

*PN-AED-036*  
*98437*

**THE UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT  
PROJECT**

**LAND USE REGULATORY SYSTEM (ZONING)**

**PRESERVATION AND  
DEVELOPMENT OF  
HISTORICAL BUILDINGS AND  
HISTORICAL AREAS**

**Moscow  
1997**

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This Manual was developed as part of the Land Use Regulatory System (Zoning) Project The Project was funded by the United States Agency for International Development and implemented by personnel from Planning Development Collaborative International, Inc (PADCO), the Urban Institute, the Institute for Urban Economics, and the Institute for a Law-Based Economy (ILBE) in the cities of Irkutsk, Kazan, Novgorod, Pushkin, Samara, St Petersburg, Tver, and Vyborg

In addition to this Manual, the Project published copies of the Zoning Ordinances for Kazan, Samara, and Vyborg and special studies on the following issues *The Development Process on Leased Land, Subdivision, Interjurisdictional Land Issues, Servitudes, Reservation of Land for Future Public Needs, and Environmental Protection and Land Use Regulation* The Project also published an aperiodic newsletter addressing land use issues and a training brochure

Copies of these materials and additional information on zoning and land use may be obtained from the following organizations and individuals

PADCO Inc , suite 1126, 15 ul Chayanova, building 5, Moscow, 125267

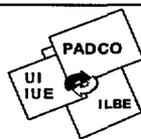
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**HOUSING REFORM PROJECT**  
Land Use Regulatory System (Zoning)  
United States Agency for International Development

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## **Executive Summary**

This Manual examines the problems of preserving and increasing the attractiveness of historic development and historic areas for investment under modern conditions. The primary effort is devoted to a search for ways of solving the problems at the local level. Specifically, this concerns the issues of establishing rules for regulating historical areas, including the need for preserving and the opportunity for making the most effective use of historic development and private possession.

The Manual consists of three parts and five appendices. Part I analyzes the modern legal environment in Russia and the possibility of solving the problems of preserving historic development at the local level. It also analyzes the existing legislation and Federal bills on land use, city planning and protection of our cultural heritage. Part II analyzes foreign experience in preserving historical development. It cites examples for solving the most critical problems for our country: defining the powers of local authorities in protecting our cultural heritage, protecting the interests of private possessors of historic buildings, setting objective standards for protecting historical development through regulations, providing economic incentives for protecting and restoring historic development, and establishing public participation in administrative decision-making. Part III provides a procedural approach to regulating city development within historical areas at the local level. It suggests a regulatory model and provides the results of a test of its application in two cities - Novgorod and Irkutsk. This procedural approach is based on the principles of zoning and it shows how rules for using historic areas can be established within the framework of Land Use and Development Regulation. The results of this experiment represent the first practical experience in Russia for combining modern market-oriented regulatory mechanisms and issues of preserving our cultural heritage. This section shows examples of legal regulatory standards.

Appendix I shows the following tables: a list of Federal regulations and laws, a description and comparison of the situation in the cities, examples of economic incentives for protecting historical development abroad. Appendices II and III provide illustrations containing examples of the analysis and results of the experience in the cities of Novgorod and Irkutsk. Appendices IV and V contain examples of an application for reimbursement of the cost for repairs and restoration of a historic building and an application for a Certificate of Appropriateness that the work on a historic building meets the requirements for its preservation.

The Manual is intended for representatives of city administrations who are interested in rejuvenating their cities, preserving their cultural heritage and attracting investment for renovation of historic areas. This experience may also prove beneficial to specialists when developing rules for preservation and development of historic areas and will make it possible not only to consider public but also private interests and to preserve and improve the appearance of historic cities.

## **Introduction**

Historic and cultural preservation in Russian cities has increasingly become the focus for local decision making activity in land use regulation. Protection of historic buildings and sites was traditionally centralized in terms of financing, urban planning restrictions and approval procedures. During the period of the centrally planned economy, historic buildings were maintained and sustained by federal budget subsidies. The contemporary transition to a market-oriented economy has limited federal support and forced local authorities to solve problems through new approaches in urban management and proper land use planning processes regarding existing constraints on historic center rehabilitation.

This Manual is intended for local self-governance agencies of cities which have chosen the path of reforms in the area of investment and construction activity and are ready to cooperate with private investors as well as with municipal and private agencies and companies which participate in the decision-making process on development of historical areas.

The creation of a favorable investment climate is a very important feature for a city's socio-economic development. In the countries with market economy, the creation of such a climate is based on legal protection of the investor's rights, long-term rights for real estate, and last but not least - rights for land, as well as a clear understanding of rights for its use which guarantee an investor safety and low risk.

Use of real estate is connected not only with private interests, it can and will be restricted by interests of other individuals and society as a whole. These issues are resolved by establishment of Land Use and Development Regulations (zoning). But there is an issue that, on the local level, is not yet linked with land use issues - preservation of historical and cultural landmarks. Traditionally, historical preservation in Russia existed only at the government level. However, there is a number of issues which can be resolved only on the local level. In general, these are city planning issues in the area of preservation of historical heritage, and, especially, preservation of historical development which is not classified as a landmark.

At present, historic preservation issues are resolved by establishing boundaries and regimes for landmark preservation zones, where historical development, in its relation to landmarks, is viewed as an "environmental" or even "background" issue. In the Russian practice of historic preservation, there is no such concept as "areas of historical development", and, therefore, there is no experience in preserving these areas as integral landmarks. However, in many historical Russian cities, there are blocks of such historical development which, over time, become more and more significant as historical sites. This is proved by the fact that many city administrations want their city centers to be included in the List of World-Wide Historical Heritage. Why do they want to be included on the World-Wide Historical Heritage List? Because in our country there are no mechanisms for historic preservation of city centers apart from protection zones.

In the Draft Federal Law on Historical Landmarks adopted by the State Duma in the first reading, the list of sites subject to historical preservation has been amended with new types - ensembles and places of interest. These types were introduced according to the Convention on Preservation of the World-Wide Historical Heritage adopted by the 17-th Session of the General Conference of UNESCO in 1972 and ratified by our country in 1988 (N 8595-XI). According to the new Federal bill, areas with preserved historical development can be viewed as "places of interest". Apart from this, in the draft law such areas were designated as areas of special city planning activity and there is a possibility of establishment special rules (city planning regimes) for these areas.

Due to the fact that special city planning rules are developed within the framework of zoning, this means that this Manual is primarily addressed to city administrations which have already prepared local legal acts on Land Use and Development (zoning), as well as to administrations which are in the process of preparing such legal acts. This Manual contains a description of a procedural approach to preparation of such city planning rules within the framework of zoning and examples of establishment of restrictions on reconstruction of buildings and structures which are not historical and cultural landmarks, as well as restrictions on new construction on vacant land located within historical protection zones.

There is still a lot to be done on the creation of the oblast and city legal foundations for historical preservation. Legal acts at the Federal level are not sufficient. The matter is not just cultural preservation, i.e., spiritual values, but also city development, i.e., improvement of people's wealth. The establishment of clear and precise restrictions in city planning rules will make it possible to satisfy private and public interests, and will support their application as well as monitor (including public) their implementation.

# **1 Regulatory System for Preservation and Use of Landmarks and Historical Areas in the Russian Federation**

## **1 1 Legal Conditions**

The current Russian Legislation on historic preservation includes The Law of the Russian Federation "On Preservation and Use of Historical Landmarks"<sup>1</sup> dated 1978, Regulations "On Preservation and Use of Historical Landmarks"<sup>2</sup> adopted by the Council of Ministers of the USSR, and departmental instructions adopted by resolutions of the Ministry of Culture of the USSR. Apart from these, the decrees of the President of the Russian Federation and resolutions of the Government of the Russian Federation were adopted within the 1992-1997 time frame. These documents cover the lists of the most important landmarks of national significance and federal landmarks, lists of landmarks which are state property and privatization of local landmarks.

The legislation on historic preservation defines the types of landmarks, the rules for their identification, registration and placement under state protection, the government agencies in charge of historic preservation and the limits of their authority, and the rules of city planning activity in this area. According to the Constitution of the Russian Federation, historic preservation falls under the jurisdiction of the Federation and the subjects of the Federation.

According to the Federal Law "On General Principles of Local Self-Governance in the RF" (#154, 1995), local agencies are charged with the preservation of local landmarks which are municipal property. However, the subdivision of ownership and the identification of state property, including ownership of historical landmarks, ownership of the subjects of the Federation and municipal ownership has not taken place yet.

In Presidential Decree No 2121 "On Privatization of Historical Landmarks of Local Significance in the Russian Federation"<sup>3</sup> historical landmarks, that are subject to privatization, are defined as historical landmarks of local significance (except for religious facilities and their adjacent areas),<sup>4</sup> but up to now there is no list of municipal landmarks and there are no municipal government agencies in charge of historic preservation. Today there exists only state historic preservation authorities of

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<sup>1</sup> The Law of the RSFSR "On Preservation and Use of Historical and Cultural Landmarks" (Resolution of the Supreme Council of the RSFSR dated 15 December 1978 with amendments introduced by Order of the Supreme Council of the RSFSR dated 18 January, 1985 No A-632// RSFSR Code of Laws, volume 3)

<sup>2</sup> Provisions "On Preservation and Use of Historical and Cultural Landmarks" (Resolution of the Council of Ministers of the USSR dated 16 August 1982 No 865)

<sup>3</sup> The Presidential Decree "On Privatization of Immovable Historical and Cultural Landmarks of Local Significance in the Russian Federation" (No 2121 dated 26 December, 1994)

<sup>4</sup> Presidential Decree No 15 dated 20 January 1997 "On Introduction of Amendments to the Presidential Decree dated 26 November, 1994 No 2121 "On Privatization of Immovable Historical and Cultural Landmarks of Local Significance in the Russian Federation"

the Russian Federation and of the subjects of the Russian Federation, but the term "local level", according to the law, means regional agency for historic preservation

Issues on the division of ownership as well as on the division of authority between the RF and the subjects of the RF, including historic preservation, are resolved by agreements. Beginning in 1996, the Government of the RF has signed (or is in the process of signing) agreements with a number of subjects of the Federation on the division of authority for the management of historical landmarks which are federal property. For example, such an agreement was signed in 1996 by Irkutsk Oblast. As a result, the Oblast obtained jurisdiction over the majority of the historical landmarks of federal significance located on its territory. The draft of such an agreement is in the process of being signed by Novgorod Oblast.

On this basis the Administrations of the subjects of the Federation (specifically Irkutsk and Novgorod oblasts) have developed the drafts of agreements to delegate authority in the area of historic preservation to municipal historic preservation agencies. In general, this authority is connected with use of immovable historical landmarks located in preservation zones, but presently (until the laws are adopted) they do not affect the issues of defining the monuments, control over them and state registration for preservation. At present, some subjects of the Federation have adopted some legal acts which regulate relations in the area of historic preservation (in St - Petersburg) and laws on historic preservation are in the process of being drafted elsewhere (for example, in Irkutsk and Novgorod oblasts).

Particular provisions connected with preservation of the historical heritage are included in urban planning and land legislation. In the current urban planning legislation<sup>5</sup> these provisions affect particular features of planning activity and development regulation of urban planning documentation for historical cities. According to procedures for preservation zones they are being developed and adopted as a part of the General Plan (Genplan).

In the land legislation,<sup>6</sup> these provisions touch upon the issues of defining particular land parcels and areas as categories of lands of historical and cultural significance, as well as setting up legal control for these areas.

According to the Instruction of the Ministry of Culture of the USSR (1986),<sup>7</sup> historical landmark preservation zones are defined as areas needed in order to provide

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<sup>5</sup> The Law of the RF "On Urban Planning Principles in the RF" (No. 3295-1 dated 14 July, 1992 with amendments dated 19 July, 1995 No. 112-FZ)

<sup>6</sup> Land Code of the RSFSR adopted 25 April, 1991 No. 1103-1 with amendments and changes introduced by the Law of the RF dated 24 December, 1993 No. 4888-1 and the Presidential Decree dated 24 December, 1993 No. 2287, Protocols of the Congress of the Peoples' Deputies of the RSFSR and the Supreme Council of the RSFSR, 1991 No. 22 Article 768, Protocols of the Congress of Peoples' Deputies of the RF and the Supreme Council of the RF, 1993 No. 21, Article 748, Legal acts of the President and the government of the RF 1993, No. 52, Article 5085. Land Code of the RF Adopted by the State Duma in the third reading.

<sup>7</sup> The Instruction on Creation of Preservation Zones of Immovable Historical and Cultural Landmarks (adopted by Order of the Ministry of Culture of the USSR No. 33 dated 24 January, 1986// M. The Ministry of Culture of the USSR, 1986)

preservation of historical landmarks and their environment. There are three types of preservation zones, zones of regulated development and economic activity and landscape protection zones. Their boundaries and legal control are also defined by zoning. The plan of preservation zones serves as the basis for individual directions for every user and is developed when an application is filed. Thus, the zones' legal regime, as such, is not established, in essence, it depends upon the legal regime of a particular land parcel.

In addition, preservation of historical landmarks by establishing protection zones is implemented at the Federal and Oblast government level, and the regulation of city planning activity is implemented at the local level by Land Use Regulations as provided by the **Draft City Planning Code of the RF**.<sup>8</sup> According to the Federal Law "On General Principles of Local Self-Governance in the RF,"<sup>9</sup> the issues of city planning and development within municipalities are included in local self-governance.

In the Federal Draft Law "On Sites of Historical Heritage (Historical and Cultural Landmarks) of the people of the RF,"<sup>10</sup> adopted in the first reading by the State Duma, a definition of historical heritage is introduced based on the one in the Convention<sup>11</sup> - landmarks, ensembles, places of interest. The issues concerning preservation were divided into those which are under mutual jurisdiction of the RF and the subjects of the RF, and also issues on federal property management which are under the RF jurisdiction. Issues on regulation of use of historical areas and preservation zones, which are not mandatory in all cases and cannot be considered the only manner of regulating preservation of landmarks and historical development, were clarified. Now specialists have an opportunity to choose the most appropriate method of regulating areas of historical development. Such areas can be enclosed in protection zones or designated as "places of interest." Areas where such places of interest are located can be designated, according to the Draft City Planning Code, as sites of special city planning activity. Special city planning documents can be developed at the local level regarding these areas.

## 1.2 Authorized Historic Preservation Agencies

According to current Russian Legislation on historic preservation, use and preservation of historical landmarks is carried out only at the government level. The system of authorized historic preservation agencies consists of federal agencies of historic preservation and agencies of the subjects of the Federation. The Federal historic preservation agency is the Historic Preservation Department of the Ministry of Culture of the Russian Federation.

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<sup>8</sup> City Planning Code of the RF Draft (adopted by the State Duma in the third reading)

<sup>9</sup> Law Of the RF "On General Principles of Self-Governance in the RF" No. 154-FZ dated 28 August, 1995

<sup>10</sup> Draft Law of the RF "On Sites of Historical and Cultural Heritage (historical and cultural monuments) of people of the RF, adopted by the State Duma in the first reading

<sup>11</sup> Convention on Preservation of World-Wide Cultural and Natural Heritage. Adopted by the 17-th Session of the General Conference of UNESCO in 1972 and ratified by our country in 1988 (No. 8595-XI)

The Federal historic preservation agency is authorized to maintain registration documents on historical landmarks of federal significance and on especially significant sites of the historical heritage of the RF, to organize the development and approval of their preservation zones, to make decisions on issuance of permits for construction and reconstruction of sites within their boundaries, to prepare lists of new historical landmarks and present them for approval to the Government of the RF, to make decisions on possible transfer of federal landmarks to private ownership and to coordinate privatization documents, as well as to supervise the enforcement of laws and activity of the historic preservation agencies of the subjects of the Federation, to take cases of legal infractions to court

The historic preservation agency of the subjects of the Federation is the State Historic Preservation Inspectorate which, as a rule, is a division of the Committee on Culture of the executive branch of the subject of the Federation. In rare cases the historic preservation agency of the subject of the Federation is a division of the Architectural Committee or a separate committee within the administration structure

The historic preservation agency of a subject of the Federation is authorized to maintain the record of historical landmarks of regional significance, to identify new landmarks, to organize the development and approval of their preservation zones, to issue permits for construction and reconstruction of sites within their boundaries, to nominate new historical landmarks and present these lists for approval to the executive branch of the subject of the Federation, to transfer regional landmarks to private ownership and to coordinate privatization, as well as to make decisions on transfer of federal landmarks to the supervision of the subject of the Federation according to the Agreement on Division of Authority Between the RF and the Subject of the RF in the Area of Historic Preservation, to supervise the enforcement of laws and to take law infractions to court

There is only a representative of the historical preservation agency of the subject of the Federation at the local level. Appropriate authority can be delegated to him, for example, to make decisions on possible transfer of a local landmark owned by municipal authorities to private ownership. Apart from this, according to the agreement between the subject of the Federation and local self-governance agency, certain state power connected with use of historical landmarks of regional significance can be delegated to the local historic preservation agency

Other state agencies which play an important role in historic preservation are - State Property Management Committee, Architectural Committee and Land Resources Committee, which participate in the decision-making process concerning use of historical landmarks and other real estate located within the preservation zones

### **1.3 Possibilities of Integrating Historic Preservation Issues in Zoning Regulations**

During the implementation of the USAID Zoning Project, certain problems emerged at the local levels given the fact that not all aspects which influence the system of land use regulation were included. One of these aspects is the existence of

historic preservation zones in many cities. Historical zones have their own centralized land use regulatory system within fixed boundaries, which system does not consider the interests of private investors in using their property, nor the interests of local administrations in attracting investment to their cities.

