

# HISTORIC PRESERVATION COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, OCTOBER 10, 2023; 5:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

I. Call to Order

II. Secretary's Report

A. Consideration of the September 12, 2023 meeting minutes.

III. Communications

A. Downtown Davenport Architectural Walking Tour

IV. Old Business

V. New Business

A. Case COA23-29: Request for the installation of a new roof at 520 West 7th Street. The Herman H. and Lida M. (Lerchen) Meyer House is a contributing structure in the Hamburg Local Landmark Historic District. Burrage Roofing, petitioner, on behalf of Sydney Lundberg. [Ward 3]

VI. Other Business

A. Review of Commission Bylaws

VII. Open Forum for Comment

VIII. Adjourn

IX. Next Commission Meeting: November 14, 2023

City of Davenport  
Historic Preservation Commission

Department: Development & Neighborhood Services  
Contact Info: Laura Berkley | 563-888-3553

**Date**  
**10/10/2023**

**Subject:**  
Consideration of the September 12, 2023 meeting minutes.

**Recommendation:**  
Staff recommend approval of the September 12, 2023 meeting minutes.

**Background:**  
The September 12, 2023 meeting minutes are attached.

**ATTACHMENTS:**

Type	Description
▢ Backup Material	Meeting Minutes 9-12-23

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Werderitch, Matt	Approved	10/6/2023 - 8:25 AM

# **HISTORIC PRESERVATION COMMISSION MEETING MINUTES**

## **CITY OF DAVENPORT, IOWA**

**TUESDAY, SEPTEMBER 12, 2023; 5:00 PM**

**CITY HALL | 226 WEST 4<sup>TH</sup> STREET | COUNCIL CHAMBERS**

### **I. Call to Order**

Chairperson McGivern called the meeting to order.

Present: McGivern, Franken, Miranda, Hustedde, Kretz

Excused: Powers

Staff Present: Berkley

### **II. Secretary's Report**

#### **A. Consideration of the August 8, 2023 meeting minutes.**

Motion by Franken, second by Hustedde, to approve the August 8, 2023 meeting minutes. Minutes were unanimously approved by voice vote (5-0).

### **III. Communications**

#### **A. Downtown Davenport Architectural Walking Tour**

#### **B. Porch Party**

Jan Stoffer, Director of Operations & Administration for the Butterworth Center/Deere-Wiman House, invited the Commissioners and the public to the 2023 Porch Party in Moline, IL.

### **IV. Old Business**

### **V. New Business**

#### **A. Case COA23-26: Request to reconstruct the front stoop at 613 West 6<sup>th</sup> Street. Isaac and Mary Farber House is located in the Local Hamburg Historic District. Lenny DeSantiago, petitioner. [Ward 3]**

Berkley introduced the scope of the project and outlined the staff report. The owner is requesting permission reconstruct the front stoop and stairs.

Lenny DeSantiago, applicant, was in attendance to answer questions.

Staff recommended approval of the Certificate of Appropriateness to reconstruct the front stoop at 613 West 6<sup>th</sup> Street in accordance with the submitted material.

The project was reviewed for conformance with the Standards for Review, Chapter 14.01.060C and D of the Davenport Municipal Code. The project meets the following standards:

1. Every reasonable effort shall be made to make the minimal number of changes necessary to maintain a designated property in a good state of repair, thereby minimizing the impact of the proposed alteration.
2. Deteriorated architectural features should, where possible, be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

Motion by Franken, second by Kretz, to approve Case COA23-26 as submitted. Motion to approve passed by a roll call vote (5-0).

- B. Case COA23-27: Request to tuckpoint and repair masonry at 301 East 2nd Street. The Davenport Bag and Paper Company Building is a locally listed historic landmark in the Davenport Motor Row and Industrial Historic District. Peterson HTC LLC, petitioner. [Ward 3]

Berkley summarized the request to tuckpoint and repair/replace stone masonry. A mortar analysis was submitted for review.

Neil Desai, Peterson HTC, LLC, was in attendance to answer questions.

Staff recommended approval of the Certificate of Appropriateness to tuckpoint and repair masonry at 301 East 2nd Street in accordance with the submitted material, subject to the following condition:

1. Replacement masonry shall replicate the old in material, design, color, texture, and other visual qualities.

The project was reviewed for conformance with the Standards for Review, Chapter 14.01.060C of the Davenport Municipal Code. The project meets the following standards:

1. Every reasonable effort shall be made to make the minimal number of changes necessary to maintain a designated property in a good state of repair, thereby minimizing the impact of the proposed alteration.
2. Deteriorated architectural features should, where possible, be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials.
3. Activities that cause deterioration of a designated property and its architectural features shall be discouraged. In those cases where the damage would be irreversible, such as sand-blasting and wet blasting fire-hardened bricks, the activities shall be prohibited. If cleaning is to be done, the gentlest means possible shall be encouraged.



Motion by Kretz, second by Miranda, to approve Case COA23-27 as submitted. Motion to approve passed by a roll call vote (5-0).

- C. Case COA23-28: Request to relocate ADA ramp into building, add building signage and improve the overall street presence at the Davenport Public Library, 321 Main Street. The Davenport Public Library - Edward Durell Stone Building is a locally listed historic landmark in the Davenport Commercial Historic District. Legat Architects on behalf of the Davenport Library, petitioner. [Ward 3]

Berkley summarized the request to improve the overall street presence of the Main Library. The scope of services included options for ADA ramps, signage, art installations, and outdoor seating. Several difference options were presented for review and comment. Legat Architects will return with a revised design based on the feedback from the Commission.

A representative of Legat Architects was in attendance to present the different design options to the Commission.

Commissioners emphasized symmetry and preserving the significant architectural features of the library. This item will be brought back at a later date for formal review and a vote.

#### VI. Other Business

##### A. Review of Commission Bylaws

Staff distributed copies of draft Commission Bylaws for review and discussion. The draft was amended to reflect comments made at the July Historic Preservation Commission meeting.

Commissioners favored the proposed language in the Bylaws. McGivern asked that the Bylaws be brought to the October meeting for a vote.

#### VII. Open Forum for Comment

#### VIII. Adjourn

Motion by Kretz, second by Miranda, to adjourn the meeting. Motion passed by a voice vote (5-0). The meeting adjourned at 5:36 pm.

#### IX. Next Commission Meeting: October 10, 2023

City of Davenport  
Historic Preservation Commission

Department: Development & Neighborhood Services  
Contact Info: Laura Berkley | 563-888-3553

**Date**  
**9/12/2023**

Subject:  
Downtown Davenport Architectural Walking Tour

Recommendation:  
Hold Discussion.

Background:  
**The Heart of Downtown Davenport: Architectural Styles and Stories**

Join architectural historian and guide, Ellen Shapley, for this informative and fun tour. Meet and greet the old, the new, and the rehabbed on a walkabout through this outdoor gallery of architectural designs. Learn about the two centuries of artistic and historical trends that influenced the local and world-renowned architects who shaped our cities and our sense of place. And, finally, be amazed at all the creative details you've probably never noticed.

This event will start at The Library | Main. Please meet inside the building near the hold shelf. The walking tour will run for about 1 hour and 30 minutes. Please wear appropriate attire: comfortable shoes and clothing. Tours are free to the public. Register online at: <https://davenportlibrary.libcal.com>.

This program is offered in partnership with the Richardson-Sloane Special Collections Center of the Davenport Public Library and the City of Davenport's Historic Preservation Commission.

- Date & Time:
1. Saturday, July 15th: 10am-11:30am
  2. Monday, August 7th: 6pm-7:30pm
  3. Monday, September 11th: 6pm-7:30pm
  4. Saturday, October 21st: 10am-11:30am

ATTACHMENTS:

Type	Description
Backup Material	Heart of Downtown Davenport Walking Tour Flyer

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Werderitch, Matt	Approved	10/3/2023 - 12:06 PM

# WALKING TOUR

## THE HEART OF DOWNTOWN DAVENPORT: ARCHITECTURAL STYLES & STORIES

**Saturday, July 15<sup>th</sup> | 10am**

**Monday, August 7<sup>th</sup> | 6pm**

**Monday, September 11<sup>th</sup> | 6pm**

**Saturday, October 21<sup>st</sup> | 10am**

Join architectural historian and guide, Ellen Shapley, for this informative and fun tour. Meet and greet the old, the new, and the rehabbed on a walkabout through this outdoor gallery of architectural designs. Learn about the two centuries of artistic and historical trends that influenced the local and world-renowned architects who shaped our cities and our sense of place. And, finally, be amazed at all the creative details you've probably never noticed.

This event will start at The Library | Main. The walking tour will run for about 1.5 hours. Please wear appropriate attire: comfortable shoes and clothing. Tours are **FREE** to the public. All are welcome!

