

16-10-8: CONSERVATION DISTRICTS:

A. Application Of Section: The provisions of this section apply to all buildings located in whole or in part within the following described conservation districts: (Ord. 29-14, 3-17-2014; amd. Ord. 40-15, 6-1-2015)

1. 4th Street Neighborhood Conservation District: Beginning at the intersection of 7th and Bluff Streets, thence southerly along Bluff Street to its intersection with West 5th Street; thence westerly along West 5th Street to its intersection with the northerly extension of Raymond Street; thence southerly along Raymond Street and its northerly and southerly extensions to its intersection with West 3rd Street; thence easterly along West 3rd Street to its intersection with St. Mary's Street; thence southerly along St. Mary's Street to its intersection with Emmett Street; thence easterly along Emmett Street to its intersection with Bluff Street; thence southerly along Bluff Street to its intersection with 1st Street; thence easterly along 1st Street to its intersection with the alley between Bluff and Locust Streets; thence northerly along the alley between Bluff and Locust Streets to its intersection with West 5th Street; thence easterly along West 5th Street to its intersection with Locust Street; thence northerly along Locust Street to its intersection with 7th Street; thence westerly along 7th Street to its intersection with Bluff Street which is the point of beginning.
2. Fenelon Place Neighborhood Conservation District: Beginning at the intersection of West 5th and Burch Streets, thence southerly along Burch Street to its intersection with West 3rd Street; thence easterly along West 3rd Street to its intersection with the southerly extension of Raymond Street; thence northerly along Raymond Street and its southerly and northerly extensions to its intersection with West 5th Street; thence westerly along West 5th Street to its intersection with Burch Street which is the point of beginning.
3. 3rd Street Neighborhood Conservation District: Beginning at the intersection of West 3rd and Hill Streets thence southwesterly along Hill Street to its intersection with Langworthy Street; thence northwesterly along Langworthy Street to its intersection with Alpine Street; thence northeasterly along Alpine Street to its intersection with West 3rd Street; thence northwesterly along West 3rd Street to its intersection with Nevada Street; thence northeasterly along Nevada Street to its intersection with West 5th Street; thence southeasterly along West 5th Street to its intersection with Alpine Street; thence southerly along Alpine Street to its intersection with Melrose Terrace; thence southeasterly along Melrose Terrace and its southeasterly extension to its intersection with Winona Street; thence southwesterly along Winona Street to its intersection with West 3rd Street; thence southeasterly along West 3rd Street to its intersection with Hill Street which is the point of beginning.
(Ord. 52-09, 10-19-2009; amd. Ord. 40-15, 6-1-2015)
4. Washington Street Neighborhood Conservation District: Beginning at the intersection of E. 22nd Street and Kniest Street, thence southeasterly along Kniest Street to its intersection with Garfield Avenue, thence southwesterly along Garfield Avenue to its intersection with the City alley located between Elm Street and Kniest Street, thence southeasterly along the City alley to its intersection with E. 18th Street, thence southwesterly along E. 18th Street to its intersection with the City alley located between the Iowa Chicago and Eastern Railroad right-of-way and Elm Street, thence southeasterly along the City alley to its intersection with E. 17th Street, thence northeasterly along E. 17th Street to its intersection with the Iowa Chicago