The existing fixed boundaries and "standards" for the zones were not the only issues that presented problems. Procedural issues were also a problem, because the authority of the city agencies for architecture and city planning and of the Oblast historic preservation agencies for construction within the historic area, are not delineated in the current legislation. This situation is typical of all major cities, though in Tver and Irkutsk an attempt was made to delineate this authority. Moreover, the task did not specifically include the division of authority between these agencies but only the creation of a favorable environment for this by providing for maximum inclusion of historical and cultural heritage in zoning. At the beginning of the project the situations in the cities were absolutely different: in Tver there existed an approved plan of historical zones, and there was not any plan of historical zones in Irkutsk.

## **TVER**

The task in Tver was to record the boundaries and legal regimes of preservation zones in zoning.

The draft of historical zones was adopted in 1991 as a part of Genplan, according to which the central part of the city was designated as a historical zone with a very strict regulating regime - regime of reconstruction of landmarks. While implementing the zoning project, a specialist from Moscow developed the draft of amendments to the plan of historical zones in order to change the legal regime in the central part of the city, and in order to include it in the zoning.

According to the instruction of the Ministry of Culture of the RSFSR dated 1986, three preservation zones were established: a complex preservation zone which covers the historical center of the city, a zone of regulated development and economic activity, and the landscape protection zone. The central historical part was included in a unified preservation zone, instead of being an "architectural and urban planning landmark area". The area of the unified preservation zone covers about 4% of the city area, the rest of the historical zones - about 7%.

Apart from this, an inventory of the list of new historical landmarks subject to registration as state landmarks was carried out. The so called "environmental sites" were excluded from the list. As a result the list was reduced from 400 to 140 sites.

The area of the complex zone was included under the same title in the zoning map with minor changes to its boundaries. The boundaries of zones of regulated development and landscape preservation zones were not taken into account while putting together the zoning map, this created certain difficulties while establishing the parameters. At present, the process of establishing the parameters for legal zones whose boundaries overlap the area of preservation zones is a subject for discussion.

According to the current legislation, historic preservation agencies must approve all development projects which take place within the boundaries of preservation zones. According to the preliminary plan, the boundaries of the zone of regulated development and the landscape protection zone were supposed to be the same as the boundaries of the zoning map by means of establishing special zones and subzones, and to develop the unified parameters and include them in the legal zoning regulation. Historic preservation authorities were supposed to approve the parameters established in the regulated zone and the landscape protection zone and after that stop approving development project. It was planned to transfer the authority to review and approve individual site development projects to the Zoning Commission.

## **NOVGOROD**

Novgorod is a historical city with a large historical and cultural potential, its historical landmarks are not only of national but also of international significance.

At the initial stage of zoning regulation development in Novgorod, there was no intent of providing conditions to divide the authority between government agencies on architecture and city planning and historic preservation agencies as far as approvals and permits are concerned, by maximizing the integration of historical heritage in the zoning system as it was done in Tver and Irkutsk.

The initial situation in Novgorod was similar to the situation in Tver, i.e. by the beginning of the project there was a developed (and approved in 1995) plan of historic preservation zones which occupied a substantial part of the city. The boundaries of preservation zones embraced the following: the area of a complex zone of historic preservation - the historical "nucleus" of the city, individual landmark preservation zones, zones of regulated development of all types, and landscape protection zones. Moreover, the area of the central historical part of the city - the historical "nucleus", "Old Novgorod" - was included in the UNESCO list of international historical heritage as a monument of city planning, architecture and archeology.

However, when drafting the zoning ordinance, historic preservation issues were not considered as an important part within the historical city. Two historical areas were marked on the zoning map, and their boundaries did not match established boundaries. During the development of urban parameters of the zones, as well as during the process of defining the authority of different government agencies (on planning/zoning and historic preservation) concerning permits and approvals, the existing procedures regarding historical landmarks, including "old Novgorod" (as an integral city-planning, archeological and architectural monument), were retained in the Land Use and Development Regulation.

According to the final draft of the Agreement on Division of Authority between The Government of the RF and the Administration of the City of Novgorod in the area of Historic Preservation of State-Owned Landmarks, the Administration of Novgorod Oblast proposing a division of authority between the city and the oblast and

partial delegation of authority to local historic preservation agencies. At present, the local government agency on historic preservation is a Historical Heritage Department of the Committee of Culture of the City Administration, established on the basis of an internal letter. The Committee reports to the State Control Department on Historic preservation of the Committee of Culture, Cinema and Tourism of the Novgorod Administration. The Historical Heritage obtained jurisdiction over 100 out of 267 new landmarks, which can be privatized without the land they are located on. This happened because the land within the fixed boundaries of historical zones are not subject to privatization.

The Administration of Novgorod Oblast and the City of Novgorod are developing the draft law of The Subject of the Federation on Historic Preservation and a draft concept for reconstruction and renovation of the historical center, as well a city program promoting tourism. The provisions of these documents must be in compliance with the Land Use Regulation adopted by the Novgorod Duma.

## **IRKUTSK**

The task in Irkutsk was to record the boundaries of historical areas while developing the zoning map and to establish city planning regimes for the zones within a legal zoning system.

There is a list of identified historical and cultural areas in the city. The list includes the central part of the city with the remaining stone and wooden blocks of buildings which were built in the XVII-th century and the beginning of the XX-th century and other historical areas: Remeslenno-Znamenskoye area, Glazkovskoye area, Hydro-Electric Station and its ancillary structures and land, Innokentievskoye village and Poselok Avaistroiteley village, Batareynaya station, Ascension-Innokentiev Monastery in Zhilkino.

In order to register all historic areas on the zoning map, a representative from the ad-hoc authorized government agency - the director of Real Property Historical and Cultural Landmark Service of the Oblast Historic preservation Committee of the Administration of Irkutsk Oblast - was included in the working group. Such cooperation made it possible to organize the activity of different administrative agencies specifically on urban planning and architecture and on historic preservation and to prepare the foundation for the development of a unified regulation for further simplification of procedures for developers.

In cooperation with government agencies on historic preservation, one Central Historical Zone was established as a special zone. Other historical areas will be shown on the zoning map as special historical subzones. Issues on preservation of historical development and preserved characteristics of these areas will be included as a part of city planning rules for each of these subzones.

As a result of these actions the City Administration, with the help of the Oblast Administration and The Ministry of Culture of the RF, refused to develop a traditional

plan for the historical zones, considering it to be useless. The zoning approach to historical preservation and development was adopted by local experts and officials.

An agreement on division of authority in the area of historic preservation, use and management of historical landmarks between the government of the Russian Federation and the Irkutsk Oblast was signed. As a result of this agreement the majority of historical landmarks were transferred to the jurisdiction of the Irkutsk Oblast Administration. In this respect a draft law of the subject of the Federation on historic preservation is being developed together with a draft legal act to establish a special government agency in charge of historic preservation within the structure of the local self-government agency.

In addition, a concept for reconstruction of the historical center of the city was developed in Irkutsk. This concept had to be in compliance with the local zoning and land use regulation. By resolution of the Mayor public hearings were held and two new government agencies were established: a commission to monitor the approval procedures and make decisions on organizational, legal, technical and other issues connected with the development of the central historical part of the city, and a public council to implement a comprehensive program of reconstruction and renovation of the central part of the city.

In order to make the process of considering the issues connected with historic preservation (state and municipal) more efficient, a special service was established based on the Oblast and city Property Committees.

The situations differed based on a number of characteristics in the cities where USAID Project was implemented according to a number of indices:

- Division of authority between the RF and the subject of the RF, as well as between the subject of the RF and local self-governance agencies in the area of historic preservation,
- Availability of sites which are subject to preservation at the local level (federal and regional which are transferred to municipal jurisdiction, and landmarks of local significance),
- Legislation of the subject of the Federation in the area of historic preservation,
- Partial delegation of the state authority on historic preservation by the subjects of the Federation to the local self-governance agencies,
- Local Legislation,
- Availability of local and oblast programs and projects,
- Possibility to privatize historical landmarks and land,
- Integration of the historic preservation tasks in the local land use regulation and zoning maps,
- Availability of a joint agency which is authorized to make decisions on historic preservation issues and use of historic buildings and historical areas,
- Public participation in making administrative decisions on preservation of historical landmarks and historical areas.

The analysis of the situations in these four cities has shown that integration of historic preservation issues and legal zoning is possible, there has not been enough authority delegated to the local level to regulate historic preservation

## **2. Western Experience in Preservation and Development of Historical Areas (examples of the USA, France, England, Germany, The Netherlands)**

From the variety of historic preservation practices in Western countries, the following are the most significant aspects of preservation and redevelopment of historical areas that can be singled out for Russian conditions, specifically

- 1 Specific legal provisions of historic preservation
- 2 Coordination of activity on preservation of historical and cultural landmarks and development of historical areas by the efforts of federal, subject of the Federation and local agencies, by specialists in historic preservation and by other interested parties which represent public and private interests
- 3 Granting authority to local historic preservation agencies
- 4 Integrating, preservation and development of historical areas into the land use regulation system so that it is governed by local agencies
- 5 Use of advice from independent experts, especially in the form of experts' commissions
- 6 Making decisions on construction alterations to historical buildings on the basis of objective regulatory standards, in the case of individual reconstruction and new construction projects - consideration and experts' evaluation of every case
- 7 Economic incentives for reconstruction and construction activity in order to preserve the integrity of the historical environment
- 8 Public participation in the city planning decision- making process concerning historical development and publicity on historic preservation

### **2 1 Legal Conditions**

#### **The USA**

The system of historic preservation in the USA has two features first, the dominant role of local government agencies in defining and preserving property of historical value, secondly, the availability of many economic incentives for owners of historical buildings regarding maintenance, reconstruction and renovation of these buildings<sup>12</sup>

Local authorities enjoy a lot of power in the area of historic preservation The federal government encourages it by establishing a system of Certified Local Governments (CLGs) A CLG certificate issued by the Department of Public Services and Amenities makes it possible for local governments to get a minimum 10% of the federal subsidies for historic preservation and to participate in consideration of types for the National Register<sup>13</sup>

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<sup>12</sup> (for more details refer to the book Butler S, Nayar-Stone R , O'Leary S 1996 "The Laws and Economics of Historic Preservation in St -Petersburg, Russia The Urban Institute)

<sup>13</sup> Butler S, Nayar-Stone R , O'Leary S 1996 "The Laws and Economics of Historic Preservation in St -Petersburg, Russia The Urban Institute page 102

The large role of local governments in the area of historic preservation is partially expressed in the development of local laws on preservation and regulation of historic areas. More than 2,000 counties and municipal institutions adopted local laws which regulate the preservation of historical landmarks<sup>14</sup>. Local laws are very often issued in the form of resolutions of the municipal authorities on historic preservation, which regulations define particular buildings and zones as historically significant and define procedures for establishment of a commission to review decisions on historic preservation. Owners of historical sites can apply to this commission to obtain approval for the main categories of construction alterations (reconstruction, renovation, demolition, new construction).

The main components of a local historic preservation ordinance are

- 1 Goals and tasks of the regulations,
- 2 Authority of the historic preservation commission,
- 3 Procedures for establishment of the historic preservation commission,
- 4 Criteria for selection of historical landmarks,
- 5 Procedures for giving the status of historical landmark to a particular site,
- 6 Types of activities subject to the historic preservation commission's consideration,
- 7 Criteria used by the historic preservation commission while reviewing the types of activities,
- 8 Defining economical consequences of giving the status of historical landmark to a particular building
- 9 Fines and payments for legal infractions<sup>15</sup>

## France

In France, historic preservation is applied to the following sites: (1) individual buildings which are accepted by the Ministry of Culture and mass media as historical sites, (2) areas of historical development in the cities which are accepted by the Ministry of Environmental Protection as areas subject to preservation and reconstruction. Under the highly-centralized organizational system of historic preservation, the majority of legal documents on historic preservation are federal documents according to which the ministries enforce permanent control over identification of historical sites and areas at the local level.

A particular district of a city can be registered as a historical area, on the initiative of local authorities or the ministry itself, if it is approved by the local administration. If an area is a historical area it can not be changed without a permit from the Ministry of Environmental Protection. As far as "monuments classes" and "monuments inscrits", located within the historical area, are concerned, ordinary procedures are applied, and the Supreme Commission on historic preservation

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<sup>14</sup> Report of Steven N. Dennis (USA) "Different Partners and Different Methods" Seminar St - Petersburg "New strategy for Preservation of Historical Center" (International Experience), 9-12 April, 1997, St -Petersburg

<sup>15</sup> Richard J. Roddewig. Preparing a Historic Preservation Ordinance. APA, 1983

reserves the right to express its opinion on the impact produced on the buildings by the classification of the area as a historical one

## **The UK<sup>16</sup>**

Three main documents form the legal structure for historic preservation in the UK (1) a list of landmarks of the historical heritage (about 16,000 sites), the oldest law (adopted in 1880) on historic preservation which defines the sites for preservation (primarily archeological) and sets very severe historic preservation controls, (2) list of historical buildings-monuments (about 360,000 buildings) (adopted in 1940-s) which sets the criteria for selection and inclusion of a building on the list, procedures and control of preservation, reconstruction and any construction alterations of historical buildings within the framework of the city planning regulations, (3) law on preservation of historical areas adopted in 1967 (about 12,000 areas) which establishes the requirements for preservation of the historical environment of these areas

Official lists of historical buildings included on the National Register for historic preservation are prepared by the Secretary General for Historic Preservation. Procedures for obtaining approvals and permits are also established by this person. Of the historical buildings included on the National Register, the buildings of the first category - extremely significant - 2%, buildings of special value within the region - 4%, buildings of the second category - 94%

Insertion in the National Register is performed by the central government, further, the authority is imposed on local governments, but the issues on demolition and construction changes of especially significant buildings (6%) and disputes are settled by the central historic preservation authorities. Recommendations for insertion in the National Register are prepared by the Fund of The British Heritage. The procedures on issuance of the permits for the buildings of the second category are governed by the local authorities. The local government is in charge of setting the boundaries of preserved historical areas.

## **Germany**

In the Federal Republic of Germany, Federal legislation establishes the main directions concerning historic preservation in the laws on construction and city development, interpretation and practical implementation are still under the supervision of local authorities (Laender). As a result the systems of historic preservation are established, they vary in different subjects of the Federation depending on political recognition and priority which are gained by historic preservation authorities at the local levels.

A special feature of legal issues on historic preservation in Germany is the presence of a number of Federal Laws on city planning and redevelopment which

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<sup>16</sup> Report of Martin Cherry (The UK) 'English Cultural Heritage' Seminar St -Petersburg "New Strategy for Preservation of the Historical Center (International experience)" 9-12 April, 1997, St -Petersburg

contain provisions on historic preservation. According to the current legislation, local city planning authorities can oversee the development so that the architectural landscape of the planning unit is preserved. During the development of construction plans in "redevelopment zones" the programs to revitalize the environment must take into account historic preservation issues. The projects of the Federal Development Agency must take into account the influence of such projects on preserved buildings and on the area around them.

In spite of the fact that in different subjects of the Federation the laws are different, there are a lot of similarities. Historic preservation authorities preserve individual buildings which meet certain requirements as well as ensembles of buildings in the historical areas, even if these individual buildings without an ensemble can not be classified as historical ones according to the historic preservation regulations. The inclusion of these buildings on the appropriate list of registered landmarks provides the right to protect these buildings according to the historic preservation legislation.

Enforcement of laws on historic preservation is supervised by two government agencies. The State Historic Preservation Agency is in charge of registration of historical landmarks on the official list, control over redevelopment work, technical consulting services on building maintenance, use and redevelopment as well as management of grants and loans. The State Construction Service provides legal protection of historical landmarks and control over construction work on historical buildings to make sure it is in compliance with appropriate standards of redevelopment and renovation. In case of penalties, construction companies must consult the State Construction Service on historic preservation. Appeals of adverse decisions by the construction services can be filed on the local level, then on regional level, then on the subject of the Federation level.

The main reason for the functional division between the historic preservation services and the construction service is to attempt to legitimize a balanced approach to historic preservation and development. State historic preservation authorities provide assistance in landmarks' conservation, and construction services consider the costs of redevelopment, renovation and new construction. The efficient historic preservation process in German cities is a result of the well-coordinated mutual work of state historic preservation services and construction services.

Federal legislation gives the right to local authorities to set the rules of design work and to adopt laws on historic preservation. Design rules, usually applied to new construction, include provisions on reconstruction of historical buildings. Local laws on historic preservation address only architectural and planning issues, and the requirements on materials and technique for redevelopment of historical buildings are established by federal legislation. In case local laws or acts contradict federal legislation, the latter take precedence.

