

TITLE V-PROPERTY AND LAND USE

CHAPTER 47

HISTORIC PRESERVATION

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47.01 PURPOSE AND INTENT OF HISTORIC PRESERVATION ORDINANCE.

An ordinance establishing a Historic Preservation Commission for Warren County, Iowa; providing for the recognition and promotion of historic sites and defining powers and duties of the Commission.

1. The purpose of this ordinance is to:
 - A. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance.
 - B. Safeguard the County’s historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance.
 - C. Stabilize and improve property values.
 - D. Foster pride in the legacy of beauty and achievements of the past.
 - E. Protect and enhance the County's attractions to tourists and visitors and the support and stimulus to business thereby provided.
 - F. Strengthen the economy of the County.
 - G. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the County.
 - H. Promote the study of history, culture, and architectural design.
2. These purposes will be achieved by:

- A. Creation of the Warren County Historic Preservation Commission.
- B. Designation of historically significant structures, properties, and districts.
- C. Establishing minimum maintenance requirements for designated structures, properties, and districts.
- D. Reviewing and approving new constructions or alterations to designated structures, properties, and districts.

47.02 DEFINITIONS.

1. “Adaptive use” means the process of changing the use of a structure or property to a use other than for what it was originally intended.
2. “Administrator” means the designated individual assigned by the Board of Supervisors to administer, interpret, and enforce the ordinance. In the case of Warren County, Iowa, this would be the Warren County Zoning Director.
3. “Alteration” means any change, modification, or addition to a part of or the entire exterior of any building or structure.
4. “Board” means the Warren County Board of Supervisors.
5. “Commission” means the Warren County Historic Preservation Commission, as established by this ordinance.
6. “County” means Warren County, Iowa.
7. “Demolition” means the dismantling or tearing down of all or part of any building or structure and all operations incidental thereto.
8. “Historic District” means an area which contains a significant portion of sites including archaeological sites, buildings, structures, objects and/or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and
 - A. embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

- B. is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
 - C. possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area.
 - D. is associated with the lives of persons significant in our past; or
 - E. has yielded, or may be likely to yield, information important in prehistory or history.
9. “Historic Landmark” means a site including archaeological sites, object, structure or building which,
- A. is associated with events that have made a significant contribution to the broad patterns of our history; or
 - B. is associated with the lives of persons significant in our past; or
 - C. embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - D. has yielded, or may be likely to yield, information important in prehistory or history.
10. “State Historic Preservation Officer” means the person who has been designated by law and by the Governor of the State of Iowa to administer the state historic preservation program.
11. “State Historic Preservation Program” means the program established by the State of Iowa and approved by the U.S. Secretary of the Interior for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended, and related laws and regulations.

47.03 HISTORIC PRESERVATION COMMISSION-APPOINTMENT AND TERMS; MEETINGS.

1. The Commission shall initially consist of five members who shall be residents of the County.
2. Members of the Commission shall be appointed by the Board. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, history, archaeology, building rehabilitation, conservation in general or real estate.
3. The original appointment of the members of the Commission shall be, three for three for two years, and two for three years, from January 1 following the year of such appointment or until their successor is appointed to serve for the term of three years.
4. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
5. Members may serve for more than one term and each member shall serve until the appointment of a successor.
6. Vacancies shall be filled by the County according to the original selection as aforesaid.
7. Members shall serve without compensation.
8. A simple majority of the commission shall constitute a quorum for the transaction of business.
9. The Commission shall select from its membership a Chairperson and a Vice-Chairperson, who shall perform the usual duties pertaining to such offices.
10. The Chairperson and Vice-Chairperson shall take office immediately following their selection and shall hold office for a term of one (1) year or until their successors are selected and assume office.
11. The Secretary of the Historic Preservation Committee shall be the Warren County Zoning Director. The Secretary shall conduct all official correspondence subject to these rules at the direction of the Commission, shall send out all notices required by these rules of procedure, keep the minutes of the Commission's proceedings, and keep a file on each case which comes before the Commission.
12. The Commission shall meet at least three (3) times a year.

47.04 POWERS AND DUTIES OF COMMISSION.

1. The Commission may conduct studies for the identification and designation of historic districts and landmarks meeting the definitions established by this ordinance. The commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use.
2. The Commission may make a recommendation to the State Historic Preservation Office for the listing of a historic district or landmark in the National Register of Historic Places and may conduct a public hearing thereon.
3. The Commission may investigate and recommend to the Board the adoption of ordinances designating historic landmarks and historic districts if they qualify as defined herein; and
4. Provide information for the purpose of historic preservation to the governing body.
5. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
6. Other Powers. In addition to those duties and powers specified above, the Commission may, with Board approval:
 - A. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.
 - B. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.
 - C. Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission.
 - D. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
 - E. Contract, with the approval of the governing body, with the state or the federal government or other organizations.

- F. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.