Register online at: <https://davenportlibrary.libcal.com>

Presented By:



City of Davenport  
Historic Preservation Commission

Department: Development & Neighborhood Services  
Contact Info: Matt Werderitch 563.888.2221

**Date**  
**10/10/2023**

**Subject:**

Case COA23-29: Request for the installation of a new roof at 520 West 7th Street. The Herman H. and Lida M. (Lerchen) Meyer House is a contributing structure in the Hamburg Local Landmark Historic District. Burrage Roofing, petitioner, on behalf of Sydney Lundberg. [Ward 3]

**Recommendation:**

A recommendation is made to approve the Certificate of Appropriateness to install a new roof at 520 West 7th Street in accordance with the submitted material.

The project was reviewed for conformance with the Standards for Review, Chapter 14.01.060C and D of the Davenport Municipal Code. The project meets the following standards:

- Every reasonable effort shall be made to make the minimal number of changes necessary to maintain a designated property in a good state of repair, thereby minimizing the impact of the proposed alteration.
- Deteriorated architectural features should, where possible, be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

**Background:**

The Herman H. and Lida M. (Lerchen) Meyer House is a contributing structure in the Hamburg Local Landmark Historic District. The two-story Queen Anne home was built in 1887. Notable architectural features include a wrap around porch, 1/1 wood windows, corner tower, cross gables with decorative windows, and bay windows. Modifications to the original construction include a front porch addition in 1910 and the installation of aluminum siding in 1979. By 1956, the single-family dwelling was converted into three apartment units.

**Project Scope:**

The applicant is proposing to install a new asphalt shingle roof. This includes both the tower and front porch roofs. The roofing product is lifetime limited architectural shingle in IKO Dynasty Frostone Grey. In addition, the applicant is requesting permission to replace any existing vents and pipe flashings with charcoal black replacements. Black W-metal will be installed in the roof valleys. The roof edge flashings will be white in color to match existing.

The historic property inventory sheet identifies the roof material as asphalt shingle. The existing asphalt shingle roof was installed in 2006. Staff consider the reroofing project to be a replacement in-kind. Thereby keeping the property in a good state of repair and having minimal impact to the historic characteristics of the home.

**ATTACHMENTS:**

Type	Description
□ Backup Material	Application
□ Backup Material	Historic Property Inventory Sheet

▢ Backup Material

## Historic Preservation Ordinance-Review Standards

### REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berkley, Laura	Approved	10/6/2023 - 11:38 AM



1200 East 46<sup>th</sup> Street  
Davenport, Iowa 52807  
(563) 326-6198

[planning@davenportiowa.com](mailto:planning@davenportiowa.com)

Complete application can be emailed to [planning@davenportiowa.com](mailto:planning@davenportiowa.com)

Property Address\*

\*If no property address, please submit a legal description of the property.

**Applicant (Primary Contact)**

Name:   
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

*Application Form Type:*

**Plan and Zoning Commission**

Zoning Map Amendment (Rezoning) ☐  
Planned Unit Development ☐  
Zoning Ordinance Text Amendment ☐  
Right-of-way or Easement Vacation ☐  
Voluntary Annexation ☐

**Owner** (if different from Applicant)

Name:   
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

**Zoning Board of Adjustment**

Zoning Appeal ☐  
Special Use ☐  
Hardship Variance ☐

**Design Review Board**

Design Approval ☐  
Demolition Request in the Downtown ☐  
Demolition Request in the Village of East Davenport ☐

**Engineer** (if applicable)

Name:   
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

**Historic Preservation Commission**

Certificate of Appropriateness ☒  
Local Landmark Nomination ☐  
Demolition Request ☐

**Architect** (if applicable)

Name:   
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

**Administrative**

Administrative Exception ☐  
Health Services and Congregate Living Permit ☐

**Attorney** (if applicable)

Name:   
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:



## Historic Resource:

- ☒ Local Hamburg Historic District
- ☐ Iowa Soldier's Orphans' Historic District
- ☐ Marycrest College Historic District
- ☐ Individually Listed Local Historic Landmark

**Not sure if you have a Historic Resource?** You can click [here](#) to access the City's GIS Map. Click the layers icon toward the top right of the page. Click the Planning Layers dropdown. Turn the Historic Resources layer on by checking the box.

Historic Resources requiring a Certificate of Appropriateness are mapped with a  or .

If you are unsure, please contact the Community Planning and Economic Development staff at (563) 326-6198 or [planning@davenportiowa.com](mailto:planning@davenportiowa.com) for assistance.

## When is a certificate of appropriateness required?

Prior to the commencement of the work.

## What type of activity requires the approval of a certificate of appropriateness?

Any activity requiring a building or sign permit, except demolition, that would change the exterior architectural appearance of a structure. Examples include new construction, exterior alterations, relocations, reconstructions and infill development.

## Submittal requirements

- Please contact Planning staff at (563) 326-6198 or [planning@davenportiowa.com](mailto:planning@davenportiowa.com) so we can help you determine what exactly is required to be submitted.
- Incomplete applications will not be accepted.

### Submittal requirements for all types of requests:

- The completed application form.
- A work plan that accurately and completely describes the work to be done.
- Color digital photographs depicting the building elevations and proposed construction.

### Submittal requirements for specific types of requests:

#### Minor alterations to existing buildings and new and replacement signs (all of the above and):

- Specifications, including dimensions, material used and color of the material.
- A rendering of the proposed alteration as depicted on the existing building.
- Samples of the materials, including the color, along with scaled, accurately colored elevations for any proposed sign and/or sign package.

#### Minor additions, site improvements and outdoor storage areas (all of the above and):

- A dimensioned site plan, including the locations of any proposed or existing buildings on the subject parcel and on surrounding parcels.
- A preliminary grading plan showing before and after grades at two-foot contour intervals, where deemed necessary by the development official.
- Outdoor storage areas shall be reflected in the elevation drawings submitted and shall show their relationship to the building elevations as well as the materials and treatment proposed that would accurately reflect the screening of the storage areas.
- A landscape plan.

Major additions and new buildings (all of the above and):

- Reproductions of building or site information found in the historical surveys if applicable
- A verifiable legal description, or a land survey.
- A map showing the existing topography of other properties at two-foot contour intervals, extending one hundred feet from the subject parcel.
- Elevation drawings, in color and drawn to scale, of the front, sides, rear, and roof lines of all proposed buildings or structures, illustrating the appearance and treatment of required screening elements for roof-mounted equipment, where deemed necessary by the development official.
- A materials board containing samples of each type of exterior building materials.

**Formal Procedure**

(1) Application:

- Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public meetings.

(2) Historic Preservation consideration of the request:

- Only work described in the application may be approved by the Commission.
- If the Commission determines there is insufficient information to make a proper judgment on the application, it may continue the application as long a period of 60 days has not elapsed from an accepted application. This time period does not apply if the applicant requests the continuance.

(3) After the Historic Preservation Commission's decision:

- If approved, a certificate of appropriateness does not constitute a City permit or license and does vest against any other land development regulation or regulatory approval. You will need to contact Davenport Public Works and other regulatory agencies regarding permits and/or licenses.
- If approved, a certificate of appropriateness will expire one year from the date of approval unless a building permit is obtained within such period. The Zoning Administrator may grant an extension for a period of validity longer than one year. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.
- The applicant may appeal the Historic Preservation Commission's determination to the City Council. A written appeal along with payment of \$75.00 must be submitted to the Zoning Administrator within thirty calendar days of the Historic Preservation Commission's decision.

Applicant:  Date:

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by:  Date:

Planning staff

Date of the Public Meeting:

Meetings are held in City Hall Council Chambers located at 226 West 4<sup>th</sup> Street, Davenport, Iowa.



## ***Work Plan***

Please describe the work being performed. Please note that only work described in the application may be approved by the Board.

Remove and replace Roof Coverings:

Remove existing roof down to bare decking.

Inspect and replace decking as needed per installation requirements.

Replace sidewall flashings. Replace edge flashings such as drip edge and other flashings.

Install Ice and water shield along eaves of the roof to extend 2 feet inside the warm wall.

Install synthetic underlayments to meet installation requirements.

Install Limited Lifetime architectural shingle to installation requirements.

Replace pipe boots. Replace other HVAC boots as required.

Paint the boot flashings Black

Color Scheme as Follows:

Roof shingle IKO Dynasty Frostone Grey - as pictured below.

Vents and pipe flashings - Charcoal Black

Roof Edge Flashings - White

Valley Metals - Charcoal Black

Add additional pages in needed.