## **The Netherlands**

The specific feature of preservation and improvement of historical development in the Netherlands consists of the government's economic support to owners of historical buildings through the provision of subsidies, the size of which varies from 60 to 80% of reconstruction costs, depending on the type of ownership and the type of building (refer to Table of the Manual) Because 80% of all historical buildings are residential houses, historic preservation programs and residential improvement programs have a common schedule of subsidies This approach makes it possible for the government to support historic preservation and compensate for lack of funds in residential housing Moreover, the rate of return on government funds invested in reconstruction and construction of residential housing is high This sector of the economy in the Netherlands is the most attractive for investment, because 15% of the National Product is generated by the residential sector

According to the National Physical Plan developed through the year 2005, funds from the state budget are divided between local governments (there are almost 640 municipalities all over the country), which implement improvement of historical development and new construction The national policy for allocation of subsidies assumes direct participation of the local governments in its implementation and provides economic incentives for the private sector, i e , individual owners of real estate, by implementing loan and taxation mechanisms Hence, for tax calculations, operating and maintenance costs of owners of historical buildings are not included in the total amount of flexible income The trend towards a decreasing percentage of reconstruction subsidies for owners of historical buildings is compensated by low-interest loans and tax benefits

The government system of subsidies for reconstruction of historical buildings is supplemented by the National Renovation Fund, which provides loans for renovation and reconstruction The amount of and interest on the loan funds are determined on an individual basis according to the Financial Support Application

## **2 2 Economic Incentives**

An analysis of foreign experience shows that preservation of historical buildings and zones of historical development is imposed, as a rule, on private owners except for preservation of unique building-monuments of federal or local significance As a result, the federal assistance to private owners for preservation and maintenance of historical buildings takes the form of incentives, ranging from assistance of state architectural services to direct grants and subsidies At present the most frequently used economic incentives are tax benefits, including postponement of tax payments and reduction of property taxes, taxes on property transfers and VAT taxes

In order to attract investment to private real estate of historical value, there is a number of economic incentives which have been used by local, state and federal

authorities<sup>17</sup> in the USA. The most frequently used federal financial benefit is postponement of tax payments, this benefit is offered during the reconstruction of certified historical buildings. Postponement of tax payments, as opposed to withholding of taxes, is more beneficial to the owner because it reduces the tax burden for each dollar of the taxable amount. In contrast, the withholding of taxes is less beneficial because it only reduces the income subject to taxation according to which the taxes are calculated. The owner of any building contained in the National Register or located in an officially registered historical area certified by NPS, can enjoy tax postponement. Tax postponement connected with reconstruction makes it possible for the owners to enjoy this benefit even if they generate substantial revenues but spend some of it on the reconstruction of a "certified building". The "certified buildings" are (1) buildings individually included on the list of historical buildings, (2) buildings located in historical areas and included on the National Register, (3) buildings located in historic areas which acquired this status at the local level and were approved as historical buildings by the Secretary General of the Department of Public Services and Amenities. Permitted expenditures include the major part of "direct" costs on construction (metal craftwork, assembling of the system of internal electric lines, walls and floors, installation of the heating and air conditioning and ventilation system), fees for professional services (legal and architectural), costs of acquiring ownership of buildings and costs connected with acquiring financial assistance for reconstruction and purchase of the building. The costs of property purchases are excluded from the permitted expenditures.

The system of tax benefits does not permit deduction of 100% of costs which are subject to the aforementioned classification, a special formula is used to calculate the tax postponement. Presently the formula for "certified buildings" is calculated by multiplying the permitted costs by 20%. There are two important restrictions which are applied to the use of tax postponement. The owner can deduct only a fixed amount every year and, apart from this, the owner must retain this property for at least 5 years after the building is approved for use. Otherwise he will be compelled to return part of the money received from the tax benefits.

Other tax benefits which were introduced in the USA in order to encourage the process of reconstruction of historical buildings include accelerated depreciation or establishment of shortened periods of depreciation in order to diminish the costs of reconstruction. Accelerated depreciation makes it possible for the owner to write off a higher percentage of annual depreciation within a shorter time period than the lifetime of the building (in general, this is used as the measure for determination of the depreciation schedule). Depreciation benefits work according to the same principle allowing the owner to deduct the costs of reconstruction from income which is subject to taxation within a shorter time period.

Another federal tax benefit makes it possible for the owners of historic buildings who transfer servitudes (usually for the facade of the building) to other certified entities, to deduct the cost of the servitude from the income subject to

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<sup>17</sup> Butler S, Nayar-Stone R, O'Leary S. 1996 "The Laws and Economics of Historic Preservation in St -Petersburg, Russia. The Urban Institute, page 96

taxation as a charitable contribution. The recipients of the servitude comply with certain restrictions on alterations and the physical condition of the facade of the building in order to ensure its preservation. The entities which receive such servitudes are state entities or “non-profit charitable organizations” which must meet the appropriate definition in the US Tax Code.

The most wide-spread benefits are local tax benefits offered to owners of historical buildings as partial or total exemption from income tax payments. In many states, total exemption from such payments is permitted if the benefits are limited in nature. For example, the government can permit an exemption from income tax only for certain areas within the region, or it may be agreed that the owner must act only according to established government requirements on reconstruction, or an agreement can be concluded obliging the owner to allow public access to the building. Such exceptions are usually set for a fixed time period (10-15 years). At the end of this period the owner pays taxes according to the market price of the property.

In France, owners of buildings classified as “monuments classes” and “monuments inscrits” enjoy various tax benefits and other financial benefits. The owners of “monuments classes” can deduct up to 100% of the cost of reconstruction from their income tax payments. Up to 50% of other expenditures, such as costs of maintenance and use as well as interest on loans which were taken out to pay for renovation and modification of the building, can be deducted. If the building is open to the public even for a minimum number of days per year, tax payments can be totally written off, up to 100%. As far as “monuments inscrits” are concerned, the benefits are fewer.

The income tax imposed on owners of historical buildings is also adjusted by taking into account high costs of maintenance. Owners who make alterations to their buildings, which were approved by the government authorities, can get two types of financial benefits. First, they can hire state architects with extensive professional experience in historic preservation and pay them fixed fees. Secondly, they can get a state grant of up to 50% of the cost of the work. If the owner bequeaths the historical building or donates it, then this transaction is tax exempt if the owner signs an agreement which states that the period of the transaction is unlimited and the building will be open to the public.

Owners can also obtain state grants and loans for reconstruction of property. In case the owners do not want or cannot reconstruct their property, they can sell it to the municipal authorities who will pay for the reconstruction and then may resell it either to the former owner (who must partially pay for the reconstruction) or to a third party.

The law also gives the local government the right to acquire property and resettle the residents if the owners of the building can not carry out reconstruction of the building. The residents can be moved temporarily, just for the period of reconstruction, and then can move back to the building after the reconstruction is over, if they are able to pay the increased rent. If they can not, the residents may choose another place to live, but they are entitled to an appropriate reimbursement of their losses. In order to provide for proper living standards in historical areas for people

with different incomes, private non-profit housing organizations carry out reconstruction of buildings in historical areas and maintain the rent at a level which can be afforded by families with low and medium incomes

In France, "The Program on Providing Proper Living Standards" is a government program to improve living conditions in historical areas where many buildings are historical and architectural monuments. The national government, the National Agency for Public Services and Amenities and local authorities participate in this program. The assistance, offered on behalf of the government includes (1) loans for improvement of living standards which are offered to people who live in the historical buildings, (2) loans to make it possible for state housing agencies to purchase buildings and the residential stock, (3) subsidies for infrastructure development and planting of greenery.

In Germany, the Federal government and the government of the subjects of the Federation offer a number of tax benefits and other financial benefits. A Federal Law on income tax was adopted in 1977 especially to encourage owners to renovate old buildings instead of constructing new ones. The expenditures for reconstruction of historical buildings included on the National Register can be deducted over 10 years, but cannot exceed 10% of the total sum of the annual income tax payment. According to the same law, the costs of maintenance can be deducted over a 2 to 5 year period. The above mentioned provisions apply not only to separate historic buildings but also to all the buildings located in historical areas.

As far as buildings which meet specific criteria are concerned, the income tax can be reduced by up to 40%, and the inheritance tax can be reduced by 60% of the amount of the established tax. Overall, the above mentioned tax benefits can be taken if property expenses exceed the revenues from its operation. The initial taxable amount (regarding historical buildings) is reduced by 5%, or by 10% if the owner can prove that in case of sale the price for the property which has the status of a historical building is reduced because of the imposed restrictions.

In addition to the tax benefits, the owners can also receive government subsidies and loans to cover the cost of maintenance, use and renovation of historical buildings. Many Federal Laws on historic preservation contain provisions for financing historic preservation activities which state that federal and local governments must cover the costs for reconstruction as much as possible. The amount of money and the resources for such measures vary in different subjects of the Federation. The necessity to carry out construction work for the benefit of society, and the ability of an owner to pay for the improvements are analyzed before the grants are provided. In addition to the grants' programs, the subjects of the Federation very often set aside money for historic preservation of particular types of buildings. There is a mutual program of the Federation and the subjects of the Federation which is administered by the subjects of the Federation and according to which a combination of grants and loans is provided for construction where priority is given to the owners of historic buildings included on the National Register.

### 2 3 Public Participation in Historic Preservation

In France, public influence on the process of historic preservation and urban planning is limited by the existing legal documents "Common Law" Preliminary Public Inquiry and "Bouchardeau" Public Inquiry. The dialog between society, administration and developers is an ongoing one. The role of middleman is performed by an authorized member of the council on public inquiries who is appointed by the prefect or chairman of the administrative court. Apart from the traditional responsibility to inform the public on new development projects, he considers and issues his conclusion on specific public inquiries, holds public hearings and works on particular projects in case of disputes or conflicts. The conclusion and results of his work are open to all interested public representatives within one year, starting from the day when the application was considered. In order to inform the public about consideration of a particular inquiry, proper announcements must be published in two local or regional newspapers. The announcements must be submitted to the City Council, and appropriate departments must also be informed.<sup>18</sup>

In Germany, public participation in historic preservation, implemented through local public organizations as well as by getting citizens involved in the identification of historic landmarks and historical areas, is more wide-spread than in France. Government historic preservation agencies must send the list of parcels identified as historical areas to all regions within the subject of the Federation, which are involved in the process. The majority of regions inform their citizens about this list in order to get their comments. The comments of regional governments are not mandatory for the final decision of the Government Service on Historic Preservation, but they are taken into account. In many subjects of the Federation the consulting agency, which includes experts in historic preservation, politicians, real estate experts as well as interested individuals, works very closely with Government Service on Historic Preservation. In many subjects of the Federation "historic preservation officials" act as middlemen between Government Service on Historic Preservation and construction companies, interested professional groups and the public. There is also a number of interested social groups which form a "private lobby" for historic preservation. Moreover, public initiative is a sort of catalyst in the historic preservation process.<sup>19</sup>

In England, in order to motivate the public to participate in the historic preservation process, work is implemented in several directions: (1) by informing the public (first of all the owners of historical landmarks) about historic preservation issues through the mass media, (2) popularize the experts' published materials, (3) by educational and information campaigns based on the organization of city-wide exhibitions on historic preservation. The main idea is to inform public opinion in order to avoid misunderstanding and distrust in the area of historic preservation, because conservation and economic development should not contradict each other, but complement each other. Many owners know that incorporation of a building on the

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<sup>18</sup> Urban and Land Planning in France. Ministry of Public Works, Transport and Tourism. Les éditions de Villes et Territoires, 1995, pages 93-95

<sup>19</sup> Butler S, Nayar-Stone R, O'Leary S. 1996 "The Laws and Economics of Historic Preservation in St -Petersburg, Russia" The Urban Institute, page 96

list of historical landmarks gives certain benefits if they want to sell the building Practice shows that it is not easy to convince entrepreneurs, but they understand very well the positive connection between the architectural look of the building, a presentable environment and successful business The research work of the Royal Institute of Chartered Surveyors on Investment Data Regarding Historic Buildings published since 1993, proves that in many cities, historic buildings attract successful real estate owners, and that preserved historical buildings can generate revenues which are as much as those generated by non-historical ones<sup>20</sup>

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<sup>20</sup> Report of Martin Cherry (The UK) "English Cultural Heritage" Seminar St -Petersburg "New Strategy for Preservation of the Historical Center (International experience)" 9-12 April, 1997, St -Petersburg

### **3 Procedural Approach to Integration of Historic Preservation Issues in the Zoning Regulation**

The approach to regulation of city planning activity within historical and cultural areas suggested in this section is based on the experience of development of legal documents in Novgorod and Irkutsk. In both cities the zoning regulations were developed and contain the mechanisms for regulating city planning activity in a market environment. Regulation of preservation and development of historical and cultural areas is an integral part of city planning regulation in settlements, but it also has its own special features apart from establishment of general requirements concerning planned development of the area, the additional requirements concerning historic preservation are established. The general requirements are defined on the basis of General Plan (Genplan) and other city planning documents. The additional requirements are defined on the basis of historic preservation documents, including plans of preservation zones which are usually developed as a part of Genplan.

The requirements for planned development contain lists of permitted uses and minimum and maximum parameters of density and height of buildings. Cultural preservation requirements contain height restrictions for perceiving monuments and provisions for monitoring the match between the external appearance of new and renovated buildings with the special features of the preserved historical area. In this respect historical and cultural areas are considered as sites of special city planning regulation and can be shown as special zones on the zoning map.

Archeological sites, whose preservation requires the implementation of a different type of regulatory methods, are not considered in this paper.

#### **3.1 Basic Provisions**

1. The suggested procedural approach based on zoning principles can be applied by local governments where zoning regulations have already been developed or are being developed. The suggested procedural approach can be used for supplementing the general urban development regulation established by the zoning regulation as well as for establishment of a special urban development regulation for historical areas.

In this manual the general urban development regulations are defined as the totality of parameters established by the zoning regulation and the types of land and real estate uses in cities and settlements, as well as permissible alterations to real estate while implementing city development plans within each zone. The special urban development regulations are defined in this manual as unification of urban development regulation established by zoning in one document together with additional construction restrictions (hereinafter referred to as - parameters of the preserved environment), permitted according to the historic preservation conditions while implementing city development plans within a special zone.

As a result of the work in Novgorod, additional parameters for permitted construction were suggested within the boundaries of the established special historical

zones (refer to the map - zones C-1 and C-2) as a supplement to Section 2.1.3 of the Regulation "Parameters of Permitted Construction in Different Territorial Zones"

In Irkutsk, a full set of special urban development regulations was developed for Block 104 (located within the boundaries of the established historical zone C-3) which included general urban development regulation and supplementary construction restrictions based on the historic preservation conditions

2 The suggested procedural approach is recommended in cases where historical and cultural areas, as sites of special development regulation, are shown on the map as special historical zones. The boundaries of special historical zones can be established based on the approved boundaries of historical areas. Shown on the map and defined according to the existing practice, preservation areas can be included in the boundaries of special historical zones together with landmark protection zones which are subject to special regulation and whose boundaries are established in the plans of landmark protection zones

In Novgorod the boundaries of historical and cultural areas are not in compliance with the boundaries of historical zones shown on the map. The boundaries of the historical and cultural areas were established according to the protection zones' plan of historical and cultural landmarks in the city of Novgorod and are areas with different regimes: a preservation area which includes the Kremlin and the area of Yaroslavovo Dvorishce, some landmark protection zones, unified protection zone of the historical core, zone of regulated development and the zone of reserved natural landscape. On the map the special zones include the areas within Val Okolnogo Goroda

The historic preservation restriction map, which was developed based on the historic preservation zone plan, was included in the Regulation along with the zoning map. The suggested supplementary parameters of permitted construction were developed by local specialists based on the historic preservation zone plan regarding integrated areas - zones C-1 and C-2 which are a part of historical and cultural area of the city. Integration of the remaining historical areas' protection with zoning can be continued by expanding special zones, or by establishing subzones on the zoning map, which will require additional construction restrictions according to historical preservation conditions

In Irkutsk, the boundaries of a special historical zone on the zoning map was combined with the boundaries of historical and cultural area - the Central Historical Part of the City. The boundaries of the central historical part of the city were established on the basis of the historical and architectural sketch plan and were included on the zoning map without any changes as the boundaries of the area which required supplementary parameters

In case there are boundaries of special zones on the zoning map (as sites of specially regulated development) a special urban development regulation shall be included in the Zoning Ordinance

If the boundaries of historical centers or areas of historical development are established within historically populated areas, then they acquire the status of historical and cultural areas. Preserved significant historical layouts and development are included in the boundaries of these areas along with landmarks and ensembles. Also there are other areas which are defined as historical and cultural areas according to the existing historic preservation practice. These are areas where, for example, it is necessary to limit the height of buildings to provide a proper view of historical monuments and ensembles, or areas of preserved natural landscape. These areas (according to existing historic preservation practice) are included in the boundaries of zones with regulated construction and zones of preserved natural landscape, which are established in the historic preservation zone plans.

In cases where the boundaries of historical and cultural areas are established in separate maps or plans, and their regimes are established by a separate document (for example in the historic preservation zone plans), then supplementary protection restrictions can be included in the general urban development regulation, but they shall not contradict the approved historic preservation document.

3 The documents which contain regulatory standards and supplementary parameters of permitted construction within historical and cultural areas shall be based on the approved documents outlining the local administration's historic preservation policy as well as on existing research work in this area.

In Novgorod the basic document is "The Plan of Historic Preservation Zones of Historical Landmarks of the City of Novgorod", which is approved by resolution of the City Administration. In Irkutsk - "Concept for the Complex Reconstruction and Renovation of Historical Development in the Center of Irkutsk", which is approved by resolution of the Mayor.

The regulatory standards for preservation and development of historical buildings shall be targeted to attract investment to historical areas providing to investors maximum flexibility to use buildings from the financial and functional points of view while preserving significant characteristics of the environment and historical development.

In order to ensure public monitoring of historic preservation and adoption of administrative decisions on historic preservation issues, the regulatory standards shall be based on precise and clear criteria. In order to avoid lack of objectivity, the maximum number of such decisions (which can be made according to the general procedures) shall be defined by legal standards. In this case the decision making process will ensure compliance with the established legal standards.

The regulatory standards for historic preservation and development of historical buildings shall be applied to issues of reconstruction of preserved development and new construction on vacant land and on sites of demolished buildings and structures. The regulatory standards for preservation and development shall stipulate criteria for defining characteristics of the historical environment as well as parameters of permitted alterations to buildings and structures.