47.05 APPLICATIONS FOR DESIGNATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS.

To obtain the designation of a building, property, or district, a property owner or owners, a developer, an organization, or the Commission may file an application. In most instances, the property owner or owners should approve the submission of an application. In cases where the property owner or owners do not submit an application for the designation of a building, property, or district, the property owner or owners shall be consulted to seek their approval of the submission of the application. Applications for historic districts shall include written approval of the submission of the application by the owners of at least 80% of the property located within the proposed district. Written approval may consist of a signature on a petition, separate letters or other form with an original signature executed by the property owner or an authorized agent. The applications shall be filed with the administrator. The application shall contain, at the least:

1. The legal description and address of the structure, property, and/or district;
2. The name and address of all owners;
3. The approximate date of original construction and the date of any major improvement or alteration, if known;
4. The names of the architect and builder, if known;
5. A description of the historical or architectural importance of the structure, property, or district, and
6. Black and white photographs of the structure, property, or district.

47.06 APPLICATION PROCEDURES.

1. Upon receipt of a designation application, the following procedure shall apply:
 - A. The administrator shall set the date for the hearing on the application. The hearing shall be within 30 days of submission of application, and may be held in conjunction with a regular or special meeting of the Commission.
 - B. The notice of time and place of which shall be published by the administrator not less than four (4) days nor more than twenty (20) days by one (1) publication in a newspaper of general circulation in the County. The notice

shall describe the proposed designation in general terms and state the time, date, and place of the hearing.

- C. The administrator shall prepare a report which shall be completed and available to the public at least seven days prior to the hearing date.
- D. Four (4) to twenty (20) days prior to the hearing, the administrator shall mail a notice thereof to all owners of structures, properties, or districts proposed to be designated a landmark or included within a landmark district and to all owners of property adjacent to such proposed landmark or landmark district. The administrator shall also mail or deliver such notice to all persons and organizations which have previously requested the same. Such notice shall include the time, date, and place of the hearing and shall invite interested persons to appear and be heard. The failure of any person, other than an owner of a structure, property, or district proposed for designation as a landmark, to receive such notice shall not invalidate any action subsequently taken on an application.
- E. The Commission shall conduct the hearing according to its adopted procedures, if any, and consistent with Iowa law. During the hearing, the administrator shall make recommendations as he or she deems appropriate. The hearing may be recessed from time to time.
- F. The Commission may recommend such action as it deems appropriate to the Board, including a recommendation that an application be made for listing on the National Register or the Iowa Register.
- G. The Board shall consider the application at a regular or special meeting, and may by resolution designate structures, properties, or districts as historic, and direct their addition to the list, as appropriate. The Board may likewise authorize application for listing on the National Register or the Iowa Register. No structure, property, or district shall be designated as a landmark under the provisions of this section if any owner or owners thereof submit a written protest to such designation on or before the date of the public hearing.
- H. After adoption of a resolution designating a landmark or landmark district, the administrator shall mail notice thereof to the owners of each landmark so designated, and shall likewise notify the Building Official of such designation.

2. The Commission may recommend and the Board may designate a landmark or landmark district which includes a portion of the structures and/or properties under consideration and described in any notice.
3. The Commission may recommend and the Governing Body may amend or rescind designation of a landmark or landmark district in the same manner and by the same procedure as is followed in designation of a landmark or landmark district.
4. Action on building or demolition permit applications shall not be delayed if the building or demolition permit application was submitted prior to the submission of a pertinent landmark or landmark district application. Otherwise, action on building or demolition permit applications pertaining to buildings, sites, structures, or objects proposed to be designated landmarks or included within a landmark district, shall be delayed until final action has been taken on such designation.
5. The administrator shall cause to be recorded in a timely manner at the office of the Warren County Recorder a record of any designation of a landmark, amendment of such designation, or recession of such a designation.

47.07 ANNUAL REPORT.

1. The Warren County Historic Preservation Commission shall prepare an annual report of its activities.
2. The report shall be prepared by August 1st, with the report detailing activities from July 1st of the previous year to June 30th of the current year.
3. The report shall be submitted to the Iowa State Historic Preservation Office.
4. The report shall include, but not limited to, the following:
 - A. A report on the number and types of cases reviewed.
 - B. A list of new historic designations of structures, properties, or districts made during the year.
 - C. A list of new appointments to the Commission and the resumes/ biographical sketches of these new members.
 - D. The attendance records of Commission members.

- E. A list of the educational meetings, including workshops and conferences, attended by the Commission members.
- F. All minutes of meetings at which National Register nominations were considered.
- G. The goals and objectives for the upcoming year.

47.08 SEVERABILITY.

Should any section or provision of this ordinance be decided by a court of this state to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

47.09 AMENDATORY PROVISIONS.

The County may amend this ordinance to meet any unforeseen circumstances which may affect the duties and responsibilities of the Commission.

47.10 CERTIFICATE OF ADOPTION.

This ordinance shall take effect immediately upon passage and publication as required by law.