Color: IKO Dynasty Frostone Grey







Hamburg Historic District (amended)

Name of Property

Scott County, Iowa

County and State

Address State #, Map #, FS # 2016 district status 1983 district status	Historic Name	significant date/s architectural style/type	Materials of walls, foundations, roof
	History of property (owners/residents, census data including birthplace of self (and parents), Sanborn map info), Current use		Architectural data (architect/builder, features, modifications), Garage data
<b>520 W 7th St</b> <i>Alt: 510 W 7th St</i>  State #82-00620  Map #082 Field Site #E-08 <i>Parcel #G0044-28</i>  Updated district status: 1 contributing building (A, C), 1 non- contributing building  <i>1983 NRHP status:</i> <i>Contributing</i>	<b>Herman H. and Lida M. (Lerchen) Meyer House</b>	c.1887 Queen Anne (2 story)	Walls: frame - aluminum siding Foundation: stone Roof: combination hip/gable - asphalt shingles
	(vacant lot) c.1887-1892 - Herman H. and Lida Meyer (treasurer & manager - Davenport Foundry & Machine Co); 1892-1921 - Lida (Lerchen) Meyer (widow), 1900s - also daughter/son-in-law William and Clara Whitehead (gen mgr - Whitehead Machinery Co) (address is 510 W. 7th) 1910 Sanborn map: house - 2 story - extant 1910 census: Meyer, Lida (46, widow) - born in US - MI (Germany, Germany) 1921-1925 - William and Clara Whitehead (Community Milling Co) (1920s - address is 520 W. 7th); 1925-1927 - owned by Agnes Kerns; 1927-1935 - owned by Peoples Trust and Savings Bank - used as rental 1935-1960s - Francisco R. and Edna DeCardenas (Cardenas Dental Lab) - lived in one unit - 3 units by 1945, 4 units on 1956 map 1956 Sanborn map: flats (apartments) (4 units) - 2 story - extant Current use: apartments (3 units)		Architect/builder: - Porch: wrap-around porch - tapered square wood columns on rusticated CB piers/wall - wide eaves (1910s porch) Windows: 1/1 wood windows Architectural details: corner tower, cross gables with decorative windows, bay windows, decorative windows Modifications: Historic: c.1910s - front porch; Non-historic: 1979 - aluminum siding Garage: detached - two car Date: c.1930s Walls: frame - wood Foundation: concrete Roof: gable-front - asphalt shingles Notes: curved wood trim on gable Other site features: section of stone retaining wall along alley, also modern block retaining wall along alley
<b>526 W 7th St</b>  State #82-05814  Map #083 Field Site #E-09 <i>Parcel #G0044-27A</i>  Updated district status: 2 non-contributing buildings (duplex)  <i>1983 NRHP status: not            built</i>	<b>Duplex</b>	c.1982 duplex (2 story duplex)	Walls: frame - vinyl Foundation: concrete Roof: side gable - asphalt shingles
	1910 Sanborn map: vacant - lot (lot owned with property to west at 532 W. 7th St) 1956 Sanborn map: vacant - lot 10-1981 - permit issued to Horizons Unlimited to build duplex Current use: duplex		Architect/builder: - Porch: entry porch at each entry Windows: casement windows Architectural details: - Modifications: Historic: -; Non-historic: - Garage: none Other site features: -



## **Historic Preservation Ordinance**

### **Section 14.01.060 Certificate of Appropriateness Review Process**

**C. Commission review process** - Standards for review. In considering an application for a certificate of appropriateness, the commission shall be guided by the following general standards in addition to any other standards or guidelines established by ordinance for a local landmark or historic district. In all cases, these standards are to be applied in a reasonable manner, taking into full consideration the issue of economic feasibility and other technical considerations.

1. Every reasonable effort shall be made to make the minimal number of changes necessary to maintain a designated property in a good state of repair, thereby minimizing the impact of the proposed alteration; and
2. The removal, alteration or concealing of distinguishing exterior architectural features and historic material of a designated property should be avoided when possible; and
3. All designated property shall be recognized as a product and physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural architectural features shall be discouraged; and
4. Most properties change over time, and those changes that have acquired architectural and/or historical significance in their own right shall be recognized, respected and retained; and
5. Distinctive architectural features, construction techniques and/or examples of craftsmanship that characterize a designated property shall be treated with due consideration; and
6. Deteriorated architectural features should, where possible, be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence; and
7. Activities that cause deterioration of a designated property and its architectural features shall be discouraged. In those cases where the damage would be irreversible, such as sand-blasting and wet blasting fire-hardened bricks, the activities shall be prohibited. If cleaning is to be done, the gentlest means possible shall be encouraged; and
8. Known significant archeological resources possibly affected by a proposed activity shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken; and
9. New additions and related new construction shall not be discouraged when such improvements do not destroy historic material and such design is compatible with the size, massing, scale, color, materials and character of the property, neighborhood and district, if applicable.

**D. Design criteria to implement review standards.** When the commission is considering an application for a certificate of appropriateness, it shall consider the following architectural design criteria, or elements of design as they relate to the standards for review prescribed in Section 14.01.040C.

1. Height. The height of any proposed addition, construction or reconstruction should be compatible with the designated property and the surrounding structures, if located within a designated historic district; and
2. Proportions. The proportions (width versus height relationship) between doors and windows should be compatible, if not replicated, with the architectural design and character of the designated property; and
3. Scale. A proposed alteration, construction, reconstruction or addition should not negatively impact the scale of the designated property or district; and
4. Materials. Historic or original architectural features, or replacement elements which in all ways replicated the original, should be repaired whenever possible; and
5. Relationship of building masses and spaces. The relationship of a structure within a designated historic district to the rear, side and front yards between it and surrounding structures should be compatible; and
6. Roof shape. The roof design and shape should remain consistent with its original configuration and character; and
7. Site improvements. Landscaping and other site improvements, including off-street parking, should have as minimal of an impact as possible to the designated property's original plan/layout and its visual character.

City of Davenport  
Historic Preservation Commission

Department: DNS  
Contact Info: Matt Werderitch | 563-888-2221

**Date**  
**10/10/2023**

Subject:  
Review of Commission Bylaws

Recommendation:  
Adopt the Bylaws.

Background:  
The Historic Preservation Commission Bylaws were last amended on March 13, 2001. The current version online are the most up-to-date.

The City adopted a new Zoning Ordinance in 2019, which caused several reference errors embedded in other sections of the Municipal Code. Staff are correcting reference errors when encountered. Reference errors can be ignored until updates are made as the Commission continues to operate in compliance with the Historic Preservation Ordinance and Chapter 2.65 of the Municipal Code.

City staff propose the following timeline for revising and adopting Bylaws:

1. **April Meeting:** Distribute existing Bylaws and relevant code sections to Commissioners.
2. **April-May:** City staff will draft corrections to the Bylaws and review with the Legal Department.
3. **June Meeting:** Staff will provide a draft to Commissioners for discussion. Commissioners can submit comments and recommendations to staff for further revision.
4. **July Meeting:** Review draft of Bylaws.
  - If no additional revisions are warranted, the Commission may take formal action approving the Bylaws.
  - If additional edits are desired, then staff can further revise the Bylaws for formal action at the August 8, 2023 meeting.

Staff consulted with other Iowa municipalities regarding historic preservation bylaws. Included is a complete rewrite of Davenport's bylaws.

Attached is a final draft of the Bylaws. Staff made revisions based on the discussion at the August meeting and feedback from the Legal Department. The revised language regarding election procedure have been highlighted for clarity.

ATTACHMENTS:

Type	Description
▢ Backup Material	Final Draft of Bylaws
▢ Backup Material	Historic Preservation Commission Bylaws
▢ Backup Material	Chapter 2.65 of the Municipal Code
▢ Backup Material	Title 14-Historic Preservation Ordinance

REVIEWERS:

Department

City Clerk

Reviewer

Werderitch, Matt

Action

Approved

Date

10/3/2023 - 12:01 PM



**HISTORIC PRESERVATION COMMISSION  
CITY OF DAVENPORT, IOWA**

**BYLAWS**

**ARTICLE I  
NAME**

The name of the Commission is the "Davenport Historic Preservation Commission" and is herein referred to as the "Commission".

**ARTICLE II  
POWER AND DUTIES**

The Commission shall be governed by the terms of Chapter 2.65 and Title 14 of the Municipal Code of the City of Davenport, Iowa and the laws of the State of Iowa, as amended time to time.

**ARTICLE III  
MEMBERSHIP**

**SECTION 1: MEMBERSHIP**

Membership eligibility and composition are outlined in Chapter 2.65 of the Municipal Code of the City of Davenport, Iowa.

**SECTION 2: ORIENTATION FOR NEW MEMBERS**

Prior to the first regular meeting following appointment, a new member will be provided with copies of the Historic Preservation Commission Ordinance, Chapter 2.65 of the City of Davenport Municipal Code, Bylaws, and other documentation useful to the member in carrying out the duties of the Commission. Each new member will receive an orientation briefing by the Commission Secretary, which includes a review of the duties and obligations of a member and a review of current business before the Commission.

**SECTION 3: RESIGNATIONS**

Resignations must be submitted in writing declaring an effective date to the Commission Secretary.

**SECTION 4: ABSENCES**

Commission members are expected to attend all regular and special meetings of the Commission. Prior to any scheduled meeting, members shall notify the Commission Secretary regarding any excused or anticipated absences. Failure to attend meetings as outlined in Chapter 2.65 of the Municipal Code may be subject to forfeiture of appointment.

**ARTICLE IV  
OFFICES**

**SECTION 1: ELECTION AND TERM OF OFFICE**

- A. The Commission, **at the second regular meeting of the calendar year**, shall elect to office from its membership a Chairperson and Vice-Chairperson, each to hold office for one (1) year. Both Chairperson and Vice-Chairperson shall be eligible for reelection. **However, a Commissioner**

shall serve no more than two consecutive terms as Chairperson or Vice-Chairperson. Election of Chairperson and Vice-Chairperson shall be by a separate ballot vote. The Commission shall first elect a Chairperson, then a Vice-Chairperson. A Commissioner may only hold the position of one office.