The parameters can be set by choosing “general criteria” or “contextual criteria” Choosing of “general criterion” means the establishment of standards based on existing research which are applied to all land parcels, buildings and structures located within the established boundaries Choosing “contextual criteria” means the establishment of standards which are defined to correspond to the features of the significant historical development which surrounds the site under construction or reconstruction Standards based on “contextual criteria” shall be established so that the applicant may define the needed parameters himself

4 Decisions on controversial issues as well as on issues which require special consideration should be taken by a collegial body - a commission If a Zoning Regulation has been adopted this body could be the Zoning Commission Representatives of the authorized historic preservation agencies (local, if they have enough authority, or federal) shall be included in the commission

In Novgorod, the members of the (zoning) commission represent different local agencies as well as agencies of the subject of the Federation city planning and architecture, on municipal property management, ecology, construction monitoring, historic preservation, land resources and others Also some representatives of municipal enterprises, public organizations and other representatives who are not members of the city Administration are members of the commission However, the local historic preservation agency and its representative (member of the commission) do not have enough authority to simplify planning documentation approval procedures

In Irkutsk, the establishment of a local historic preservation agency is still under consideration In this connection incorporation of historic preservation issues in the zoning Regulation and in the special urban development regulation for the central part of the city was accomplished with direct participation of the Oblast Historic Preservation Agency and was approved in the prescribed manner

The authority of the local historic preservation agency according to the current Russian legislation is set by an agreement between the subject of the Federation and local self-government agency on delegation of some of the federal authority in this area to the local agency Representatives of local and federal agencies can be included in the commission on the basis of an agreement between local self-government agency and the subject of the RF on mutual regulation of some areas

### **3 2 Model Regulation for Conservation and Development of Historical Areas**

The suggested model regulation is a generalization of regulatory standards for preservation of historical development within historical and cultural areas, which are based on the same principles as zoning regulation

The model includes a number of provisions which are part of the zoning regulations in the cities where these regulations were adopted These provisions touch

upon the establishment of an interdepartmental commission, conducting public hearings, obtaining approvals and permits for construction according to general and special procedures. For example, the provisions to create an interdepartmental commission are included in the model because, depending on the situation, one commission can be established (which can be in charge of zoning issues and regulation of historical areas), or there may also be several commissions - as provided by the zoning Regulation and local laws on historic preservation. In both cases it is desirable that complex and difficult issues be resolved by a collegial body.

The model was tested in two cities - Novgorod and Irkutsk. As a result, the main provisions of the model were included in the legal documents on preservation and use of development within the boundaries of historical and cultural areas. But the forms of the documents turned out differently based on the situation in the cities and on the decisions made by the drafters.

The model presumes the establishment of parameters which are required by the conditions of historic preservation of architectural landmarks located within historical and cultural areas, whose boundaries are established on the basis of the historical and architectural sketch plan. Basically these parameters touch upon outer appearance of buildings and structures which face public streets, squares, parks, embankments. Preservation of historical areas, whose boundaries are established on the basis of the historical and archeological sketch plan, requires implementation of different regulatory methods and is beyond the scope of this manual.

The historic preservation parameters in Novgorod were developed based on the requirements of the adopted preservation zone plan in the form of supplements and amendments to the existing zoning Regulation, and included the restrictions on permitted alterations of the outer appearance to reconstructed and newly constructed buildings, as well as maximum height of buildings related to the view of historical and architectural landmarks.

The historic preservation parameters in Irkutsk were developed as a separate supplementary document - the urban development regulation for zone C-3 - the central part of the city. The document includes a full set of rules for this zone regarding permitted uses, parameters of uses and permitted real estate alterations related to planned density of development and location of buildings on a land parcel. The preservation restrictions on permitted alterations to the outer appearance of reconstructed and newly constructed buildings, established based on the requirements of the "Concept of the Complex Reconstruction and Renovation of the Historical Development of the City Center", are the main part of the rules and are treated as preservation parameters.

## MODEL REGULATION

### 1 Objectives

a To ensure that exceptional examples of historic architecture and locations of important historic events are not destroyed, and are reconstructed within the limits of available funds

b To encourage private investments in historic buildings, and to require that a reasonable amount of that private investment be devoted to preservation or renovation of the historic character of the building

c To create conditions where private investment in historic buildings can produce an efficient use of the building, a profit for the investor, and additional revenues for the local government, as well as the preservation of the building itself

d To encourage the development of business, tourism, and commerce in historic buildings and historic areas

### 2 Definitions

a Historical landmarks - buildings and structures included in state or municipal lists of historical landmarks and which are of historical, scientific, artistic or other type of significance

Areas of historical development - buildings and structures built before the set date (or more than \_\_\_\_ years ago), which are of historical, scientific, artistic or other type of significance and which are not historical landmarks

Historical areas - places connected with historical events, areas where historical landmarks are located, archeological sites, historical development with established boundaries and preservation rules

b Demolition The removal of an existing building or part of a building

c Face Block An area that includes all of the buildings on both sides of the street that face a one-block length of the street in front of a historical building or a vacant site in a historical area. A face block does not include (1) any buildings or areas separated from the subject site by an intersection even if the division is across from the subject site, (2) any buildings or areas located more than 100 meters from the subject site, or (3) any buildings or areas that cannot be seen from the subject site

d Reconstruction The renovation or improvement of an existing building to prolong its productive life

e New construction The construction of a new building or structure on vacant land

f Zoning Permit A permit confirming that a proposed structure or reconstruction project is in compliance with objective development parameters as defined in the zoning code

g Certificate of Compatibility A certificate issued by the Zoning Commission that confirms that the proposed design of a new building or reconstruction meets the local government's goals for historic preservation, which is issued when (1) significant individual historical buildings require individual architectural design approval because they are not covered by objective historic design

parameters in the zoning ordinance, or (2) applicants request an individual design approval because they do not want to comply with one or more of the objective historic design parameters in the zoning ordinance,

h Request for Financial Assistance An application filed by an owner or lessee or a prospective owner or lessee of a historic building subject to objective historic design parameters or individual design review, requesting financial assistance from the local government, documenting the financial condition of the applicant and the historic building, and guaranteeing that any financial assistance granted will be used to reconstruct the building in accordance with local requirements

1 Application for Individual Design Approval An application filed by an owner or lessee or a prospective owner or lessee of a historic building or a prospective builder of a new building in a historic area requesting that they be allowed to negotiate an individual design approval for the building without full compliance with objective historic design parameters

### **3 Administration**

a Creation of a commission for preservation and development A commission for preservation and development is hereby created as a joint body of the Chief Architect's Office and the Ministry of Culture

b Duties of the commission The commission shall be responsible for a) approving a list of significant local monuments, b) zoning approval of separate significant sites as well as sites within historical areas

c Membership and qualifications of commission The members of the commission shall include (1) a local representative of the Ministry of Culture responsible for architectural and archeological preservation, (2) an oblast representative of the Ministry of Culture responsible for architectural and archeological preservation, (3) the Chief Architect, or his designee, and (4) one local architect or archeologist selected by the oblast representative of the Ministry of Culture, and (5) one local archeologist selected by the Chief Architect All such members shall serve on the commission without additional payment for their services

d Responsibilities of members

e Additional expertise

f Court actions

g Procedural issues

1 Inclusion of preservation and archeological officials in the existing city or oblast group with authority to approve developments,

2 Procedures to inform the Zoning Commission about designations of buildings and areas

3 Joint procedures to amend or supplement standard development regulations to address historic buildings or districts

4 Joint procedures to amend or supplement the standard zoning map to address historic buildings or districts

### **4 Responsibilities of the commission to provide for public participation**

a Duty to notify the public about proposed

- 1 Designations
- 2 Adoption of objective historic preservation parameters
- 3 Approvals of individual designs not covered by objective parameters
- b Duty to hold a public hearing on proposed
  - 1 Designations
  - 2 Adoption of objective historic preservation parameters
  - 3 Approvals of individual designs not covered by objective parameters

## 5 Procedures

- a Submittal of application
- b Staff determination of applicability of historic preservation requirements
- c Review of non-exceptional buildings by staff, development approval authority, or zoning commission - for compliance with objective standards and approval or denial of application
- d Review of exceptional buildings (not covered by objective standards) by historic preservation commission for conformity with historic character of the area Certificate of Compatibility required approval, approval with conditions, or denial of development
- e Review of request for variance by historic preservation commission for conformity with historic character of the area, Certificate of Compatibility required approval, approval with conditions, or denial of development

## 6 Physical Parameters of Development

The types of physical parameters for reconstruction and development that are appropriate will vary depending on (1) the historical context of each city, and (2) the city's goals for historic preservation. Cities and Oblasts should not adopt all of the following standards, but should consider what physical aspects are most important to them, and choose parameters for only those aspects of construction or reconstruction.

- A Applicability Physical parameters would apply to
  - Basic Rule
    - 1 Significant individual landmarks (not areas), such as churches, administration buildings, and museums, would be subject to individual design review by the Historic Preservation Commission
    - 2 Reconstruction or renovation of all other buildings more than \_\_\_\_ years old would be subject to the physical parameters on demolition, proportions, roof shapes, facades, signs, and parking
    - 3 New buildings in blocks where at least 50% of the buildings are more than \_\_\_\_ years old would be subject to physical parameters on proportions and signs
  - [Option
    - 1 New buildings in defined historic areas where

(a) at least 50% of buildings on face block  
its face block and the face block across the  
street are more than \_\_\_\_ years old, or (b)  
at least 50% of the buildings on the same  
block are more than \_\_\_\_ years old, or (c) the  
block contains a freestanding historical  
monument of national importance

- 2 Reconstruction or renovation of all buildings  
more than \_\_\_\_ years old in defined  
historical areas except (a) churches, (b)  
public administration buildings, and (c)  
individual landmarks (not areas) listed on  
the National Register, all of which would be  
subject to individual design review by the HP  
commission

## B Building Demolition

Basic Rule Create a list of "contributing" buildings that cannot be demolished, and allow other buildings in the area to be demolished

## C Building Proportions

### 1 Height of Building

Basic Rule Buildings can be built with as many stories as the building with the most stories on its "face block" or the "face block" across the street, up to a maximum of \_\_\_\_ stories

[Option Create a view corridor study that protects the views from one important landmark to another by restricting the heights of new construction between them]

[Option Establish a simple maximum height of \_\_\_\_ stories, based on the overall character of the area in the historic era when most of the historic buildings were built]

Option Old buildings can be reconstructed with as many stories as the original building New buildings can be constructed up to one story higher than the average stories of buildings in the same block

### 2 Length of Building along the Street

Basic Rule Buildings can be built as long as the longest building on its face block or the face block across the street

[Option Old buildings can be reconstructed with the same length as the original building New buildings can be built with a maximum length of \_\_\_\_ meters

## D Roof Shapes

Basic Rule Make a list and drawings of the two or three different roof styles found on existing historic buildings in the historic area Old buildings may be

reconstructed with the same roof shape as the original building. New buildings must use a specific style of roof if 60% of the buildings on its face block and the face block across the street have a single style of roof.

[Option List specific face blocks that must use specific roof styles, and the style that must be used on each.]

## E Building Facades

Controls apply to all facades facing public streets, public parks and squares, and free-standing landmarks on the National Register, and to landmarks located within the boundaries of specially preserved historical areas with reconstruction and renovation regimes.

### 1 Materials

**Basic Rule** Old buildings shall be reconstructed with materials that look the same as the material used in the original building. For new buildings, at least \_\_\_ percent of the facade area not occupied by windows and doors must be constructed of a material that looks like the primary building material on the majority of the buildings on its face block and the face block across the street.

[Option List all of the primary materials used during the historic era when most of the buildings were built, and require the applicant to choose one of those primary materials from the list and to construct at least \_\_\_ percent of the facade from that material.]

### 2 Colors

**Basic Rule** List the primary facade colors used during the historic era when most of the buildings were built, and require that at least \_\_\_ percent of the facade area not occupied by windows and doors be constructed or painted in one of those colors.

[Option Require that at least \_\_\_ percent of the facade area not occupied by windows and doors be constructed or painted in one of those colors used as a primary building color by a building on the same face block or the face block across the street.]

### 3 Window and Door Dimensions and Spacing

**Basic Rule** List the minimum and maximum window and door width and height on historic buildings in the area. Old buildings shall be reconstructed with windows and doors of the same dimensions as the original buildings. New buildings shall be built with window and door dimensions within the minimum and maximum window and door width and height dimensions on historic buildings in the area. New buildings shall not place windows with horizontal separation shorter than the minimum horizontal spacing between windows on historic buildings in the area.

#### 4 Decorative Borders on Windows, Doors, and Eaves

**Basic Rule** Typical old buildings shall be reconstructed with decorative borders on windows, doors, and eaves if the current building contains those elements

[Option Require that the original design of the decorative border be replicated when old buildings are reconstructed ]

[Option Require that new buildings contain a decorative border along or around its windows, doors, or eaves ]

#### F Building Locations

**Basic Rule** Existing buildings should be constructed so that their front walls are the same distance from the street as the current building

[Option New buildings should be constructed so that their front wall is no more than 2 meters further from the street than those of adjacent buildings on the same side of the street

[Option Develop a minimum and maximum range for front building lines based on historic practices, and require all construction to comply with it ]

#### G Relationship to Freestanding Historic Landmarks

##### 1 Separation from Landmark

**Basic Rule** Buildings must be separated from free-standing landmarks by a distance of at least \_\_\_\_ meters

##### 2 Street-level views of Landmarks

**Basic Rule** Existing buildings cannot be expanded horizontally in any way that would make a freestanding landmark less visible from a public street, public park or square, or another freestanding landmark. New buildings cannot be built in any way that would reduce any existing view corridor to the landmark from a public street, public park or square, or other public landmark, to less than \_\_\_\_ meters measured horizontally at street level

#### H Signs

##### 1 Types of Signs Allowed

**Basic Rule** Only wall mounted signs and window signs allowed, and only if they do not extend upward beyond the roof line of the building. No ground signs and no rooftop signs allowed

##### 2 Total Sign Area Allowed

**Basic Rule** Define the total sign area allowed per meter of street frontage, based on community standards for non-commercial areas

##### 3 Maximum Sign Area Allowed Per Sign

**Basic Rule** Define the total sign area allowed on one sign which may require the applicant to use multiple small signs rather than one big sign

##### 4 Colors of Signs

**Basic Rule** Signs can use no more than one color in addition to black and white

[Option List acceptable sign colors and allow applicants to use any colors from that list]

[Option Signs can use only the primary color of the building facade, in addition to black and white ]

## I Parking

Basic Rule Buildings will not be required to provide parking in any amounts or locations that would require the demolition of listed historic buildings or would require the scale, street frontage, or separation of the building from neighboring buildings to be inconsistent the majority of the buildings on its face block or the face block across the street

### **3.3 Suggestions on Integration of Issues on Preservation and Development of Historic Areas and Zoning**

In selected cities the work was carried out based on the developed Zoning Regulations. These are Land Use and Development Rules adopted by the City Duma - in Novgorod, Zoning Regulations - in Irkutsk, that had been finished and submitted for consideration by the City Duma by the time we started our work in Irkutsk.

The interest in the issue in both cities, as well as in other historic cities of Russia, was brought about by the lack of investment in real estate located in the center, or in restoration and rehabilitation of historic monuments, and new construction within the city center that would preserve the historic sites. The existing system of historic preservation does not solve the problems. So far construction either has not been carried out at all, or it has been done but with violations of historic preservation requirements.

In Novgorod and Irkutsk new legal regulations on the transfer of state authority for historic preservation to local self-governance agencies are being developed now. Laws on historic preservation for subjects of the Federation are also being developed now. In this regard city administrations are interested in the development of appropriate legal regulations.

The above cities are considering special zones, the boundaries of which were defined at the stage of zoning rules development and were marked on zoning maps. Because of the large volume of work on the special area of Irkutsk center it was decided that we should take up only one example that is block 104, located in the public-business city center subzone.

The work in the cities was performed by Project consultants and local experts. Coordination of the work was carried out by collegial bodies - Commissions. In Novgorod it's Land Use and Development Commission, in Irkutsk - the Commission on City Center Development. The commissions have established goals and will be evaluating the work accomplished and arrange public hearings.

The result of the work in the both cities was the development of the legal aspects of regulation and possible construction standards for alterations during the rehabilitation process and for new construction within the historic area. The standards were developed as a supplement to the Zoning Rules and addressed the exterior design of buildings and structures, facing squares, streets and other public spaces, as well as preservation of an improved view of historic monuments.

In order to define standards for preservation of significant historic sites, groups of drafters were created that included officials from authoritative preservation agencies and local experts on historic preservation. In Novgorod there were the Chief of the Historic Heritage Department of the City Administration Cultural Committee, and representatives of the Expert Council of the Cultural Heritage Department and of VOPIK oblast council, who are also consultants of the Cultural Heritage Department for Rehabilitation of Historic Sites and Archeology. In Irkutsk - there were director of the Service for Immovable Monuments of Irkutsk Oblast Administration's Center for Cultural Heritage, teachers from Irkutsk State Technical University, representatives of "Tri Veka" Municipal Company "GrazhdanProjekt" joint-stock company, who are also experts in heritage preservation, urban planning and zoning.

The development of standards for preservation of significant historic sites is based on approved planning documents and documents on preservation of cultural heritage. In Novgorod, these are - the Historic and Cultural Preservation Zones Project document and the Regulation on Building Heights and greenery. In Irkutsk, these are - The Concept on Comprehensive Restoration and Rehabilitation of City Historic Center.

Requirements described in the above mentioned documents were implemented in the regulation's standards. These requirements are preservation of monuments and historic sites, preservation of historic environment and historic context, restoration of the ensemble of historic sites, preservation of historic planning and developed estates, preservation of the urban construction role of historic dominants, preservation and development of historically developed spatial structures and scale of development.