and Eastern Railroad right-of-way, thence southeasterly along the Iowa Chicago and Eastern Railroad right-of-way to its intersection with E. 16th Street, thence southwesterly along E. 16th Street to its intersection with Elm Street, thence southeasterly along Elm Street to its intersection with E. 15th Street, thence northeasterly along E. 15th Street to its intersection with the City alley located between Elm Street and Pine Street, thence southeasterly along the City alley located between Elm Street and Pine Street to its intersection with E. 14th Street, thence southwesterly along E. 14th Street to its intersection with the City alley located between Elm Street and Pine Street, thence southeasterly along the City alley located between Elm Street and Pine Street to its intersection with E. 12th Street, thence southwesterly along E. 12 Street to its intersection with Elm Street, thence southeasterly along Elm Street to its intersection with E. 11th Street, thence southwesterly along E. 11th Street to its intersection with W. 11th Street, thence southwesterly along W. 11th Street to its intersection with the City alley located between Central Avenue and Iowa Street; thence northwesterly along the City alley to its intersection with the City Hall access driveway, thence southwesterly along the City Hall access driveway to its intersection with Iowa Street, thence northwesterly along Iowa Street to its intersection with Loras Boulevard; thence northeasterly along Loras Boulevard to its intersection with the City alley located between Iowa Street and Central Avenue, thence northwesterly along the City alley to its intersection with W. 17th Street, thence northeasterly along W. 17th Street to its intersection with Heeb Street; thence northwesterly along Heeb Street to its intersection with the northern boundary of Parcel #10-24-252-018; thence northeasterly along the northern boundary of Parcel #10-24-252-018 to its intersection with the west boundary of Parcel #10-24-252-017; thence northwesterly along the west boundary of Parcel #10-24-252-017 to its intersection with the south boundary of Parcel #10-24-252-015, thence northeasterly along the south boundary of Parcel #10-24-252-015 to its intersection with the west boundary of Parcel #10-24-252-013, thence northwesterly along the west boundary of Parcel #10-24-252-013 to its intersection with Heeb Street, thence northwesterly along Heeb Street to its intersection with Kaufmann Avenue, thence northeasterly along Kaufmann Avenue to its intersection with 22nd Street thence northeasterly along 22nd Street to its point of origin at the intersection of E. 22nd Street and Kniest Street excluding the area beginning at the intersection of E. 14th Street and Jackson Street, thence southeasterly along Jackson Street to its intersection with E. 13th Street, thence southwesterly along E. 13th Street to its intersection with White Street, thence northwesterly along White Street to its intersection with E. 14th Street, thence northeasterly along E. 14th Street to its point of origin at the intersection of E. 14th Street and Jackson Street.

This subsection shall not apply to an application for a demolition permit for properties being acquired and demolished for the Bee Branch Creek restoration project. (Ord. 15-11, 2-22-2011; amd. Ord. 40-15, 6-1-2015)

5. Jackson Park Neighborhood Conservation District: Beginning at the intersection of 14th Street and Central Avenue thence westerly along 14th Street to its intersection with Iowa Street; thence southerly along Iowa Street to its intersection with 10th Street; thence westerly along 10th Street to its intersection with Bluff Street; thence northerly along Bluff Street to its intersection with Locust Street; thence northwesterly along Locust Street to its intersection with Ellis Street; thence northerly along Ellis Street and its northerly extension to its intersection with Clarke Drive; thence northwesterly along Clarke Drive to its intersection with Paul Street; thence northeasterly along Paul Street to its intersection with Lowell Street; thence southeasterly along Lowell Street to its intersection with North Main Street; thence

southerly along North Main Street to its intersection with Clarke Drive; thence southeasterly along Clarke Drive and its southeasterly extension to its intersection with Central Avenue; thence southerly along Central Avenue to its intersection with 14th Street which is the point of beginning.