- B. Nominations will be held at the first regular meeting of the calendar year. Commissioners may nominate themselves or another Commissioner. Nominees may submit a written statement to the Commission Secretary expressing their qualifications and interest of an office, which will be included in the next meeting packet.

## SECTION 2: POWERS AND DUTIES OF CHAIRPERSON

The Chairperson shall:

- A. Preside at meetings of the Commission;
- B. Call special meetings;
- C. Establish committees and appoint members thereto;
- D. Sign official documents adopted or approved by the Commission; and
- E. See that all actions for the Commission are properly taken and carried out.

## SECTION 3: POWERS AND DUTIES OF VICE-CHAIRPERSON

During the absence, disability, or disqualification of the Chairperson, the Vice-Chairperson must exercise all the powers and duties of the Chairperson.

## SECTION 4: REPLACEMENT OF OFFICERS

In the event any office of the Commission becomes vacant, a replacement must be elected at the next regular meeting to serve the unexpired term of the vacated office.

## SECTION 5: TEMPORARY ABSENCE AND APPOINTMENTS OF OFFICERS

If both the Chairperson and Vice-Chairperson are absent and a quorum is present, a temporary Chairperson for that one meeting shall be elected by those members in attendance. The temporary Chairperson shall carry out the duties of the Commission.

## SECTION 6: COMMISSION SECRETARY

City staff designated by the Director of the Department of Development & Neighborhood Services shall provide staff support to the Board. Upon request, staff will provide records, documents, or other information which the Commission may need for its consideration in connection with its duties.

# **ARTICLE V MEETINGS**

## SECTION 1: REGULAR MEETINGS

The Commission shall conduct regularly scheduled meetings pursuant to Chapter 2.65 of the Municipal Code. The regular monthly meetings of the Commission shall be held on Tuesdays beginning at 5:00 p.m. Meetings are generally the second Tuesday of each month; however, variations may occur due to holidays or scheduling conflicts. All regular meetings shall be held at the City Hall Council Chambers, 226 West 4<sup>th</sup> Street, unless otherwise specified.

## SECTION 2: SPECIAL MEETINGS

The Commission shall conduct special meetings pursuant to Chapter 2.65 of the Municipal Code. Special meetings may be called by the Chairperson or upon written request by three members of the

Commission. Special meetings shall be held at the time and location as determined by the Chairperson or three requesting members of the Commission.

### SECTION 3: WORK SESSIONS

The Commission shall conduct work sessions pursuant to Chapter 2.65 of the Municipal Code. Work sessions may be called by the Chairperson or upon written request by three members of the Commission. Work sessions shall be held at the time and location as determined by the Chairperson or three requesting members of the Commission. The purpose of a work session is to discuss items related to historic preservation, which will not require a formal vote at a later date. No business will be transacted during a work session.

### SECTION 4: NOTICE

Adequate notice of all Commission meetings must be given to encourage attendance by members and other interested persons and to meet all requirements of law. All Commission meetings are open to the public as required by the Iowa Open Meetings Law (Iowa Code Chapter 21).

### SECTION 5: QUORUM

The presence of a majority of the official members of the Commission shall constitute a quorum to legally transact Commission business. Without a quorum, no business will be transacted and no official action on any matter will take place.

### SECTION 6: VOTING

- A. Requirements: The concurring vote of a majority of the quorum is necessary for any formal action by the Commission;
- B. Procedure: Voting on formal applications before the Commission will be by voice roll call, called by the Commission Secretary. All Commissioners, including the Chairperson, are required to cast a vote upon each motion.
- C. Commissioners have the option to vote "Yes", "No", or "Abstain". A Commissioner may abstain from a vote if the Commissioner believes there is a conflict of interest as provided in Section 7.
- D. Meeting Attendance: Commissioners are expected to be physically present at the meeting in order to exercise their vote. Remote voting may be authorized by the Chairperson if given proper notification in advance of a meeting.

### SECTION 7: CONFLICT OF INTEREST

A member of the Commission must abstain from participating in a matter before the Commission when the member has a conflict of interest or an appearance of impropriety. Conflict of interest shall mean a direct and personal interest in the outcome of the proceedings. An appearance of impropriety shall mean an apparent conflict of interest based on objective standards. A member of the Commission shall declare their conflict or appearance of impropriety as soon as the matter comes before the Commission for discussion or as soon thereafter as the member becomes aware of the appearance of the impropriety or conflict. Thereafter, the member shall take no part in the discussion or vote on the matter.

### SECTION 8: EX PARTE COMMUNICATIONS

No member of the Commission is qualified to speak for the Commission or to give public expression, including news releases, of the opinion, attitude or action of the Commission on any matter, unless specifically directed to do so by motion of the Commission. The right of a member of the Commission as a citizen to his/her personal opinion, written or spoken, is not denied.

It is the policy of the Historic Preservation Commission that members not attend private meetings whose principal purpose is to discuss business that is before or will come before the Commission, unless such attendance is approved by the Commission by motion prior to the private meeting.

Ex Parte means communication between a Commission member(s) and a party or third party outside of duly scheduled meetings on an issue pending before the Commission or that will be brought before the Commission. Ex Parte communications should be avoided because they raise the issue of due process fairness. In the event a situation arises where they occur, the member shall place on the public record the sum and substance of the communication to enable interested persons to rebut the communications.

#### SECTION 9: ROBERT'S RULES OF ORDER

Robert's Rules of Order shall govern the Commission meetings in all cases where these rules do not provide for the procedures to be followed.

#### SECTION 10: MINUTES

The minutes must be approved at the next regular meeting by formal action of the Commission. The minutes must then become part of the permanent records of the Commission.

#### SECTION 11: OPEN MEETINGS LAW

All actions of the Commission must comply with the Iowa Open Meetings Law (Iowa Code Chapter 21)

#### SECTION 12: OPEN RECORDS

All letters, petitions, documents, and other materials submitted to and/or generated by the Commission are public records open to public viewing at the Department of Development & Neighborhood Services, Public Works Facility, 1200 East 46<sup>th</sup> Street, as provided in Iowa Code Chapter 22. A charge may be levied for copies of such materials.

### **ARTICLE VI AGENDA**

#### SECTION 1: ORDER OF AGENDA ITEMS

The order of business shall be as follows:

- I. Call to Order
- II. Secretary's Report
- III. Communications
- IV. Old Business
- V. New Business
- VI. Other Business
- VII. Open Forum for Comment
- VIII. Adjourn

### **ARTICLE VII AMENDMENT OF BY-LAWS**

The foregoing bylaws, or any part thereof, may be amended at any regular or special meeting of the Commission. A vote of no fewer than five (5) members approving said amendment shall be required. An affirmative vote on the motion to amend the bylaws cannot be reconsidered.

DRAFT

**HISTORIC PRESERVATION COMMISSION**  
**City of Davenport, Iowa**

**“Bylaws” \***

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**ARTICLE I**

General Rules

The Commission shall be governed by the terms of the Historic Preservation Ordinance as contained in Section 17.23 of the 1990 Municipal Code of the City of Davenport, Iowa and by the terms of the Code of Iowa, Chapter 303, as amended time to time.

**ARTICLE II**

Membership

The Commission shall consist of nine (9) members and be governed by the provisions contained in Section 17.23.040 of the 1990 Municipal Code.

**ARTICLE III**

Officers

The Commission shall elect by secret ballot from its membership a Chairperson and Vice-Chairperson. The officers’ duties and terms of office shall be those described in Section 17.23.040(I) of the 1990 Municipal Code.

The Commission Secretary shall provide staff support to the Commission in accordance with the provisions contained in section 17.23.040(J) of the 1990 Municipal Code. The Commission may assign the Commission Secretary other duties and responsibilities at its discretion.

**ARTICLE IV**

Meetings

The Commission shall conduct regularly scheduled meetings and special meetings pursuant to Sections 17.23.040(G) and 17.23.040(H) of the 1990 Municipal Code.

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\*as amended 03/13/01

Voting on formal applications before the Commission will be by voice roll call, called by the Commission Secretary, and will be recorded by yeas and nays or present, which will act as neither a yea or a nay. Members shall be physically present at the meeting in order to exercise their vote. Proxy voting and voting by mail or telephone are prohibited.

Prior to formal consideration of a request for demolition of a designated local landmark or a property located within a designated local or national historic district, the Commission shall meet with the petitioner in an informal work session. The purpose of this work session is to discuss the criteria to warranting demolition as stipulated in the City Code, and to discuss viable alternatives to demolition.

#### Conflict of Interest

In accordance with the provisions contained in Section 17.23.040(K) of the 1990 Municipal Code, a member of the Commission must abstain from participating in a matter before the Commission when the member has a conflict of interest or an appearance of impropriety. Conflict of interest shall mean a direct and personal interest in the outcome of the proceedings. An appearance of impropriety shall mean an apparent conflict of interest based on objective standards. A member of the Commission shall declare their conflict or appearance of impropriety as soon as the matter comes before the Commission for discussion or as soon thereafter as the member becomes aware of the appearance of the impropriety or conflict. Thereafter, the member shall take no part in the discussion or vote on the matter.