The development of standards was based on documents containing historic and architectural basic plans and other research work, including research that was carried out in the field. In Irkutsk the results of the analysis were presented in illustrations, including maps of the city historic center (zone C-3) and block 104. There are samples of those maps attached in the supplement to this document. The purpose of the maps was to provide visual presentation of the basis for each selected evaluation criterion or established standard.

Taking block 104, as an example, a detailed study was conducted. As a result, of all the preserved historic buildings constructed before 1917, the buildings that are important for preservation of the historic environment and that should be preserved, were designated, as were certain fragments of historic sites. A list of characteristics that should be preserved and developed was drawn up. These characteristics include building standards (height and scale, front width), location of building on a land

parcel (side setbacks, spaces between structures), proportions, construction and decoration materials, color, articulation, etc

Both in Novgorod and in Irkutsk local specialists developed suggestions for establishment of subzone boundaries which not only had different parameters, but also received different rules

In Novgorod, it was suggested that the territories of zones C-1 and C-2 be divided into eight subzones according to preservation conditions and visual perception of landmarks

- 1) preserved area,
- 2) areas of archeological and architectural landmark protection zones,
- 3) areas of historically formed landmark protection zones,
- 4) area of the Val Okolnogo Goroda protection zone,
- 5) area of the view corridor to the river Volkhov,
- 6) area of the view corridor to the Val Okolnogo Goroda,
- 7) areas of preserved historical development,
- 8) area of visual connection with the Kremlin

In Irkutsk it was suggested that “general criteria” be used, with established restrictions, in the central part of the city Implementation of the “contextual criteria” was suggested for reserved areas as well as for front sides of blocks with a substantial number of items of significant development which has an impact on preservation of the historical environment As a result of the analysis conducted by local specialists, a number of proposals were developed to supplement and amend the zoning Regulations and also to make the zoning map more detailed

### **3 3 1 Proposals on Establishment of Parameters of Permitted Construction in Special Historical Zones as a Supplement to the Zoning Regulation**

#### **Amendments to Article 2 1 3 “Parameters of Permitted Construction in Different Territorial Zones” Zoning Regulations, Novgorod**

#### **Parameters of Permitted Construction in Special Historical Zones C-1 and C-2 related to Preservation of the Cultural Heritage**

1 Parameters of permitted construction in special historical zones C-1 and C-2 related to preservation of the historical heritage are established regarding alterations to the outer appearance of the buildings and structures which face the streets, squares, embankments and other areas of public use, as well as regarding construction alterations to buildings and structures which appear to be in the direct visual corridor to historical landmarks - architectural landmarks, and regarding placement of signs and billboards These permitted construction parameters are applied to all real estate, except for historical landmarks which are under state protection, or which are included on the lists of Federal or municipal landmarks

2 For the purpose of establishing differentiated restrictions on real estate construction alterations within zones C-1 and C-2, the following subzones are established

I - reserved area

II - architectural and archeological landmarks protection zones

III - historically formed landmark protection zones

IV - protection zone of Val Okolnogo Goroda

V - areas of the view corridor to the river Volkhov

VI - single family housing areas

VII - areas of preserved development of the XIX-XX centuries

VIII - areas of 4-5 story development

3 Within subzones IV, V, VI, and VIII restrictions on construction alterations to real estate are applied equally to all sites and land parcels

Within subzones I, III and VII the rules are set depending on the nature of the surrounding historical environment

Within subzone II, which is an architectural and archeological (underground) landmark protection zone, general and special zoning approvals for construction alterations can be permitted if they are approved by the Department of the Historical Heritage of the Committee on Culture of the City Administration

4 Buildings, construction and structures which are over 40 years old, and which are significant for protection of the historical "appearance" of the city, and possess the following characteristics construction and decorative materials, dimensions and sizes of the buildings and structures as a whole and their parts, and decorations are included in the list of significant historical development. The procedures for defining the items and approval of the list of significant historical development are established by the local self-governance agencies of the city of Novgorod. Construction alterations to real estate related to changes in the outer appearance of the sites included on the list of significant historical development can be permitted by the decision of the Zoning Commission (hereinafter referred to as Commission), with the approval from the Department of Historical Heritage of the Committee on Culture of the City Administration

5 Face blocks between two intersections which include building facades facing streets, squares or other public places, as well as facades of buildings which are in the view corridor of historical landmarks and located within their protection, zone are included in the list of the front sides. The procedures for identification and approval of the list of the front sides are established by the local self-governance agencies of the city of Novgorod. Construction alterations (connected with changes in outer appearance) to real estate located within the front sides included on the list, can be permitted by the decision of the Zoning Commission if approved by the Department of Historical Heritage of the Committee on Culture of the City Administration

6 The use of white brick is not permitted within the subzones I and III or within the front sides included in the list

7 The front sides of the buildings (facades) facing the streets, squares and other sites of public use, within the zones C-1 and C-2 are located along the “red lines”

By the commission’s decision, a setback of two thirds of the facade’s length from the “red line” but no more than two meters, is permitted if one third of the facade’s length is located on the “red line”

8 Within subzone V the maximum height of the buildings shall not exceed 12 meters

9 Within subzone VI the maximum height of buildings shall not exceed 12 meters, and the length of building facades shall not exceed 20 meters

10 Within subzone VIII the maximum height of the buildings shall not exceed five stories

11 Signs and billboards placed on the facades shall not cover architectural details of the facades and shall not be placed higher than the top mark of the roof

It is not permitted to place fixed billboards on the ground or signs on the building roofs

The sizes of signs and billboards shall not exceed two thirds of the window height on the facade, and their length shall not exceed three times the width of the window, including the space between the windows On signs no more than three different colors may be used, taking into account the colors of the facade

### **3 3 2 Suggestions on Establishment of Construction Parameters for Special Historical Zone as a Supplement to the Zoning Regulation**

**draft**

#### **Urban Development Regulation of the Central Part of Irkutsk.**

This urban development regulation for zone C-3 (Central historical part of the city of Irkutsk) was adopted as a supplement to the zoning Regulation and is in compliance with the Constitution of the RF, the Charter of the City of Irkutsk, the “Concept for comprehensive reconstruction and renovation of the central part of Irkutsk”, the legislation of the RF and Irkutsk Oblast, and is intended to ensure full functioning of the city center while preserving significant historical development

#### **Chapter 1 GENERAL PROVISIONS**

##### **Article 1 Objectives**

The urban development regulation of zone C-3 (Historical city center of Irkutsk, hereinafter referred to as H C C )are established in order to

- preserve historical and cultural landmarks and significant historical development, and to provide for increased attractiveness of the surrounding area and value of real estate,

- preserve the fragments of significant historical wooden development,
- preserve the dominant role of the historically formed main streets of the city center,

- attract investment for reconstruction, renovation and new construction in the city center, provide for more efficient use of real estate and additional funds for the city budget

- provide better conditions for business, tourist and commercial activity

- ensure an objective decision-making process for historic preservation issues, an efficient process for coordination of design documentation and decreasing the number of coordinating agencies

## Article 2 Main Definitions

### Main definitions

**Central historical development (historical development)**- preserved buildings, construction, structures, built before 1917,

**Significant historical development of the city center (significant development)** - buildings, construction, structures built before 1917 which are significant for preservation of the historical appearance of the city (significant form the historical and cultural points of view), that possess certain characteristics such as construction and trim materials, sizes and dimensions of buildings, construction, structures, their parts and details, decorations, and are included on the list of significant development,

**General procedures** - procedures which equally apply to all land parcels and other real estate located within a certain area,

**Special procedures** - procedures which are applied within the preserved areas and are established depending on the character of the surrounding significant development,

**Preserved areas** - areas where many historical landmarks are located, and where more than half of the buildings, construction and structures are included on the list of significant development,

**Demolition** - removal of a building or part of it,

**Front side** - front side of a block between two intersections, which includes buildings' facades which face streets, squares and other public places, as well as buildings' facades which are in the view corridor of special historical sites,

**Special historical sites** - buildings, construction and structures which are socially significant sites with composition accent or which are significant for preservation of the historically formed environment of the city and are included on the list of special historical sites,

**Renovation** - a comprehensive of measures intended to improve a building's condition in order to restore its initial appearance,

**Reconstruction** - a comprehensive of measures intended to improve a building's condition with possible alterations,

**Repair** - a comprehensive of measures intended to improve a building's condition,

**Minor repair** - maintenance repair of a building, construction, structure, without alterations to its external appearance,

**Conservation** - a comprehensive of measures intended to extend a building's life without alterations to its external appearance,

**New construction** - construction of a building, construction or structure on vacant land or on the site of a demolished building,

**Zoning certificate** - a document which states the compliance of new construction or reconstruction with the regulation,

**Certificate of appropriateness** - a document with a set format which sets forth the right of its possessor to conduct urban development activity, it appears to be the basis for preparation of an individual project for a particular real estate, in case the projected alterations to a building, construction or structure are not in compliance with the parameters and types of uses (exceptions) permitted within the zone, or included in a special list for this zone, without any changes to zoning,

**An individual project** - project documentation for construction, reconstruction or other alterations to real estate site, whose parameters and types of uses are not in compliance with the Zoning Regulation (exceptions),

**Application for financial assistance** - an application filed by the possessor of a site, which was included on the list of special historical sites, in order to get financial assistance. An application shall contain information on the financial status of the applicant, condition of the site and an obligation to use the financial aid for the purposes for which the aid was given,

**An application for the approval of an individual project** - an application of a possessor of a building, construction or structure to present for consideration an individual project

### **Article 3 Criteria for Establishment and Types of Regulations**

1 The Historic City Center (H C C ) Regulations comprise a comprehensive set of urban development/town-planning regulations for individual areas with fixed boundaries (of subzones) within the limits of the C-3 H C C zone

Criteria for designating individual areas (subzones) within which various urban development/town-planning regulations shall be set are existing and planned purpose, existing and planned intensity of use and existing and preserved characteristics of a significant development's exterior appearance – parameters and materials for decoration of buildings and structures

2 General or contextual type of regulations shall be set within the limits of individual areas (subzones)

Applying the urban development/town-planning regulations which are to be set to one of the types shall be done depending on the amount of significant development, including historical landmarks, within the limits of a given area

3 General regulations shall be set within the limits of the areas where less than 50% of frontage development are regarded as significant. The general regulations shall be applied equally to all land parcels and other real property sites except for the landmarks protected by the state or municipality, or proposed for state or municipal preservation, as well as the buildings, constructions and facilities listed as sites of prime importance and significant development.

4 Contextual regulations shall be set within preserved areas where at least 50% of frontage development is regarded as significant. The general regulations shall be applied equally to all land parcels and other real property sites except for the landmarks preserved by the state or municipality, or proposed for state or municipal preservation, as well as the buildings, constructions and facilities listed as sites of prime importance and significant development. The contextual regulations may be established by a decision of the Commission within the limits of the frontage where over 50% of the significant development is located.

#### **Article 4 Areas of application**

1 Provisions of these (H C C ) Regulations shall be applied in the cases mentioned in the second paragraph of Article 3 of the Zoning & Development Ordinance of the city of Irkutsk (hereinafter referred to as the Ordinance) as well as in cases of

- renovation, repair, decoration and other types of activity related to changing the appearance of buildings facing streets, squares, embankments and other public areas
- placement of signs and advertisement

2 With respect to landmarks and sites of prime importance in the cases mentioned in the second paragraph of Article 3 of the Ordinance as well as Item 1 of Article 4 of these HCC Regulations, a special permit is required.

### **Chapter 2 ADMINISTRATIVE AGENCIES IN CHARGE OF PRESERVATION AND DEVELOPMENT OF THE H C C**

#### **Article 5 Authorized Administrative Agency Charged with Preservation and Development of the H C C**

1 With the approval of the authorized state administrative agency in charge of historical and cultural preservation of Irkutsk Oblast, the local self-government of the city of Irkutsk empowers an agency within Irkutsk City Administration in the field of preservation and development of the H C C including historic and cultural landmarks of municipal significance, historic development groups, and historic and cultural areas under state preservation transferred to the city administration in accordance with the agreement on the transfer of certain state powers in this field to local self-government.

2 The agency within the Irkutsk City Administration charged with preservation and development of the H C C is authorized to

- review plans of renovation of historic and cultural landmarks of municipal significance as well as historic and cultural landmarks under state preservation in accordance with the agreement on the transfer of certain state powers in this field to local self-government
- review urban development regulations
- review frontage list
- review list of sites of prime importance
- review list of significant historic buildings
- review individual plans on the sites of prime importance within the boundaries of the historic city center
- review architectural plans designs in the cases provided for by these Regulations
- review renovation and reconstruction designs for significant historic buildings
- issue general permits for changing use, reconstruction and new construction
- review design documentation on the sites parameters do not comply with the Ordinance and these Regulations (variances) within the limits of the city center
- review proposed amendments to zoning and these Regulations
- review, in the cases stipulated in the Ordinance and these Regulations, design documentation for sites which are included on the list of sites requiring special approval

## **Article 6 Planning and Zoning Commission**

- 1 The Planning and Zoning Commission is authorized, in accordance with Article 23 of the Ordinance and also has power to
  - make decisions on inclusion on the list of sites of prime importance
  - make decisions on inclusion on the list of significant development
  - review individual designs for sites of prime importance
  - review individual designs in cases provided for by these Regulations
  - review renovation and reconstruction designs for significant historic buildings
  - issue special permits
  - make decisions on holding public hearings concerning draft resolutions on frontage lists, lists of sites of prime importance and significant historic buildings and amendments to them
  - make decisions on holding public hearings concerning draft resolutions on amendments to regulations and alteration of subzone boundaries
  - make decisions on holding public hearings concerning individual designs on sites of prime importance and architectural designs in cases provided for by these Regulations
  - organize development of regulations and their amendments
  - review assignments for development regulations for individual areas
- 2 According to the purposes mentioned in Article 1 of this legal act, as well as to ensure the power of the Commission in the field of preservation and development of the H C C , the Commission should include
  - the authorized agency within the Irkutsk City Administration in the field of preservation and development of the H C C including historic and cultural landmarks of municipal
  - a representative of the authorized state administrative agency of historical and cultural preservation of Irkutsk Oblast (as agreed)

## **Chapter 3 ZONING APPROVAL**

### **Article 7 General Zoning Approval**

- 1 General Zoning Approval shall be implemented according to the procedure set in Article 28 of the Ordinance regarding use and modification of real estate sites except for the sites located within preserved areas, frontage areas over 50% of which is listed as significant development, landmark areas, significant development
- 2 General Zoning Approval regarding use and modification of real estate sites located within preserved areas, frontage areas over 50% of which are listed as significant development, significant development, landmark areas except for the landmarks which are Federal or municipal property regarding changing permitted uses in accordance with the list of as-of-right uses

### **Article 8 Special Zoning Approval**

- 1 Special Zoning Approval shall be implemented according to the procedure provided for in Articles 31 and 32 of the Ordinance regarding use and modification of real estate sites located within the boundaries of the H C C as applied to the standards (types of permitted use and parameters) specially listed for each subzone as well as standards within preserved areas, landmark areas and modification of appearance of significant development and sites of prime importance
- 2 In cases of application of standards not included on a special list, the special zoning approval shall be implemented if there is a positive conclusion from the authorized administrative agency in charge of the H C C preservation and development and/or the authorized state administrative agency in charge of historical and cultural preservation of Irkutsk Oblast in accordance with current legislation

### **Article 9 Zoning Certificate and Certificate of Conformity**

- 1 The Zoning Certificate regarding the sites located within the boundaries of the H C C shall be issued by the agency within the City Administration of Irkutsk in charge of H C C preservation and development
- 2 The Zoning Certificate does not carry any right to develop individual design
- 3 Certificate of Conformity regarding the sites located within the boundaries of the H C C shall be issued by the Commission

### **Article 10 Design Review**

- 1 Architectural Design Review shall be implemented regarding sites of prime importance as well as all sites located within preserved areas and frontage areas over 50% of which are listed as significant development and also the frontages which have a direct view corridor to a site of prime importance
- 2 Architectural Design Review shall be implemented regarding sites of prime importance by the Commission with positive findings of a public hearing at hand
- 3 The criteria for Architectural Design Review regarding the sites located within preserved areas and frontage areas over 50% of which is listed as significant development and also the frontages which have a direct view corridor to a site of prime importance shall comply with the establish urban development regulations and nature of significant development within the given preserved area or the one listed as frontage area

## **Chapter 4 URBAN DEVELOPMENT REGULATIONS FOR SUBZONES WITHIN THE BOUNDARIES OF THE H C C AREA**

### **Article 11 Sites of Prime Importance**

- 1 The sites within the boundaries of the H C C area which are socially significant, compositional accents or important for preservation at the city's historic appearance may be regarded as sites of prime importance and listed as such by resolution of the Commission
- 2 Coordination of planning documentation for sites of prime importance shall be executed according to the procedures set by the City Administration of Irkutsk
- 3 Coordination of the architectural aspects of the planning documentation for sites of prime importance shall be executed according to Item 2 of Article 10 of these H C C Regulations

### **Article 12 Significant Development**

- 1 Significant development within the boundaries of the H C C area covers buildings, construction and facilities which were built before 1917 and are significant for preservation of the historic environment of the H C C as bearers of the features being preserved (preservation subjects) building and decoration material, dimensions and proportions of buildings, construction and facilities as a whole, their parts and details, decorations and those listed as significant development by resolution of the Commission
- 2 Modification of the appearance of the sites listed as significant development is prohibited

### **Article 13 Demolition Permit**

A permit for demolition of buildings built over 40 years ago within the boundaries of the H C C area shall not be issued without approval by the authorized agency of the City Administration of Irkutsk in the area of the H C C area preservation and development

