-family residences that are located in historic and conservation districts.

**Policy 3.3: Eliminate Disincentives to Preservation Efforts**

- a. Investigate the reduction of property taxes for structures that are listed in the National Register, State Register, or Local Register.
- b. Investigate the abolition or development of a lower fee schedule for rehabilitation building permits.

Public awareness of Historic Resources is needed to encourage heritage tourism and historic preservation.

**GOAL 4: Incorporate HERITAGE TOURISM as an Economic Development Program**

Ensure heritage tourism as an economic development program.

**Policy 4.1: Develop a comprehensive heritage tourism program that integrates historic resources and vendors into program planning and implementation**

- a. Investigate and pursue National Heritage Area Designation.
- b. Encourage and enter into cooperative regional efforts in programming and networking in public relations and marketing efforts.
- c. Revitalize the Watkins Community Museum.
- d. Through the National Trust for Historic Preservation Heritage Tourism Program, the city/county should enlist the participation of all Douglas County communities, sites, and museums to conduct a comprehensive management and interpretive assessment and to develop cooperative interpretive, marketing and programming plans.
- e. Develop cooperative efforts between the Lawrence/Douglas County Chamber of Commerce and local preservation groups.

**Policy 4.2: Encourage and support the establishment of Black Jack Battlefield, an area of historic significance, as a national destination in association with the Civil War.**

- a. Support the establishment of the Black Jack Battlefield as a park.
- b. Investigate and pursue, in conjunction with other sites, National Heritage Area Designation.
- c. Encourage and enter into cooperative regional efforts in programming and networking in public relations and marketing efforts for the Black Jack Battlefield.
- d. Develop cooperative efforts for preservation and interpretation between the Black Jack Battlefield Trust, the Douglas County Historical Society, Lawrence/Douglas County Chamber of Commerce and local preservation groups.



Public education about historic resources and the importance of preservation is integral to a successful community.

**GOAL 5: Establish Outreach and Educational Programs**

Ensure historic preservation education by implementing educational programs.

**Policy 5.1: Develop a Government-Sponsored Public Information Outreach Program**

- a. Make public aware of available funding sources.
- b. Develop or provide hands-on materials that provide information on how to repair and preserve historic buildings according to the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings.
- c. Provide information on historic neighborhoods (i.e. promote walking tours).
- d. Provide notification each spring, prior to the construction season, to property owners in local districts, National Register properties, and State Register properties of the design guidelines and procedures to obtain a Certificate of Appropriateness and/or Certified Local Government Review.
- e. Develop in-house materials for other city/county department staff about preservation processes and issues to assist in building consensus in applying preservation procedures.
- f. Provide on-going preservation education sessions for members of appointed bodies including the Historic Resources Commission, City Commission, and Planning Commission.
- g. Expand the city's web page to include additional information regarding National Register listing, survey information, how-to materials, etc.
- h. Work with existing hardware and home improvement stores to provide hands-on materials regarding historic preservation issues.

**Policy 5.2: In Partnership with an Appropriate Local Organization, Assist in Developing and Conducting a Series of Public Workshops to Educate the Public about Preservation**

- a. Establish forums for realtors, developers, preservationists, business community leaders, and neighborhood groups to acquaint them with preservation benefits, issues and procedures.

**Policy 5.3: Develop Media Relations to be an Advocate for Preservation**

- a. Promote preservation news in the local press through press releases during National Preservation Week that focus on the economic impact of preservation, as well as local newsworthy events, and recent local, state or national designations, etc.

**Policy 5.4: Develop Proactive Recognition Programs**

- a. Develop a countywide Heritage Farm honorific program.
- b. Develop historic signage.
- c. Continue the Paul Wilson Preservation Awards program.

**Policy 5.5: Coordinate Preservation Programs in the County and City with Other Local, State, and Federal Governments and Organizations**

- a. Establish a countywide coordinating entity that includes private and public organizations and agencies. Primary goals should be:
  1. Development of an outreach program to unincorporated areas of the county to involve property owners in historic preservation initiatives; and
  2. Promote the joining of rural and city constituencies in cooperative efforts.