#### Ex Parte Communications

No member of the Commission is qualified to speak for the Commission or to give public expression, including news releases, of the opinion, attitude or action of the Commission on any matter, unless specifically directed to do so by motion of the Commission. The right of a member of the Commission as a citizen to his/her personal opinion, written or spoken, is not denied.

It is the policy of the Historic Preservation Commission that members not attend private meetings whose principal purpose is to discuss business that is before or will come before the Commission, unless such attendance is approved by the Commission by motion prior to the private meeting.

Ex Parte means communication between a Commission member(s) and a party or third party outside of duly scheduled meetings on an issue pending before the Commission or that will be brought before the Commission. Ex Parte communications should be avoided because they raise the issue of due process fairness. In the event a situation arises where they occur, the member shall place on the public record the sum and substance of the communication to enable interested persons to rebut the communications.

## **ARTICLE V**

### **Powers and Duties of the Commission**

The Commission shall have the powers and duties granted in Section 17.23.050 of the 1990 Municipal Code, as amended time to time.

## **ARTICLE VI**

### **Rules of Order**

Roberts Rule of Order, Revised, will govern the Commission meetings in all cases where these rules do not provide for the procedures to be followed.

The foregoing bylaws, or any part thereof, may be amended at any regular or specially-called meeting of the Commission where not less than three (3) days notice and a copy of the proposed amendment has been provided to all members of the Commission. A vote of not less than six (6) members approving said amendment shall be required. An affirmative vote on the motion to amend the bylaws cannot be reconsidered.



## **Chapter 2.65 HISTORIC PRESERVATION COMMISSION**

### **2.65.010. Creation. [Ord. No. 2019-02 § 3]**

The historic preservation commission of the City of Davenport is hereby established. The word "commission", when used in this chapter, means the historic preservation commission.

### **2.65.020. Eligibility. [Ord. No. 2019-02 § 3]**

All members of the commission shall be legal residents of the City of Davenport or own a property within the City of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places.

### **2.65.030. Composition. [Ord. No. 2019-02 § 3]**

The commission shall consist of seven members. Members shall demonstrate positive experience or interest in historic preservation and/or cultural resource management. Members shall include, but are not limited to, architects, urban designers, urban planners, architectural historians, landscape architects, civil or structural engineers, real estate development professionals and contractors.

### **2.65.040. Compensation. [Ord. No. 2019-02 § 3]**

Members shall serve without compensation.

### **2.65.050. Method of appointment. [Ord. No. 2019-02 § 3]**

Members shall be appointed by the Mayor, with the approval of the City Council.

### **2.65.060. Terms. [Ord. No. 2019-02 § 3]**

Members shall serve terms of three years, provided however that all members shall hold over until their successors are appointed and approved. Appointments shall be staggered such that no more than three members are appointed and approved each year. Appointments for non-reappointed members shall begin from the date of the expired term of the non-reappointed member. Vacancies occurring on the commission, other than those due to the normal expiration of term of office, shall be filled only for the unexpired portion of the former member's term.

**2.65.070. Forfeiture of appointment. [Ord. No. 2019-02 § 3]**

A member shall forfeit his or her appointment to the commission if he or she changes their legal residence to outside the City's corporate limits, no longer owns a property within the City of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places or fails to attend in person at least two-thirds of all regularly scheduled meetings during the calendar year.

**2.65.080. Meetings. [Ord. No. 2019-02 § 3]**

Meetings shall be held at regularly scheduled times and location as determined by the commission. All meetings shall be open to the public. Special meetings may be called by the chairperson or upon written request by three members of the commission. Special meetings shall be held at the time and location as determined by the chairperson or three requesting members of the commission. All meetings shall be in accordance with Iowa Open Meetings Law, Iowa Code, Chapter 21.

A public record of meetings shall contain the minutes, attendance records, voting results and summaries of all pertinent action of the commission. A copy shall be filed with the City of Davenport community planning and economic development department for public review.

**2.65.090. Quorum. [Ord. No. 2019-02 § 3]**

The presence of a majority of the official members of the commission shall constitute a quorum to legally transact commission business.

**2.65.100. Powers and duties. [Ord. No. 2019-02 § 3]**

The commission shall have and exercise all the powers and privileges and shall perform the duties and conduct as established by state law, or as same may be from time to time amended and the provisions thereof being incorporated herein by reference, and such other powers and duties as may from time to time be conferred by or imposed upon it by law.

The historic preservation commission shall have the following powers and duties:

- A. To adopt its own administrative and procedural guidelines; and
- B. To maintain an ongoing survey designed to identify structures and districts potentially qualifying for local designation. The commission may initiate the nomination process and shall

respond to a petition by the owner(s) of record for local landmark or historic district designation and placement onto the local register; and

- C. To maintain an ongoing survey designed to identify structures and districts potentially qualifying for the National Register of Historic Places. The commission may initiate the nomination process, and review and comment on a petition for nomination from any person, group or association for the National Register of Historic Places. This subsection is not to be interpreted as meaning that all structures, sites, objects and districts identified as eligible for the National Register of Historic Places shall be automatically approved by the City Council and accepted onto the local register; and
- D. To recommend to the City Council for consideration and adoption, ordinances designating architecturally and historically significant structures and areas as local landmarks and historic districts; and
- E. To maintain records of all studies and inventories for public use. This will include listings of all structures and districts that have been listed on the National Register of Historic Places and all structures and districts that have been designated as local landmarks and historic districts by the City Council. This latter list will be known as the Davenport Register of Historic Properties; and
- F. To hold public meetings to consider any action officially before the commission; and
- G. To review and take action on applications for a certificate of appropriateness, a certificate of economic hardship and a certificate of public hazard; and
- H. To call upon City staff and/or outside experts for technical advice; and
- I. To promote and conduct public education and interpretive programs on local history, including the City's inventory of architecturally and historically significant structures and districts; and
- J. To periodically review and make recommendations to the City Council proposed revisions to the Historic Preservation chapter of the City's comprehensive plan and to assist in the development of policies and procedures under the ordinance for Securing of Abandoned Buildings; and

- K. To testify before all boards and commissions on any matter involving a local landmark or designated historic district, such as but not limited to proposed zoning amendments, applications for special use or applications for zoning variances; and
- L. To develop and recommend to the City Council for adoption, individual design guidelines for designated landmarks and historic districts in Addition to the guidelines contained in the historic preservation ordinance. This includes design guidelines appropriate for rehabilitation, reconstruction and infill development specific to each individual designated historic district; and
- M. To provide information upon request to the owners of local landmarks or to residents in designated historic districts pertaining to the appropriate preservation, rehabilitation and reuse options and the available financial assistance programs for the rehabilitation of designated property; and
- N. To make recommendations to the City Council regarding the appropriate streetscape improvements, with adequate technical and public input, for designated historic districts. This also includes the system of signs used to announce the designated historic district and the plaques used to identify individual structures.

The commission shall adopt its own rules of procedure not in conflict with this Chapter or with the Iowa Code.

**2.65.110. City officers and employees to assist. [Ord. No. 2019-02 § 3]**

It shall be the duty of all City officers and employees of the City to provide assistance to the commission and its members as this will enable the board to most effectively perform its duties. City officers and employees of the City are authorized and directed to furnish to the commission, upon its request, records, documents, other information which the commission may need for its consideration in connection with its duties.

**Title 14**  
**HISTORIC PRESERVATION**

**Chapter 14.01**  
**HISTORIC PRESERVATION**

**14.01.010. Short title. [Ord. No. 2019-02 § 4]**

This chapter shall be known as the "Historic Preservation Ordinance" of the City of Davenport, Iowa.

**14.01.020. Purpose. [Ord. No. 2019-02 § 4]**

The purpose of this chapter is to promote the educational, cultural, aesthetic, economic and general welfare of the City of Davenport by:

- A. Providing a mechanism for the community to identify, protect and enjoy the distinctive historical and architectural characteristics of Davenport which represent a visual legacy of the City's cultural, social, economic, political and architectural heritage; and
- B. Fostering civic pride, through public education, by formally recognizing and honoring the notable accomplishments of past citizens as represented in the City's historic structures, sites, objects and districts; and
- C. Stabilizing and/or increasing property values by encouraging the conservation, through sympathetic rehabilitation and/or reuse, of historically or architecturally significant properties; and
- D. Preserving and enhancing the City's attractiveness to potential home buyers, tourists, businesses wanting to relocate and other visitors, thereby supporting and promoting commercial development and economic benefit to the City's economy; and lastly,
- E. Encouraging the stabilization, rehabilitation and conservation of the existing building stock, including the prevention of needless demolition of structurally-sound buildings, in order to strengthen the City's neighborhoods and to prevent future urban blight.