### **Article 14 Planning Subdivision of the Area**

- 1 Planning subdivision of the area is to be executed in accordance with Articles 15, 16, 17, and 34 of the Rules
- 2 Land parcel boundaries within the boundaries of the H C C shall be established with regard for the historic boundaries of the land parcels
- 3 Modification of land parcel boundaries including division or merger of parcels, except landmark parcels shall be executed with approval by the Commission at hand

4 Modification of boundaries of landmark parcels of municipal significance as well as landmarks under state protection is not permitted

### **Article 15 Types and Standards of Permitted Use of Real Estate**

1 The Zoning Ordinance establish real estate uses and allowable standards of alterations to real estate sites permitted as of right or under special approval in the form of restrictions and permits applicable to each particular area

2 The Zoning Ordinance establishes the uses associated with projected function and the standards associated with projected intensity of use (hereinafter referred to as projected use types and standards) for a given area as well as standards associated with preservation of significant development and the character of the environment (hereinafter referred to as environment preservation standards) applicable for each particular area

3 Use standards and permissible alterations to real estate associated with projected intensity of development of particular areas include

- **floor area ratio** - coefficient of development density of a land parcel, calculated as a ratio of total number of sq m of buildings' space to the total area of the parcel (FAR)
- **building coverage** - coefficient of a land parcel's coverage ratio calculated as a ratio of developed area of a parcel to undeveloped area (BC)
- **open space ratio** - coefficient of vacant area of a land parcel calculated as a ratio of total floor area to the vacant area of the land parcel (ASR)
- **placement of buildings on a land parcel** (permitted setbacks from front, lateral and rear boundaries of the land parcel)

4 Significant development preservation standards include frontage standards and characteristics of buildings, construction, and facilities and their placement on the front side of the land parcel

- maximum height of buildings, construction, structures, calculated either by the number of stories (if the number of stories is limited), or by the number of meters (if the number of stories is not limited)
- dimensions and proportions of facades (height, extent and window decoration)
- material and color of facade exterior
- placement of windows and doors on the facades
- decorations on the facade exterior
- window decorations
- roof shape
- shape of frontage signboards

5 Additional types of standards may be established for particular areas by resolution of the Commission

6 The standards are applicable for all buildings, structures, and facilities (hereinafter referred to as buildings) being built on vacant lots, replacing the demolished ones as well as those being renovated

7 The standards applied with special approval of the Commission shall also be approved by the government agency in the field of the H C C area preservation and development

Appendix 1

## **URBAN DEVELOPMENT REGULATION FOR SUBZONES OD-2-1 (Block 104 as an Example)**

### **Chapter 1 Lists of Front Sides and Significant Development**

#### **Article 1 List of Significant Development**

The list of significant development is contained in the Appendix

#### **Article 2 List of Front Sides within which There is More than 50% of Significant Development**

List of front sides of Block 104

1) along Temeriaseva street

### **Chapter 2 TYPES OF USES AND PARAMETERS OF PROJECTED REAL ESTATE USE**

#### **Article 3 Types of Permitted Real Estate Uses**

1 Within the area of Block 104 subzones OD-2-1, types of uses listed in Article 12 of the Regulation are permitted according to the general procedures

2 Within the area of Block 104 subzones OD-2-1, with the special approval, the types of uses listed in Article 12 of the Regulation are permitted

#### **Article 4 Parameters of Projected Real Estate Use**

1 Within the area of Block 104, subzone OD-2-1, the following indexes of projected real estate use are established

FAR - not more than 1,2

CR - not more than 0,6

ASR - not less than 0,3

2 Location of buildings, construction and structures (hereinafter referred to as buildings) on a land parcel is permitted with setbacks from the front sides not more than 3 meters, except for those listed in Article 2 of this Regulation

It is permissible to locate buildings without setbacks from side and rear boundaries of a land parcel if those sides of the building will not have door and window spaces and the roof angle will be facing to the yard

3 Minimum width of the entrance to a parcel shall be not less than five meters and shall include the road - width 3,5 and two sidewalks - each 0,75

If there is an arch entrance to the parcel, the sizes of the arch, in order to provide for passage of transportation (2,5 m in width and 3,8 m of height), shall be not less than 3,5 m in width and 4,0 m in height

Within the parcel's area, apart from the entrance, there shall be at least one parking lot the size of which shall be not less than 25 sq m

### **Chapter 3 PRESERVATION PARAMETERS**

#### **Article 5 Buildings' Height**

1 Based on the general procedures, the height of buildings, located along the front sides of block 104, subzone OD-2-1, shall not exceed 2 stories for buildings with front setbacks less than 30 m , and 3 stories, if than the height of the story (from the floor of the first story to the floor of the second story) does not exceed 4,0 m

The maximum height, the general procedures, within Block 104 shall not exceed 11 m from the ground to the top point of the roof

2 Based on the special procedures, the maximum height of the buildings within Block 104, subzone OD-2-1, included on the list of Article 2 of this Regulation shall be up to 15 m from the ground to the top points of the roof, if the height of the new building does not exceed the maximum height of the building included in the list of sites of significant development and located on the same front side

#### **Article 6 Length of the Buildings Located on the Front Sides**

1 Based on the general procedures, the length of buildings, located within front sides and included in the list of Article 2 of this Regulation, shall be set according to the length of the parcel along the front side, but it shall not exceed 30 m

2 By special approval of the commission, the length of building facades, located within the front sides (except for the front sides included in the list of Article 2 of this Regulation) shall be at least 20 m

The facades of buildings, the length of which is more than 20 m , shall be designed so that they are visually perceived as several buildings, each no longer than 20 m , under the condition that the length of the new building does not exceed the length of the building included on the list of significant development and located on the same front side

## **Article 7 Materials and Colors of the External Appearance of Facades**

1 There shall be no restrictions on the application of materials and colors for the external decoration of facades, which face the front sides, except for front sides included on the list of Article 2 of this Regulation

2 Materials and colors external decoration of the facades which face the front sides and are included in the list of Article 2 of this Regulation shall only be applied based on a special decision of the Commission, if that these materials and colors match the materials and colors of the external decoration of the significant development

For facades and buildings which face the front sides and are included on the list of Article 2 of this Regulation, there shall be certifications of the facades' external decoration

## **Article 8 Placement of Arches, Balconies, Doors and Windows on the Facades**

1 There shall be no restrictions on the placement of arches on building facades which face the front sides, except for front sides included on the list of Article 2 of this Regulation

On building facades which face the front sides and are included on the list of Article 2 of this Regulation, it is permitted to place arches either on the axis of the facade or along the side of the parcel's boundary

2 Placement of balconies on the building facades which face the front sides, based on the general procedures shall be at least 3,0 m above ground

3 Total area of door and window space on building facades which face the front and are included on the list of Article 2 of this Regulation, based on the general procedures, shall not be more than 50% of the total facade area

Maximum sizes of doors and windows, as well as spaces between them on the building facades which face the front sides and are included on the list of Article 2 of this Regulation, shall be set according to the existing sizes of doors and windows and spaces between them on building facades which are included on the list of significant development by special approval of the Commission, but shall not exceed the maximum existing sizes of doors and windows and spaces between them on the building facades included on the list of significant development

## **Article 9 Decoration of the External Trim of the Facades**

1 Decoration of external trim of facades (on the windows, doors and cornices) of buildings included on the list of significant development shall be preserved and reconstructed

2 Decorations of external trim of the facades (on windows, doors and cornices) when developing architectural plans for buildings which face the front sides and are included on the list of Article 2 of this Regulation, shall be applied based on

the special approval of the Commission, if the decoration shall match the external decoration of the significant development

#### **Article 10 Frieze**

Building facades which face the front and are included on the list of Article 2 of this Regulation, shall have frieze

#### **Article 11 Roof Shape**

Buildings which face the front and are included on the list of Article 2 of this Regulation, based on the general procedures, shall have either hip or gable roofs

#### **Article 12 Types of Signs**

1 Signs on building facades which face the front and are included on the list of Article 2 of this Regulation, based on the general procedures, shall be located on the walls and windows, under the condition that they do not extend beyond the roof line

Based on the general procedures, signs located on the building facades which face the front and are included in the list of Article 2 of this Regulation, shall contain white and black colors as well as colors of the facade trim of the buildings included on the list of significant development

**Appendix 1.**

**Table 1 Comparison of the Situations According to the Possibility of Integrating Historic Preservation Issues with Legal Zoning (Examples of Tver, Novgorod and Irkutsk)**

1	Decision	Novgorod	Tver	Irkutsk
1	Total number of landmarks within the city area on the state list - under the jurisdiction of the Subject of the Federation - transferred to city management  Total number of new landmarks - transferred to city management	198  draft  draft  267  100	130  no  no  140	578  555  draft  1115
2	An agreement between the RF and the Subject of the Federation on Division of Authority the area of historic preservation	draft	nothing	signed
3	An agreement between the subject of the Federation of the RF and local self-government agency on delegation of authority in the area of historic preservation	draft	no	draft
4	Legal acts of the Subject of the RF on historic preservation	draft	no	draft
5	Structure and name of the historic preservation agency  - subject of the RF        - Local	Department of the State Supervision over Historic Preservation and use of Historical Landmarks as a part of the Committee on Culture, Cinema and Tourism of the Novgorod Oblast Administration  Department of Historical Heritage of the Committee on Culture of the Novgorod Administration ((one representative authorized by the Oblast according to the internal letter)	Resolution of the Governor on the historic preservation committee as one of the departments of the Tver Oblast Administration        no	Center on Historic preservation of the Committee of Culture of the Irkutsk Oblast Administration        draft

6	City planning and regulation in the area of historic preservation (programs, plans, including plans of historic zones)	Historical and architectural sketch plan, Plan of historical zones adopted in 1995, Plan of historical zones of separate landmarks, Development of proposals on "elevating them to the status of museums", Development of parameters of maximum heights of buildings and trees	Draft of historical zones adopted in 1991, Corrected plan of historical zones developed in 1996-1997, not approved	Setting of boundaries of a Special central zone on the zoning map, Development of a city planning parameters of the historical center zones, Concept of the complex reconstruction and renovation of the historical center
7	Registration of new lands as historical areas	All land within the historical zones	All land within the historical zones	Land under historical buildings
8	Privatization - landmarks as private property - land parcels within the historical zones	yes  no	yes  no	yes  yes
9	Financial resources for historic preservation - private funds - budget funds - other sources	yes yes draft	yes yes no	yes yes draft
10	Document processed while acquiring private ownership/use	lease - preservation agreement, protection commitment	lease - preservation agreement, protection commitment	protection commitment
11	Incorporation of historic preservation issues into the process of development of local Regulations and zoning map during the Pilot Project	Incorporation of established height limitations in the historical area in the zoning parameters	Incorporation of established height limitations in the historical area in the zoning parameters	Establishment of boundaries and parameters of special zone of the historical center, Establishment of a commission of the Mayor's Office on development of the historical center
12	Public participation in decisions by the administration of the city concerning historic preservation and use of historical landmarks	specialists council of the Department of Culture of the Committee of Culture of the Novgorod Administration		Social council of the Mayor's Office on the development of the historical center of the city

**Table 2 List of Federal Laws which Regulate Historic Preservation and Development Activity**

Name of the document	Content of the document
1 Law of the Russian Federation "On Preservation and Use of Historical Landmarks" (Resolution of the Supreme Council of the Russian Federation dated 15 December 1978, with amendments introduced by Decree of the Supreme Council of the RF dated 18 January 1985)	Defines the subjects of preservation - historical and cultural landmarks, their classification according to different types (historical landmarks, archeological landmarks, architectural and city-planning landmarks, fine-arts monuments, significant documents), gives the definitions of the types of monuments Defines the procedures for type of new monuments, registration for state control, including in lists of landmarks, approval of lists of different levels
2 Provisions "On Historic preservation" (Resolution of the Council of Ministers of the USSR dated 16 August 1982 N 865)	Supplements the provisions of the Law concerning control over historical landmarks and ensuing safety of these landmarks Defines methods of preservation of historical and cultural areas (reserved areas and preservation zones) Defines the procedures for using historical landmarks and types of preservation documents (preservation-lease agreement, preservation agreement, preservation obligation)
3 Instruction on establishment of historic preservation zones of historical and cultural landmarks (Adopted by resolution of the Ministry of Culture of the USSR N33 dated 24 January, 1986)	Defines the types of historic preservation zones of historical landmarks preservation zone, zone of regulated development, landscape protection zone Defines the rules for establishing the boundaries of every type of preservation zone Defines the regime of use and improvement of real estate within the boundaries of every type of preservation zone
4 Instruction on Control Procedures Providing for Preservation of Content, Use and Reconstruction of Immovable Historical and Cultural Landmarks (Adopted by the Order of the Ministry of Culture of the USSR N 203 dated 13 May, 1986)	Defines the types of immovable landmarks (buildings, structures, ensembles, complexes, city-planning units, places of interest), defines their value (historical landmarks, archeological, fine-arts) and the category of control (federal, local significance) Defines the manner of maintaining state lists of landmarks depending on their types and categories as a main form of control)
5 Law Of the RF "Legal Principles of the RF on Culture" (N 3612 dated October 1992)	Defines other than in the Law of the RSFSR (dated 1978) type of sites of historical heritage - monuments of history and culture and historical and cultural areas as well as the basis for historic preservation of historical landmarks
6 Presidential Decree On Especially Significant Sites of Historical Heritage of the RF" (N 1487 dated 30 November, 1992)	Establishes the list of especially significant sites of the historical heritage of the RF Sets the procedures for financing preservation of especially significant sites of the historical heritage of the RF
7 Resolution of the Government of the RF "On Approval of Provisions on State List of Especially	Defines the procedures for maintaining the state list of especially significant sites of the historical

Significant Sites of the Historical Heritage of the RF" (N1143 dated 06 October, 1994)	heritage of the RF Defines the authority of the Ministry of Culture on maintaining the state list
8 Presidential Decree "On Privatization of the Immovable Historical Landmarks of Local Significance in the RF" (N2121 dated 26 November, 1994)	Gives the right to the subjects of the Federation to privatize immovable landmarks of local significance if approved by the Ministry of Culture of the RF and the Property Committee of the RF Defines the privatization procedures for immovable landmarks of local significance (after the list of federal landmarks is approved )
9 Presidential Decree " On Approval of the List of Landmarks of Federal (All-Russian) significance" (N 176 dated 20 February 1995 )	Approves the list (not complete) of historical sites of federal significance Obligates the subjects of the Federation within 6 months, to compile a list of historical landmarks of federal significance which are under their jurisdiction, and are approved by the Ministry of Culture of the RF and the Property Fund of the RF
10 Presidential Decree "On Specifying the List of Sites of Historical and Cultural Heritage of Federal Significance" N 452 dated May 5, 1997	Excludes from the list of landmarks of federal significance historical landmarks which were included in the federal list of landmarks according to the Presidential Decree N176 dated 20 February, 1995 "On Approval of the List of Historical Landmarks of Cultural Heritage of the RF" and listed in the annex N1 to the Decree
11 "On Principles of City Planning in the RF" (N 3295-1 dated 14 July, 1992 with amendments dated 19 July, 1995 N 112-FZ)	Establishes historic preservation, protection and reconstruction of the historical heritage, monuments of architecture, art, landscape and other preserved areas as the most important directions of urban planning
12 Land Code of the RSFSR (dated 25 April, 1991, N 1103-1 with amendments dated 24 December, 1993 N 4888-1 and 24 December, 1993 N 2287)	Introduces the category of lands of historical value States that lands where historical landmarks and places of interest are located can be defined as lands of this category Introduces the provisions concerning limitations of economic activity in the historic areas
13 Urban Planning Code of the RF Draft (approved by the State Duma in the third reading on June 4, 1997)	Defines historical areas as sites of special urban planning regulation
14 Draft Land Code (adopted by the State Duma in the third reading on May 22, 1996)	States that not only areas of historical landmarks and places of interest can be defined as lands of historical significance, but also areas of historical settlements Introduces the provisions on possible ban of any economic activity in historical areas
15 Draft of Law of the RF "On Sites of Cultural Heritage (historical and Cultural Landmarks) of the RF	Defines the types of sites of historical heritage Defines that some landmarks ensembles of buildings places of interest including city centers, can be preservation sites Defines ownership relations in the area of historic preservation Establishes the procedures for including new landmarks on the list of historical landmarks, defines the procedures for their registration Defines authorized historic preservation government agencies

**Table 3 Economic Incentives for Historic Preservation  
(Examples from the Experience of the USA, France, Germany, The Netherlands)**

Country	Legislation	Administrative control	Types of economic incentives
USA	Federal state and local laws	On the local level (states, municipalities)	<ol style="list-style-type: none"> <li>1 Postponement of federal income tax payments in the amount of proven reconstruction costs</li> <li>2 Tax payments according to agreements on preservation of building facades</li> <li>3 Exemption from property tax according to local state laws</li> </ol>
France	Nation-wide legislation	on the national level - Ministry of Culture, Ministry on Environmental Protection (areas of historic construction)	<ol style="list-style-type: none"> <li>1 Grants for reconstruction (up to 50% of the cost of reconstruction) and loans</li> <li>2 Subsidies for architectural design work</li> <li>3 Deduction of costs for reconstruction from income tax payments</li> <li>4 Tax exemption for property transfers</li> <li>5 Adjustment of property tax for high costs of maintenance and use</li> <li>6 Loans to non-profit housing organizations</li> </ol>
Germany	Limited provisions in the Federal Construction Code, more precise legislation is adopted at the subjects' of the Federation level (Laender) In addition appropriate requirements are listed in the land use and city planning laws adopted at the local level	Local (municipal) authorities which are in charge of land use and construction	<ol style="list-style-type: none"> <li>1 Deduction of reconstruction costs from the property tax for 10 years (the sum subtracted must not exceed 10% of the total annual payment)</li> <li>2 Tax benefits for maintenance and use</li> <li>3 Reduction of taxes on real estate (up to 40%)</li> <li>4 Reduction of inheritance taxes</li> <li>5 Reduction of property tax</li> <li>6 Grants and loans for reconstruction, maintenance and reconstruction</li> </ol>
The Netherlands	Law on government subsidies for reconstruction of registered historical buildings, local laws	Decisions are made by local authorities	<ol style="list-style-type: none"> <li>1 Subsidies for reconstruction (80%, 70%, 60%) depending on the type of property and the type of building</li> <li>2 Combination of grants and loans with low interest ( as a rule 5% less than the interest on commercial loans)</li> <li>3 Offset of tax payments (for reconstruction, renovation and use)</li> <li>4 Subsidies for historic preservation within the unified system of urban development subsidies</li> </ol>