**14.01.030. Definitions. [Ord. No. 2019-02 § 4]**

- A. ALTERATION - Means any activity requiring a building, sign or demolition permit which materially or visually changes the exterior architectural features, elements and appearance of a structure. This includes, but is not limited to, construction, reconstruction, rehabilitation, relocation and demolition, in whole or in part.
- B. APPURTENANT FIXTURE - Means something that belongs to or is attached to something else, either physically or legally.
- C. ARCHITECTURAL FEATURE - Means and includes the exterior elements of a structure or site and their arrangement which define a particular architectural style, character and/or uniqueness. These elements include, but are not limited to, the following: facade materials,

windows, doors, mill-work, roof-cresting, fences, gates, light fixtures, signs, and all other appurtenant fixtures.

- D. ARCHITECTURAL SIGNIFICANCE - Means a structure possessing any of the following characteristics is said to have architectural significance:
1. The structure is the work of or is associated with a noted architect, builder, craftsman or architectural firm; and/or
  2. The structure is an exceptional example of a particular architectural design or style (whether local or typical) in terms of detail, material and workmanship; and/or
  3. The structure is one of the few remaining examples of a particular use or is an example which does not clearly represent a major style but has a high degree of integrity, as defined herein; and/or
  4. The structure is one of a contiguous grouping that provide a sense of cohesiveness expressed through a similarity of design, style, time period or method of construction and adding to the unique character of the area; and/or
  5. The detail, material and workmanship can be valued in and of themselves as reflective of or similar to those of the majority of the other visual elements in the area.
- E. BUILDING - Means a structure created to shelter any form of human activity, such as a house, garage (or carriage house), warehouse, factory, barn, church, hotel or similar structure. Buildings may refer to a historically-related grouping of structures such as a courthouse and jail or a house and barn. This term is a subset of "structure" as defined in this section.
- F. CERTIFICATE OF APPROPRIATENESS - Means a document issued by the local historic preservation commission indicating its approval of work plans prior to a proposed change in the exterior architectural appearance, material or character of a designated landmark or a structure located within a designated historic district through alteration, rehabilitation, restoration, construction and reconstruction. It shall be required only for activities covered by the building and sign permit procedure.
- G. CERTIFICATE OF ECONOMIC HARDSHIP - Means a certificate issued by the historic preservation commission, or by the City Council upon appeal, based on financial and economic criteria, authorizing the demolition, in whole or in part, of a designated structure.
- H. CERTIFICATE OF PUBLIC HAZARD - Means a certificate issued by the historic preservation commission for the partial or complete demolition of a structure because it poses an immediate, definite and serious threat to the life, health and safety of the general public.

- I. COMPATIBLE - Means to coexist with harmony and consistency.
- J. CONSTRUCTION - Means building activity which physically attaches new floor space, walls and/or ceiling(s) to an existing structure or erects a new principal or accessory structure on a parcel of land.
- K. DEMOLITION - Means any act requiring a building or demolition permit which removes or destroys, in whole or in part, any exterior architectural feature of a local landmark or a structure within a designated historic district.
- L. DESIGN CRITERIA - Means a standard of appropriate and permissible work that will retain and preserve the architectural and historic character of a designated structure and/or district.
- M. DESIGNATED - Means the status officially assigned to a structure or district by the City Council, based on a recommendation of the historic preservation commission, due to its architectural and/or historical significance, as defined herein.
- N. DESIGNATED PROPERTY - Means the short term for a designated landmark, a designated district or a structure located within a designated district.
- O. DISTRICT - Means an area of historical significance designated by ordinance of the City Council, as provided in Chapter 303.34 of the Iowa State Code.
- P. EXTERIOR ARCHITECTURAL APPEARANCE - Means and includes the architectural treatment and general arrangement of all exterior elements of a structure. This includes, but is not limited to, the color, texture and kind of materials, and the type and size of all windows, doors, roof details, light fixtures, signs and appurtenant fixtures.
- Q. HISTORICAL SIGNIFICANCE - Means structures or districts which possess any of the following traits are said to have historical significance:
  - 1. Are significant in American history, architecture, archaeology and culture; and/or
  - 2. Possess integrity of location, design, setting, materials, skill, feeling and association; and/or
  - 3. Are associated with events that have been a significant contribution to the broad patterns of our history; or
  - 4. Are associated with the lives of persons significant in our past; or
  - 5. Embody the distinctive characteristics of a type, period, method of construction, represent the work of a master, possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; and



6. Have yielded, or may be likely to yield, information important in prehistory and history.
- R. IMPROVEMENT - Means any structure, object, parking facility, fence, gate, wall, walkway, work of art, landscape feature or other item constituting a physical betterment of real property.
- S. IMPROVEMENT PARCEL - Means the unit of land, which may contain an improvement as defined in this section and which is treated as a single entity for the purpose of levying real estate taxes.
- T. INFILL DEVELOPMENT - Means new construction and/or other physical improvement of vacant land within a designated historic district.
- U. INTEGRITY TAKEN AS A WHOLE, - Means the degree in which a structure, site, object or district retains its original design, materials, configuration or character.
- V. LOCAL LANDMARK - Means a structure or district identified by the historic preservation commission and designated by the City Council as satisfying the criteria as architecturally and/or historically significant, as defined herein. Structures and districts officially receiving local landmark status shall hereby be regulated by this chapter and shall be listed on the "Davenport Register of Historic Properties".
- W. LOCAL REGISTER - Means the short term for the Davenport Register of Historic Properties.
- X. NOMINATED PROPERTY - Means a structure and/or district that is officially before the historic preservation commission and the City Council for review of eligibility for designation.
- Y. NUISANCE - Means a building or structure found to be in substantial violation of City building, fire and/or housing codes.
- Z. OWNER(S) OF RECORD - Means the person(s), corporation or other legal entity listed as owner(s) of real property for taxation purposes in the records of the Scott County, Iowa, Recorder of Deeds.
- AA. REHABILITATION - Means the act of returning a property to a state of utility which makes possible a contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values. Re-habilitation activities require a building permit.
- BB. RELOCATION - Means the removing of a structure, in whole or in part, from its original site to be situated or reconstructed on another site.
- CC. REPAIR - Means any maintenance of a structure that does not require a building permit.

- DD. REPLACEMENT-IN-KIND - Means the act of replacing an architectural feature of a designated structure so as not to alter its visual appearance and character. This is accomplished by using replacement materials that replicate the previous historic feature in design, size, texture and visual appearance.
- EE. RESTORATION - Means the act or process of accurately recovering the form and details, using documentary evidence, of a structure and/or a district and its setting, as it appeared at a particular period of time, by means of the removal of later work, repair or by replacement-in-kind of missing historic architectural features.
- FF. SCALE IN A STRUCTURE - Is the relationship of vertical, horizontal and depth dimensions. With a district, it is the comparative relationship of the massing of the buildings, open spaces and landscape features.
- GG. STRUCTURE - Means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including but not limited to: buildings, fences, bridges, gazebos, fountains, statuary, advertising signs, billboards, backstops for tennis courts, radio and television antennas (including supporting towers and satellite dishes) and swimming pools.

**14.01.040. Commission designation process. [Ord. No. 2019-02 § 4]**

- A. Application process. The legal owner(s) of record or the commission, may nominate a single structure for designation as a local landmark or an area as a historic district. Upon application, the commission secretary shall inform the applicant of the information needed by the commission to adequately consider the nomination.

To nominate a district for designation by the legal owners of record, a petition requesting nomination must be signed and submitted by the owners of record representing at least 51% of the total area of the proposed district, excluding public rights-of-way. After the names on the petition are verified as legal real property owners within the proposed district, the commission secretary shall notify the applicant(s) that the nomination process may continue. A copy of the petition shall also be submitted to the State Historical Society of Iowa for its review and recommendation.

- B. Designation criteria. The commission shall, after such investigation as it deems necessary, make a recommendation to the City Council as to whether a nominated structure or district qualifies for the local register. To qualify, a property must satisfy one or more of the following criteria:
1. It is associated with events or persons that have made a significant contribution to the broad patterns of the history of the City, county, state and/or the nation; and/or

2. It embodies the distinctive characteristics of an architectural style valuable for the study of a type, period or method of construction; and/or
  3. It represents the work of a master builder, craftsman, architect, engineer or landscape architect or possesses high artistic values.
- C. Notification of nomination. Upon receipt of a properly completed application for designation, the commission shall place the nomination on the agenda within 60 calendar days. A notice shall be placed in a newspaper of general circulation not less than four nor more than 20 calendar days prior to the scheduled meeting stating the commission's intent to consider an application for designation. It shall contain, at the minimum, the nominated property's address, legal description and the date, time and location of the public meeting. If a district is nominated, in addition to the published public notice, a letter explaining the proposed designation shall be sent by regular mail to the owner(s) of record of real property within the proposed historic district. The commission's meeting agenda shall also be posted on the first floor City hall bulletin board used for such purposes no less than one business day prior to the scheduled time of the meeting.
- D. Designation - public meeting. Upon submittal of a complete application, the commission shall conduct a public meeting to consider the designation of the nominated structure and/or district. Any interested person, group of persons or organization may submit oral and/or written testimony concerning the significance of the nominated property. The commission may also consider staff reports, and request and/or hear expert testimony.
- E. Burden of documentation. The nominator(s) shall have the burden of proof to provide sufficient evidence and documentation that the nominated structure and/or district is worthy of local landmark status.
- F. Recommendation by the commission. To recommend the designation of local landmarks or historic districts, the commission must pass by a simple majority vote of the members present, a vote in the affirmative. In the case of a proposed historic district, when owners of more than 33 1/3% of the proposed district's area, excluding public rights-of-way and other publicly-owned property, state their disapproval in writing on an owner comment on designation form before or during the commission's first public meeting conducted to formally consider the nomination, a super-majority vote of three-fourths of the commission members present shall be required to recommend designation as a local historic district.