Sources of information Butler S, Nayar-Stone R , O'Leary S 1996 "The Laws and Economics of Historic Preservation in St -Petersburg," (1996), Seminar St -Petersburg "New strategy for Preservation of Historical Center" (International Experience), 9-12 April, 1997 , St -Petersburg

Appendix 2 Novgorod Illustrations



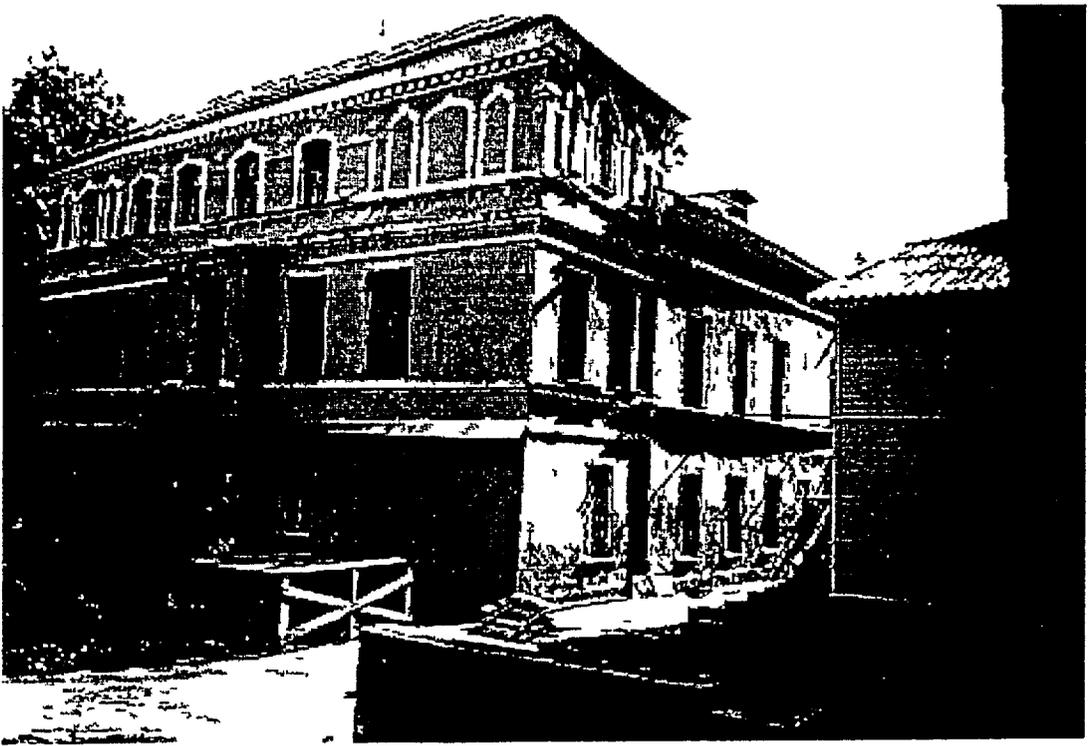
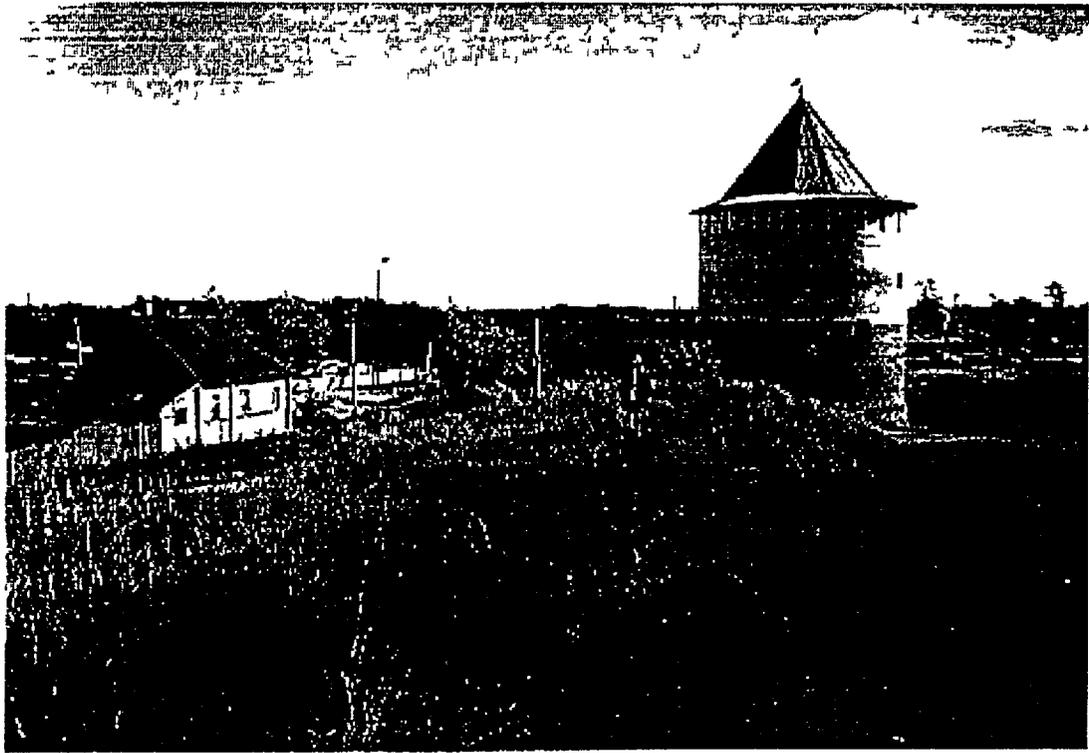
Preserved Historical Environment

Drawing 1

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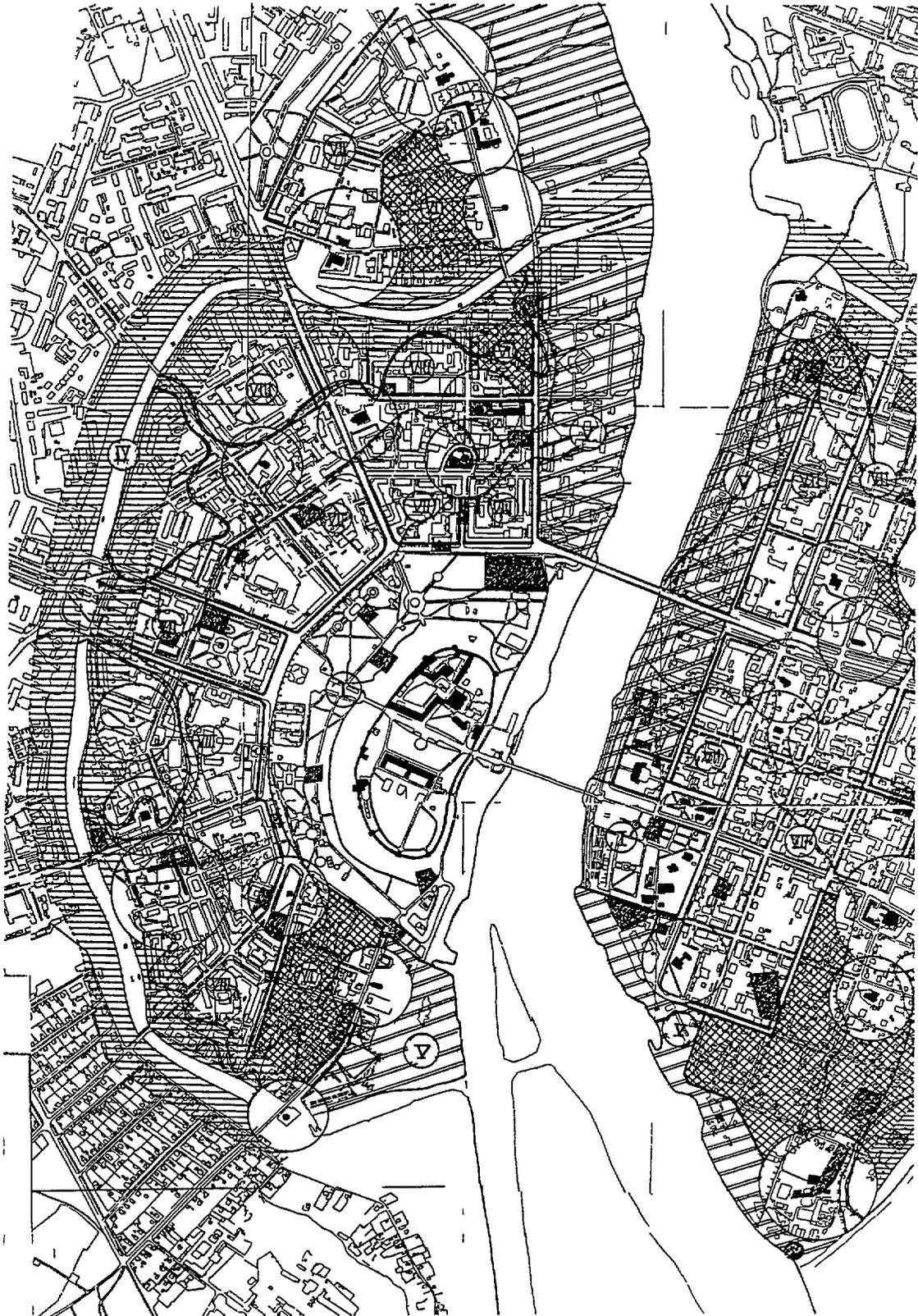


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ZONING PLAN OF THE HISTORICAL CENTER OF NOVGOROD  
BASED ON HISTORICAL AND CULTURAL CHARACTERISTICS  
(ZONES C-1 AND C-2)



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62

Commentaries to the Drawing 4 ZONING SCHEME OF THE  
HISTORICAL NUCLEAS OF NOVGOROD ACCORDING TO  
HISTORICAL AND ARCHITECTURAL FEATURES (ZONES C-1 and  
C-2)

Subzones within the territories of historical nucleus of Novgorod ( zones  
C-1 and C-2)

I - reserved area

II - architectural and archeological landmarks protection zones

III - historically formed landmark protection zones

IV - protection zone of Val Okolnogo Goroda

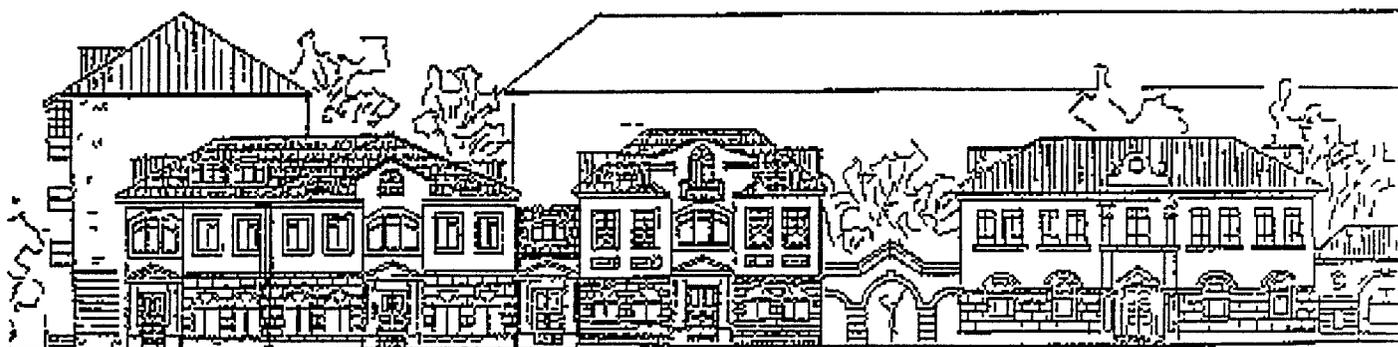
V - areas of the view corridor to the river Volkhov

VI - single family housing areas

VII - areas of preserved development of the XIX - beginning of XX century

VIII - areas of 4-5 story development

Развертка фасадов по пешеходному переулку Добрыня



Развертка фасадов по ул. Десятинной



SUGGESTIONS ON THE ARCHITECTURAL FEATURES OF THE  
FACADES OF NEW BUILDINGS IN THE CITY CENTER

Drawing 5



Развертка фасадов со стороны проходной зрели с видом на  
Десятинный монастырь



Развертка фасадов по пешеходному переулку Добрыня

SUGGESTIONS ON THE ARCHITECTURAL FEATURES OF THE  
FACADES OF NEW BUILDINGS IN THE CITY CENTER

Drawing 6



Проект исторического здания в Иркутске. План, блок 101



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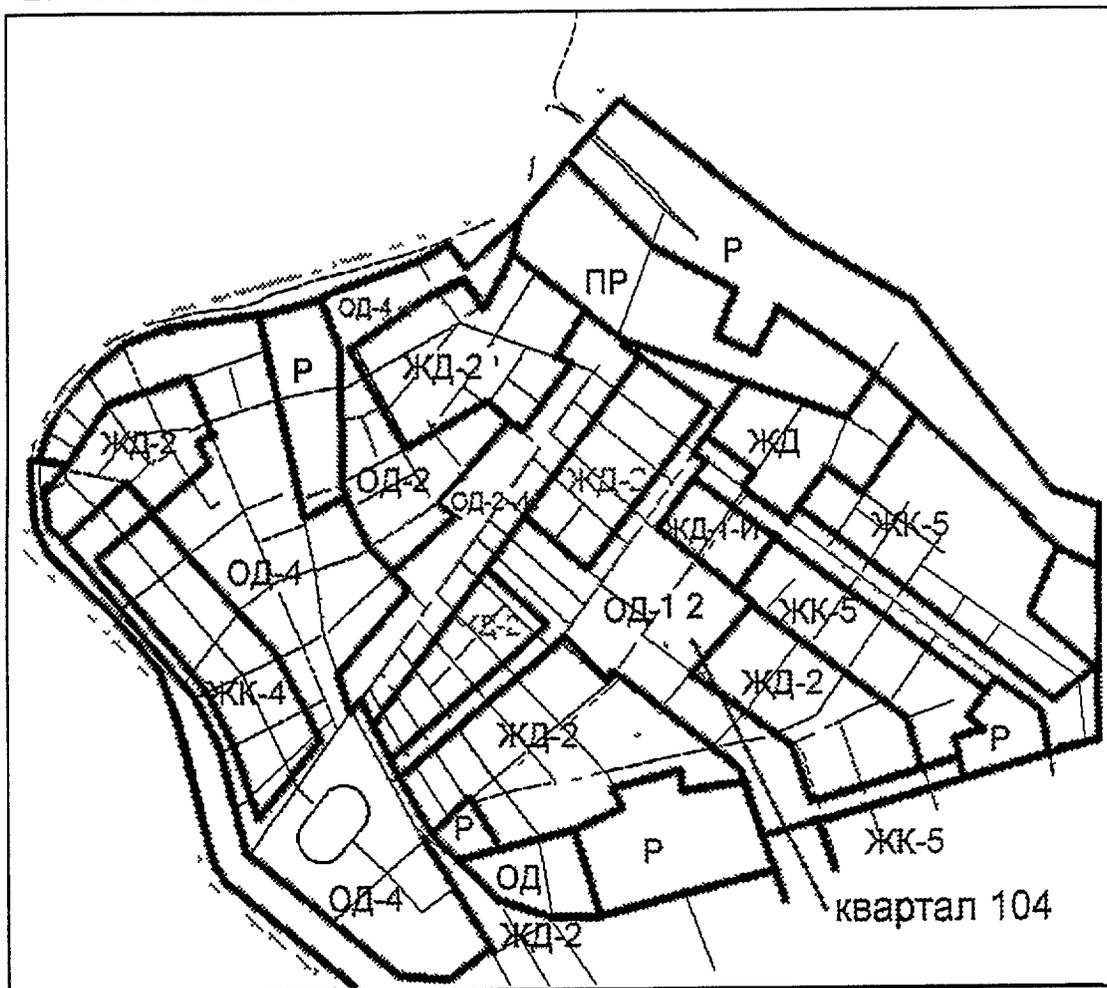