The commission's recommendation for approval of the designation shall be forwarded to the City Council for final review and consideration. If the commission determines that the nominated property does not satisfy the criteria for designation, the nomination process shall cease. However, a property denied designation as part of a proposed historic

district may seek individual local landmark status at any time following the commission's or City Council's first denial. An individual structure denied designation as a local landmark may be considered for the Local Register as part of a nominated historic district at any time following its initial denial.

- G. Documentation of recommendation. All commission recommendations shall be adopted by vote in a public meeting and shall be accompanied by a report stating the following information:
1. A map showing the location of the nominated structure and/or the boundaries of the proposed district; and
  2. An explanation of the architectural and/or historical significance of the nominated structure and/or district as it relates to the designation criteria listed in Section 17.23.060B; and
  3. An inventory of the significant exterior architectural features and property improvements that should be protected from inappropriate alterations; and
  4. In the case of a designated district, a brief statement of the architectural and/or historical significance and character unique to the neighborhood that should be preserved for future generations. This statement may include design guidelines for new construction or infill development, signage, parking regulations and streetscape design or any other development issues affecting the physical appearance and use of the district.
- H. Interim permit process. No building, sign or demolition permit for exterior work shall be issued for the alteration, construction, reconstruction, relocation or demolition of a nominated local landmark or for a property located within a nominated historic district from the date of filing an application for nomination with the commission until final disposition of said nomination by the commission and/or City Council. The commission shall, however, establish and exercise procedures allowing for the review and approval of emergency repairs during this process. In no event shall this limitation on permits apply for more than 120 calendar days without permission of the owner(s) of record of the property.
- I. Nonapplicability. This section nor this chapter is in no way intended to and shall not prevent the demolition of a structure or object that the City housing, building, fire or legal department or the City Council had identified as being an immediate threat to the life, health and safety of the general public pursuant to the Uniform Housing Code, is a fire hazard pursuant to Uniform Fire Code or is a nuisance under state or City law.

This section or this chapter shall have no effect on and shall not prevent demolition of any building already documented as being in substantial

violation of the City's building, fire and/or housing codes before the date this chapter is adopted.

**14.01.050. Designation by City Council. [Ord. No. 2019-02 § 4]**

- A. Action by City Council. The City Council may vote to approve with modifications or deny the ordinance for a proposed landmark or historic district designation. If the City Council denies local landmark status for the property and/or district, the same nominated property(s) may not be reconsidered by the commission for designation during the twenty-four-month period following the date of denial by the City Council, except pursuant to the exceptions stated in Section 14.01.040G.
- B. Notification of decision. The commission secretary shall notify the nominator(s) by regular mail, of the City Council's determination. The notification letter shall be postmarked no later than 15 business days after the date of the City Council's ruling on said designation. If the property is designated, the commission shall pay for and cause said designation to be recorded on the property's chain of title by the Scott County, Iowa Recorder of Deeds.
- C. Amendments or rescissions. The designation of any landmark or historic district may be amended or rescinded through the same procedure utilized for the original designation.

**14.01.060. Certificate of appropriateness review process. [Ord. No. 2019-02 § 4]**

- A. Application for certificate of appropriateness. Upon application for a building or sign permit that involves a designated property, the office of construction code enforcement shall direct the applicant to the commission secretary to begin the certificate of appropriateness application process. A certificate of appropriateness must be obtained from the commission for any activity requiring a building or sign permit, except demolition, that would change the exterior architectural appearance of a structure designated as a local landmark or a structure located within a designated historic district. The activities covered shall include new construction, exterior alterations, relocations, reconstructions and infill development within designated historic districts. This approval must be obtained prior to the commencement of work and does not relieve the applicant from obtaining the other approvals required by the City.
- B. Notification about application. The commission secretary shall inform the owner(s) of record of the date, time and location of the commission meeting at which the application will be considered. The commission secretary shall also post the commission's agenda on the first floor City hall bulletin board used for such purposes no less than one business day prior to the scheduled time of the meeting.

- C. Commission review process - Standards for review. In considering an application for a certificate of appropriateness, the commission shall be guided by the following general standards in addition to any other standards or guidelines established by ordinance for a local landmark or historic district. In all cases, these standards are to be applied in a reasonable manner, taking into full consideration the issue of economic feasibility and other technical considerations.
1. Every reasonable effort shall be made to make the minimal number of changes necessary to maintain a designated property in a good state of repair, thereby minimizing the impact of the proposed alteration; and
  2. The removal, alteration or concealing of distinguishing exterior architectural features and historic material of a designated property should be avoided when possible; and
  3. All designated property shall be recognized as a product and physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural architectural features shall be discouraged; and
  4. Most properties change over time, and those changes that have acquired architectural and/or historical significance in their own right shall be recognized, respected and retained; and
  5. Distinctive architectural features, construction techniques and/or examples of craftsmanship that characterize a designated property shall be treated with due consideration; and
  6. Deteriorated architectural features should, where possible, be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence; and
  7. Activities that cause deterioration of a designated property and its architectural features shall be discouraged. In those cases where the damage would be irreversible, such as sand-blasting and wetblasting fire-hardened bricks, the activities shall be prohibited. If cleaning is to be done, the gentlest means possible shall be encouraged; and
  8. Known significant archeological resources possibly affected by a proposed activity shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken; and
  9. New additions and related new construction shall not be discouraged when such improvements do not destroy historic material and such design is compatible with the size, massing,

scale, color, materials and character of the property, neighborhood and district, if applicable.

- D. Design criteria to implement review standards. When the commission is considering an application for a certificate of appropriateness, it shall consider the following architectural design criteria, or elements of design as they relate to the standards for review prescribed in Section 14.01.040C.
1. Height. The height of any proposed addition, construction or reconstruction should be compatible with the designated property and the surrounding structures, if located within a designated historic district; and
  2. Proportions. The proportions (width versus height relationship) between doors and windows should be compatible, if not replicated, with the architectural design and character of the designated property; and
  3. Scale. A proposed alteration, construction, reconstruction or addition should not negatively impact the scale of the designated property or district; and
  4. Materials. Historic or original architectural features, or replacement elements which in all ways replicated the original, should be repaired whenever possible; and
  5. Relationship of building masses and spaces. The relationship of a structure within a designated historic district to the rear, side and front yards between it and surrounding structures should be compatible; and
  6. Roof shape. The roof design and shape should remain consistent with its original configuration and character; and
  7. Site improvements. Landscaping and other site improvements, including off-street parking, should have as minimal of an impact as possible to the designated property's original plan/layout and its visual character.
- E. Determination by the commission. The commission shall review a completed application for a certificate of appropriateness within 60 calendar days to determine if the proposed activity will change any exterior architectural features of the designated property. The commission shall accept, review and request additional evidence and testimony from the applicant during the public hearing. The commission shall work closely with the applicant and recognize the importance of finding an appropriate way to meet the current needs of the applicant. In addition, the commission shall recognize the importance of approving plans that will be reasonable for the applicant to carry out. The applicant may modify his/her plans as a result of the discussions with the commission and resubmit them for approval. If the

commission finds, by a simple majority, that the proposed activity conforms to the standards for review, as defined herein, then a certificate of appropriateness shall be issued approving said activity. If the commission fails to decide on an application within the specified time period, the application shall be deemed approved. If the commission denies the certificate of appropriateness, the applicant shall have the right of appeal to the City Council pursuant to Section 14.01.040I.

- F. Notification of determination. The commission secretary shall notify the owner(s) of record within 15 business days of the commission's action. If the commission denies the certificate of appropriateness, the notification letter shall contain the reasons for denial and inform the applicant of his/her right to appeal.

The commission secretary shall also notify the office of construction code enforcement within three business days of the commission's action. If the commission issues the certificate of appropriateness, the commission secretary shall inform the chief building official of said approval and that the proposed work satisfies the intent of this chapter. However, if the commission denies the certificate of appropriateness, the commission secretary shall ask that the building or sign permit not be issued for said work unless an appeal to the City Council results in a reversal of the commission's denial.

- G. Appeal of commission determination. The owner(s) of record may appeal the commission's decision to the City Council by filing a written appeal with the City Clerk's office within 30 calendar days of the postmark date of the notification of determination.

If no written appeals are submitted with the City Clerk's office within 30 calendar days, the commission's determination shall be the final action by the City.

- H. Appeal fee. A fee of \$75 shall be paid by the petitioner at the time of filing a written appeal to said determination with the City Clerk.

- I. Appeal criteria. The City Council, after hearing all of the evidence, shall review the commission's decision and base its ruling on the following criteria:

1. Whether the commission has exercised its powers and followed the guidelines established by law and ordinance; and
2. Whether the commission's actions were patently arbitrary and capricious.

- J. Appeal — Public meeting. The City Council shall, by simple majority of the members present, approve or disapprove the issuance of the certificate of appropriateness based upon the appeal criteria described in Section 14.01.040I.



**14.01.070. Commission's demolition review process. [Ord. No. 2019-02 § 4]**

The demolition of a designated local landmark or a property within a designated historic district shall be prohibited unless, upon application for and approval of, the commission issues a certificate of economic hardship allowing said demolition. The owner(s) of record or the City may apply for a demolition permit for designated properties.

- A. Demolition application process. Demolition applications shall be made to the office of construction code enforcement. The office of construction code enforcement shall forward all demolition permit requests for local landmarks and properties within designated historic districts to the commission secretary within two business days of their receipt. No demolition permits shall be issued for local landmarks or properties within designated historic districts prior to the commission, or the City Council upon appeal, issuing a certificate of economic hardship, excluding the circumstances described in Section 14.01.090 of this chapter.
- B. Criteria for demolition request. The commission shall request and receive from the applicant all information it deems necessary to adequately consider the demolition of a designated property. This may include, but is not limited to, the following:
  - 1. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the building(s) on the property, their suitability for rehabilitation, and possible new uses for the property; and
  - 2. The assessed value of the land and improvements thereon according to the two most recent assessments; and
  - 3. The real estate taxes paid during the previous two years; and
  - 4. All appraisals obtained by the owner or applicant in connection with his purchase, financing or ownership of the property; and
  - 5. Any listing of the property for sale or rent, price asked and offers received, if any; and
  - 6. All building, fire and housing code violations which have been listed on the property for the past two years; and
  - 7. Any federal, state or local citation(s) which have determined the building to be a nuisance under applicable law; and
  - 8. Estimated market value of the property after completion of the proposed demolition and after renovation of the existing property for reuse; and
  - 9. If the property is income-producing;

- a. Annual gross income from the property for the previous two years; and
  - b. Itemized operating and maintenance expenses for the previous two years; and
  - c. Annual cash flow, if any, for the previous two years; and
  - d. Proof that efforts have been made by the owner to obtain a reasonable return on his investment.
- C. Notification of proposed demolition. The commission agenda shall be posted on the first floor City hall bulletin board used for such purposes no less than one business day prior to the scheduled time of the meeting and shall serve as notice to the general public of the pending meeting.
- D. Commission review process. The commission shall review all the evidence and information submitted by the applicant and receive testimony from other interested parties. If the commission finds that the building substantially violates the City building, fire and/or housing codes or the property owner cannot obtain a reasonable economic return therefrom, then the commission shall issue the demolition permit. The commission shall act on each application within 60 days after the receipt of a complete application.
- E. Notification of determination. The commission secretary shall notify the owner(s) of record by regular mail within 15 business days of the commission's decision. The office of construction code enforcement shall be notified within two business days of the commission's action. If the certificate of economic hardship is issued, the commission secretary shall inform the chief building official of said approval. If the certificate of economic hardship is denied, the chief building official shall be instructed to withhold the demolition permit pending possible appeal of the commission's determination.

Notified parties will be informed of their right to appeal the commission's decision.

**14.01.080. Appeal of commission's decision on demolition. [Ord. No. 2019-02 § 4]**

- A. Application to appeal. The owner may appeal the commission's determination regarding a proposed demolition of a local landmark. A written appeal must be submitted to the City Clerk's office within 30 calendar days of the commission's decision.
- B. Appeal fee. A fee of \$75 shall be paid by the petitioner to the City Clerk at the time of filing a written appeal.
- C. Notification of appeal. The City Clerk shall notify the commission secretary within three business days of the filing of a written appeal. The commission secretary shall inform the office of construction code

enforcement of the pending appeal and instruct the chief building official to withhold the demolition permit until the City Council has ruled on same. The commission secretary shall also inform the owner(s) of record of the subject property of the date, time and location of the City Council meeting scheduled to hear the appeal. The City Council agenda shall serve as notice to the general public of the appeal and shall be posted on the first floor City hall bulletin board used for such purposes no less than one calendar day prior to the scheduled time of the meeting.

- D. Review process. The City Council, within 30 calendar days of the filing of a written appeal or at a later time at the request of the petitioner, shall either accept or reject the commission's determination. In considering the commission's determination, the City Council may receive and review all relevant information, testimony and/or evidence submitted for its consideration, including that reviewed by the commission, and any additional material.
- E. Notification of decision. The owner(s) of record shall be notified by regular mail of the City Council's decision within 15 business days. The office of construction code enforcement shall be notified within two business days of the City Council's decision. The publishing of the City Council meeting minutes shall serve as notice to the general public. The City Council's decision shall be the final City action.

#### **14.01.090. Exclusions. [Ord. No. 2019-02 § 4]**

A designated property may be altered, relocated, demolished or secured and maintained under the following circumstances and shall not be subject to any of the terms of this chapter.

- A. Certificate of public hazard. If emergency circumstances affect a designated property which requires immediate relief, including demolition, the fire marshal and chief building official shall certify that such conditions exist and said conditions shall be eliminated as quickly as is practicable. Emergencies are defined as life or health-threatening conditions requiring immediate attention. A certificate of public hazard may be issued after the fact documenting the reasons for loss of the designated property. This section shall apply only in cases where it is impractical for the commission to consider a certificate of economic hardship prior to demolition.
- B. Conflict with other regulations. The clauses and sections in other City Council-adopted codes and regulations which address life-safety, fire safety and legal nuisances, shall be excluded from the standards and provisions herein. In the event the City's legal, fire, housing or building officials determine that a structure or portion thereof is a life-safety hazard, a fire safety hazard or a nuisance, the fire, housing and building codes shall supersede this chapter.

- C. Ordinary repair and maintenance. This chapter is not meant to prevent ordinary repair and maintenance activities of private property not requiring a building or sign permit.

**14.01.100. Historic structure demolition review process. [Ord. No. 2019-02 § 4]**

- A. If the owner(s) of record or agent applies for a demolition permit to a building or structure listed on the National Register of Historic Places, which to date has not been designated as a local landmark, the office of construction code enforcement shall not issue the permit but instead shall direct the applicant to the commission secretary. Once the office of construction code enforcement refers the matter to the commission secretary, all demolition activity shall stop, if started, until after the commission or the City Council acts on the matter. The commission secretary shall place the demolition request on the agenda for the commission's next meeting.
- B. In making its determination on whether to recommend continuance of the demolition stoppage and consideration by the City Council for designation as a local landmark, the commission shall consider the criteria as stated in Section 14.01.070B of this chapter. The commission, by a three-fourths vote of its members present may request the City Council to review a proposed demolition permit for a structure listed on the National Register of Historic Places which has not, to date, been designated as a local landmark. In the event the commission votes to delay demolition, the commission shall have staff prepare an individual property nomination for designation as a local landmark as outlined in Section 14.01.040. Said nomination shall be considered by the commission in a timely manner.

In the event the commission vote to nominate the property as a local landmark fails, the demolition permit may be issued and the matter does not proceed to the City Council.

In the event the commission votes first to delay demolition and then to nominate the property for designation as a local landmark, the commission shall submit written documentation to the City Council that the building is presently on the National Register of Historic Places, that the criteria for designation as a local landmark as listed in Section 14.01.040 have been met and that the provisions of Section 14.01.090 of the chapter are not applicable, as well as forward any application material submitted by the petitioner or prepared by staff relevant to either the demolition request or the landmark nomination.

- C. The City Council shall give appropriate notice that a public hearing will be held on the demolition application and nomination for landmark designation.

At the public hearing, the City Council shall hear all written and oral statements of the interested parties. The City Council shall base its

decision on all relevant evidence presented at the public hearing, including whether Section 14.01.090 of the chapter is applicable.

The City Council shall determine by a majority of the entire Council either to allow the structure to be demolished or to approve the structure for local landmark status. If the local landmark status is approved the owner shall not be issued a demolition permit by the City.

Every effort shall be made by all parties to complete the designation process in the most timely fashion. The City Council shall act either allowing the structure to be demolished or designating it a local landmark within 120 days from the date of the commission's first public hearing.

**14.01.110. Penalty. [Ord. No. 2019-02 § 4]**

- A. In the event work is being performed without the required certificate of appropriateness or the certificate of economic hardship, the commission or the commission secretary shall ask that a stop work order be issued. In the event work is being performed which is not in accordance with its certificate of appropriateness, the commission shall also ask that a stop work order be issued. In addition to other penalties and remedies, the City shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order is in effect.
- B. In the event work has been completed without the required certificate of appropriateness or certificate of economic hardship, the owner, the tenant, if a participating party to said work, and the person(s) performing such work shall be guilty of a misdemeanor or municipal infraction. Every day each such violation shall continue to exist shall constitute a separate violation.
- C. Enforcement. The City's director of community and economic development department, or his/her designee, shall be responsible for the enforcement of the provisions of this chapter.