Preserved Historical Buildings in Irkutsk Block 104

Drawing 8

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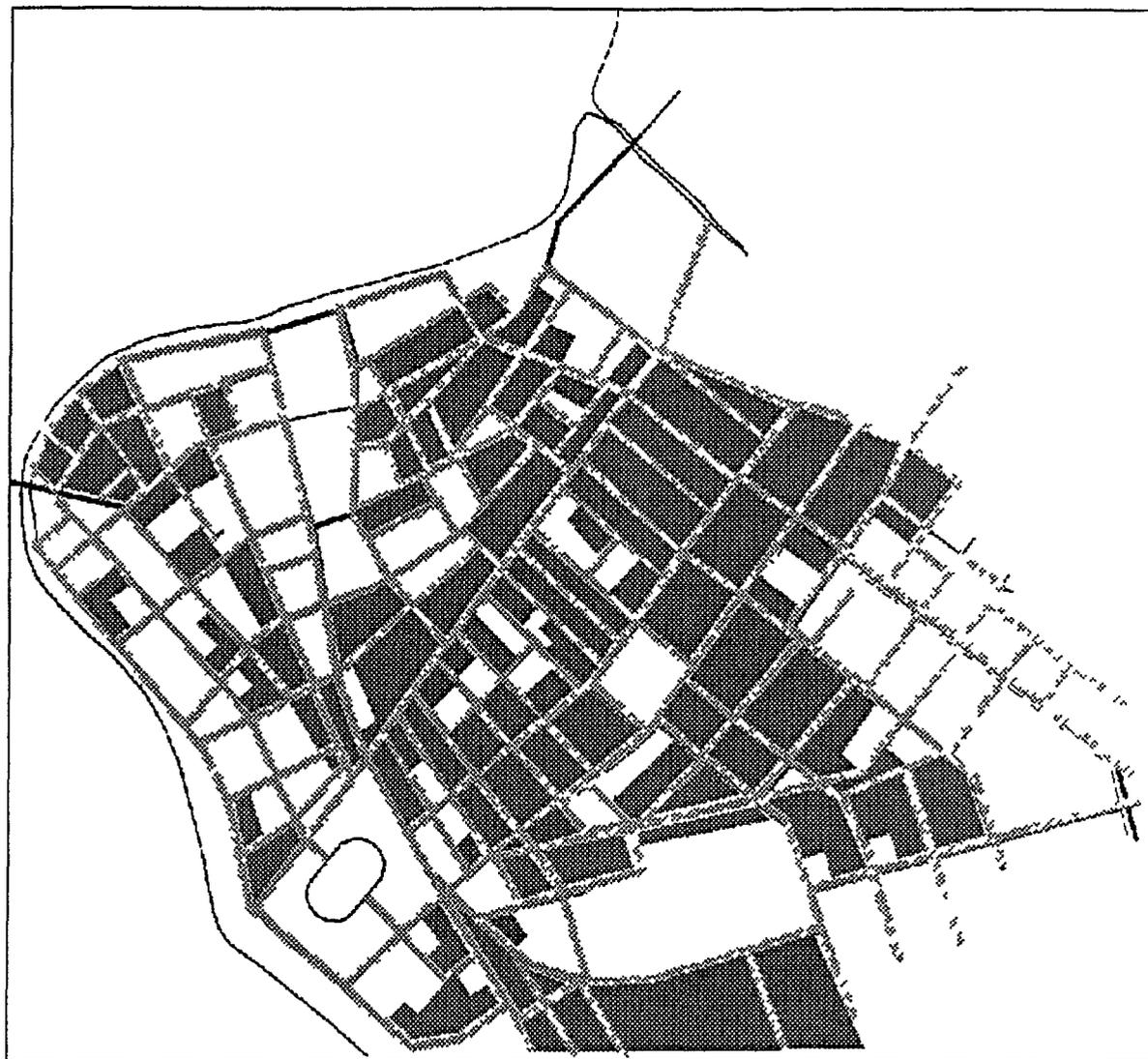
# THE ZONING MAP OF THE CENTRAL HISTORIC AREA OF IRKUTSK CITY



**ОД** - commercial subzones  
**ОД-2** - commercial subzones (primarily 2-storied buildings)  
**ОД-2-И** - commercial subzones (primarily 2-storied historic buildings)  
**ОД-4** - commercial subzones (primarily 4-storied buildings)  
**ПР** -PUD subzones  
**Р** -recreational subzones

**ЖД** - residential subzones (primarily wooden buildings)  
**ЖД-1-И** - residential subzones (primarily historic one-storied wooden buildings)  
**ЖД-2** - residential subzones (primarily two-storied wooden buildings)  
**ЖК-4** - residential subzones (primarily historic 4-storied brick buildings)  
**ЖК-5** - residential subzones (primarily 5-storied brick buildings)

ANALYSIS OF THE CENTRAL HISTORIC AREA OF  
IRKUTSK CITY  
AREAS WITH PRESERVED HISTORIC  
DEVELOPMENT



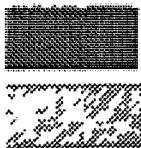
areas with preserved historic development and with single family house boundaries

ANALYSIS OF THE CENTRAL HISTORIC AREA OF  
IRKUTSK CITY  
AREAS WITH PRESERVED HISTORIC  
DEVELOPMENT



 areas with preserved historic development and with former estates boundaries

ANALYSIS OF THE CENTRAL HISTORIC AREA OF  
IRKUTSK CITY  
MAIN COMPLEXES OF HISTORIC BRICK  
AND WOODEN DEVELOPMENT



complexes of the historic, mainly brick development

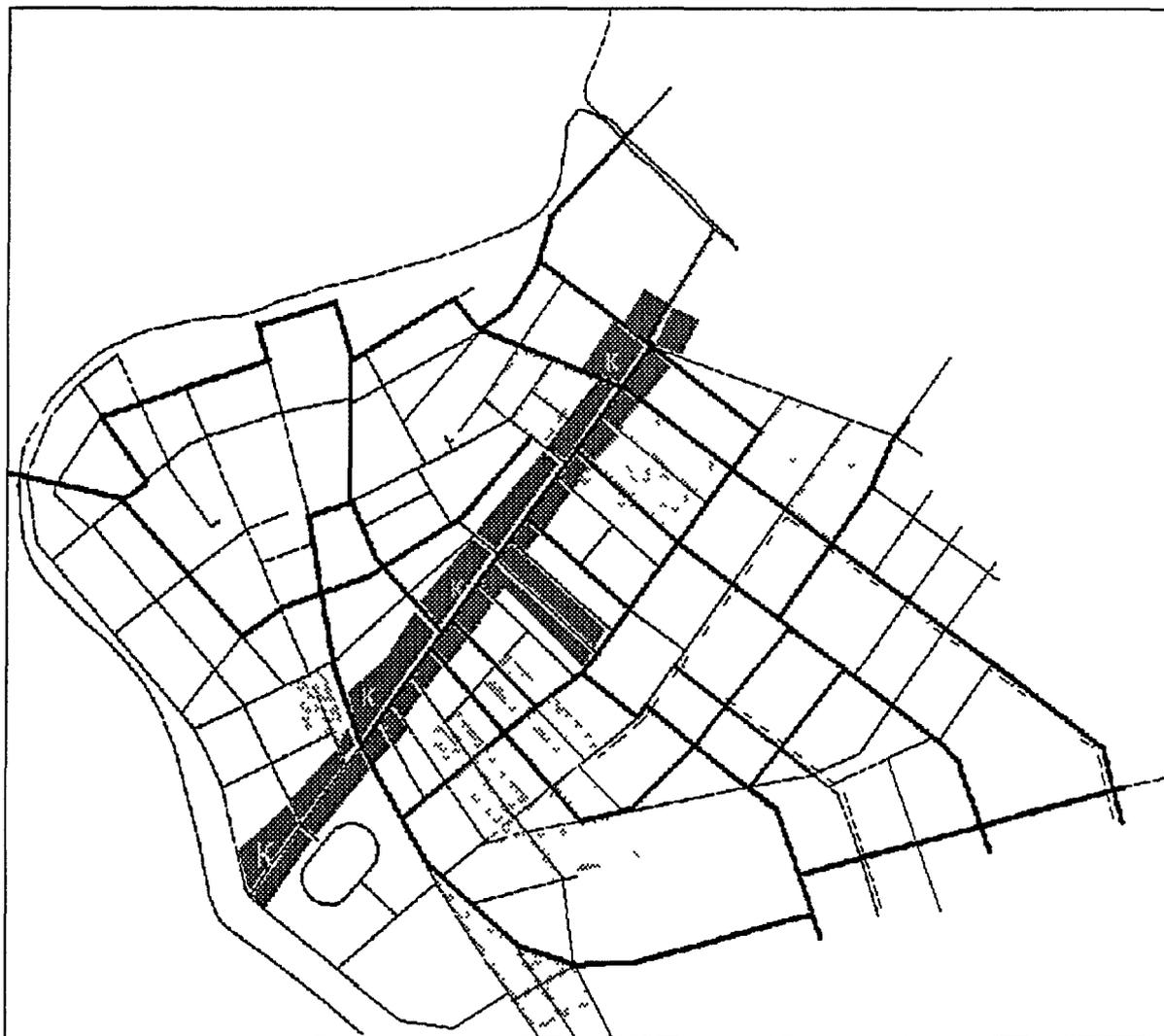
complexes of the historic, mainly wooden development

Drawing 12

ANALYSIS OF THE CENTRAL HISTORIC AREA OF  
IRKUTSK CITY

RESERVED AREAS

(PROTECTED HISTORIC STREETS AND BLOCKS)



Д - areas with primarily wooden development  
К - areas with primarily brick development

# BLOCK 104 ANALYSIS

## PRESERVED HISTORIC DEVELOPMENT

(1880-1917)

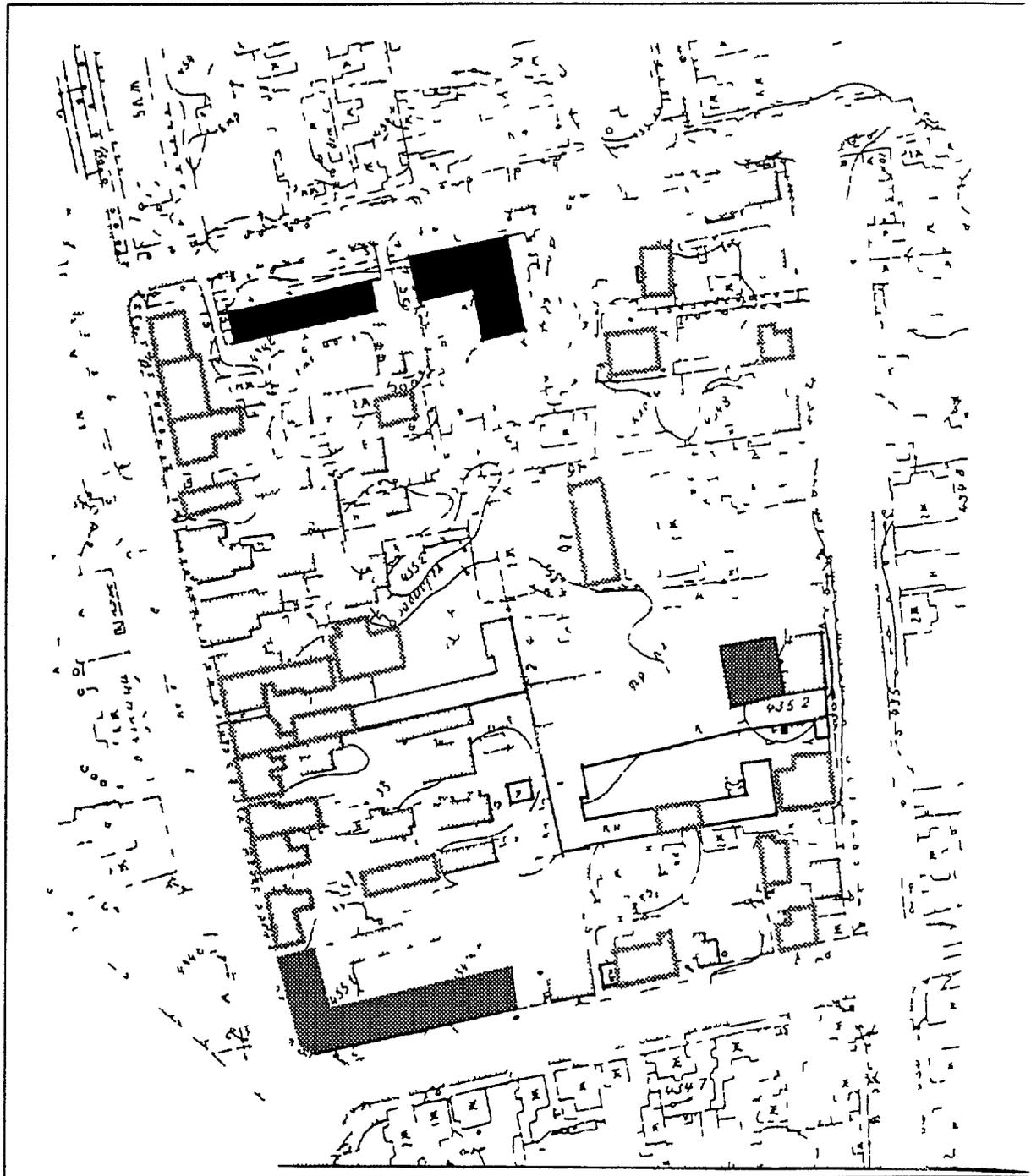


104



# Block 104 Analysis

## HEIGHT OF EXISTING BUILDINGS



-  - 5-ти этажное здание
-  - 4-х этажное здание
-  - 3-х этажное здание
-  - 2-х этажное здание
-  - 1-этажное здание

**FINANCIAL ASSISTANCE APPLICATION FOR RECONSTRUCTION OF  
HISTORICAL BUILDINGS**

I Submission of a financial assistance application to \_\_\_\_\_

II An application shall contain the following information

- 1 Independent evaluation of construction, reconstruction or renovation expenditures,
- 2 Statement of an independent expert, experienced in reconstruction of historical sites, regarding certificate of the building's technical compliance with suggested alterations,
- 3 Information on the market value of the real estate
  - 1 Current value
  - 2 Value after the work is completed

In case of partial or full demolition of a building, evaluation of economic feasibility of reconstruction or new construction is required,

- 4 Documents on registration and formalization of rights to real estate (ownership conditions, lease, inheritance etc )
- 5 Information on profitability  
If real estate is profitable, then a statement of gross profit for the last two years is required Operating and maintenance expenses shall be included,
- 6 Information on loans acquired during the last two year (if any),
- 7 All appraisal data acquired during the last two years because of purchase/sale or other transactions,
- 8 Real property taxes paid during the last two years,
- 9 Information on the owner or manager of the building (private owner, non-profit entity, private entity, etc ),
- 10 Additional information about external sources of funds for operation, maintenance, construction work and other information which the Commission may consider useful

III Consideration and approval \_\_\_\_\_

**Certificate of Appropriateness for Historic Landmarks**

(A) Prior to undertaking the following action, a Certificate of Appropriateness is required for historic landmarks

- I Any construction, alteration, or demolition requiring a building permit from the City Land Use Department that affects the exterior appearance or structural stability of the landmark
- II Any construction, alteration, demolition, or removal affecting an exterior architectural or physical feature as defined in the Resolution of Approval for the designation

*(B) Prior to the submission of an application for a CA, any applicant may request consultation with the Design Review Subcommittee to discuss the proposed construction, alteration, or demolition*

*(C) Applications for a CA*

- I Applications for Historical Preservation Advisory Board consideration of a CA shall be available at the offices of the Parks and Open Space or the Land Use Department
  - A If the proposed action requires a building permit, the application for a CA may be processed as part of the building permit application. No building permit for a landmark shall be issued without a CA
  - B A complete application shall include the names of all owners of the property, a description of the proposed action, and accompanying plans and specifications

*(D) Procedure for Certificate of Appropriateness Review*

- I Application Review Subcommittee
  - A For all alterations to the City Landmarks which require a Certificate of Appropriateness, the application review subcommittee shall review the application to determine if the request for a CA should be approved. The criteria as described below, shall be used to make the determination
  - B If the Application Review Subcommittee unanimously agrees to approve the CA, review by the HPAB shall not be required and the CA shall be issued
  - C If the Application Review Subcommittee does not unanimously agree to approve the CA, review by the HPAB shall be scheduled for the next HPAB meeting for which notice requirements may be met

- D Applications for new primary structures within a Boulder County Historic District shall require HPAB review

*(E) Criteria for Approval of Alterations Requested Under a CA*

- I In considering the application for a CA, HPAB shall use the following general criteria as well as any specific criteria included in the Resolution designating the historic landmark
  - A The proposed alterations do not destroy or substantially impair the historic significance of a structure, site, or district
  - B Every reasonable effort shall be made to ensure that the proposed alteration preserves, enhances, or restores the significant architectural features which are important to the designated historic landmark
  - C The proposed architectural style, arrangement, texture, color, and materials are compatible with the character of the historic landmark
- II A CA shall not be required for alterations required by the Chief Building Official or any other governmental entity with lawful jurisdiction over the designated landmark to rectify a health or safety situation

*(F) Determination by HPAB*

- I After consideration of the proposal outlined in the application for the CA, HPAB shall either approve or deny the application HPAB can table consideration of the application for up 95 days if more information is required to determine if the proposed action meets the criteria for approval
  - A If HPAB finds that the proposed alteration meets the criteria for approval, a CA shall be issued In the case of alterations requiring a building permit, the building permit will be processed through the usual processing procedures
  - B If HPAB finds that the proposed action does not meet the criteria for approval, the applicant shall be notified of that finding by regular mail within seven days of the determination

*(G) Denial of a CA*

- I The denial of a CA shall be accompanied by a statement of the reasons for the denial, and the recommendations of HPAB as to changes, if any, which could be made in the proposed action which would cause HPAB to reconsider the denial
- II HPAB shall attempt to offer suggestions which would allow for alterations to be made to the designated landmark which would meet the criteria for approval of the CA
- III The applicant may resubmit an amended application that takes into consideration the recommendations of HPAB

- IV If the applicant feels that the denial of the CA has created a hardship, the applicant may pursue hardship relief
- V In the case of denial by HPAB, an applicant may appeal that denial to the Board of County Commissioners as provided in Section \_\_\_\_\_