6. West 11th Street Neighborhood Conservation District: Beginning at the intersection of 9th and Bluff Streets thence westerly along 9th Street to its intersection with University Avenue; thence westerly along University Avenue to its intersection with Spruce Street; thence northerly along Spruce Street to its intersection with West 11th Street; thence westerly along West 11th Street to its intersection with Walnut Street; thence northerly along Walnut Street to its intersection with Loras Boulevard; thence westerly along Loras Boulevard to its intersection with Cox Street; thence northerly along Cox Street to its intersection with the westerly extension of West 16th Street; thence easterly along West 16th Street and its westerly extension to its intersection with Montrose Terrace; thence northerly along the northeasterly extension of Montrose Terrace to its intersection with West Locust Street; thence southeasterly along West Locust Street to its intersection with Bluff Street; thence southerly along Bluff Street to its intersection with 9th Street which is the point of beginning.
7. Broadway Street Neighborhood Conservation District: Beginning at the intersection of West 23rd Street and Central Avenue thence westerly along West 23rd Street to its intersection with Lewis Street; thence northwesterly along Lewis Street to its intersection with Fulton Street; thence northerly along Fulton Street to its intersection with King Street; thence easterly along King Street and its easterly extension to its intersection with Central Avenue; thence southerly along Central Avenue to its intersection with West 23rd Street which is the point of beginning.
8. Downtown Neighborhood Conservation District: Beginning at the intersection of White Street and 11th Street, thence southerly along White Street to its intersection with 5th Street; thence easterly along 5th Street to its intersection with the railroad tracks; thence easterly along the railroad tracks to their intersection with the Mississippi River; thence southerly along the riverfront across the Ice Harbor to the eastern terminus of 1st Street; thence westerly along 1st Street to its intersection with U.S. Highway 61/151; thence southerly along U.S. Highway 61/151 to its intersection with the Locust Street Connector; thence westerly along the Locust Street Connector and across Locust Street to Jones Street; thence westerly along Jones Street to its intersection with Bissell Lane; thence northerly along Bissell Lane extended to 1st Street; thence westerly along 1st Street to its intersection with Bluff Street; thence northerly along Bluff Street to its intersection with 5th Street; thence easterly on 5th Street to its intersection with Locust Street; thence northerly on Locust Street to its intersection with 7th Street; thence westerly on 7th Street to its intersection with Bluff Street; thence southerly on Bluff Street to its intersection with 5th Street; thence westerly along 5th Street to the bluff line; thence northerly along the bluff line to 9th Street; thence easterly along 9th Street to its intersection with Bluff Street; thence northerly along Bluff Street to its intersection with 10th Street; thence easterly along 10th Street to its intersection with Iowa Street; thence northerly along Iowa Street to its intersection with 14th Street; thence easterly along 14th Street to its intersection with White Street, thence southerly along White Street to its intersection with 13th Street, thence westerly along 13th Street to its intersection with Central Avenue, thence southerly along Central Avenue to its intersection with 11th Street, thence easterly along 11th Street to its intersection with White Street, which is the point of beginning.
9. Brewery Conservation District: Lot 2-7 of Mineral Lot 322, Lot 1-1-3-8 of Mineral Lot 322, and

Lot 2-1 of Liebe's Subdivision No. 3 in the City of Dubuque, Iowa.

(Ord. 52-09, 10-19-2009; amd. Ord. 40-15, 6-1-2015)

B. Process For Establishment, Expansion Or Alteration Of Conservation District: Any person may request that the city council establish, expand or alter a conservation district. The process for establishment, expansion or alteration of a conservation district is as follows:

1. A written request for the establishment, expansion or alteration of a conservation district must be submitted to the city clerk. At its next regular meeting following receipt of the request by the city clerk, the city council may approve or deny the request, set the request for consideration at a subsequent meeting, set the request for a public hearing, or refer the request to the commission for a recommendation before voting on the request.
2. At its next regular meeting, if a referral is made to it by the city council, the commission will review the request, and make a recommendation to the city council to approve or deny the request, or to table the request for additional information for a specified period not to exceed sixty (60) days. Failure of the commission to act on the request within the sixty (60) day period, unless the applicant requests and the commission grants an extension of such time, constitutes commission approval thereof. The recommendation of the commission will be transmitted to the city clerk. The city clerk will promptly transmit the recommendation and the application to the city council for its consideration. In determining whether to recommend approval or denial of the request, the commission will consider whether the proposed conservation district, or the expansion or alteration of the district, has historic or architectural significance to the community.
3. At its next regular meeting following receipt of the recommendation of the commission by the city clerk, the city council will approve or deny the request, or refer the nomination back to the commission for modification. (Ord. 29-14, 3-17-2014; amd. Ord. 40-15, 6-1-2015)

C. Historic And Architectural Significance Guidelines And Review Criteria:

1. The report, "Heritage Of Dubuque", dated March 1974, and filed on record on January 27, 1975, shall be considered as a comprehensive study for the historical preservation of the city and as one of the guides to be considered at such time as a demolition permit is applied for in a reference conservation district. The city of Dubuque's historic property inventory and any subsequent official architectural/historical surveys/evaluations and nominations to the national register of historic places prepared for any buildings located within the conservation districts described in subsection A of this section also shall be considered as guidelines at such time.
2. In determining whether a building has historic or architectural significance, the commission shall consider an application for a demolition permit in accordance with the standards for review set forth in the secretary of the interior's "standards for identification and evaluation", and any subsequent revisions of these standards and guidelines by the secretary of the interior. The commission shall also consider a determination from the state historical preservation office as to the potential eligibility for listing of the building proposed for demolition on the national register of historic places.

D. Economic Guidelines And Review Criteria:

1. In determining whether to approve or deny the application, the commission may consider the information set forth in this subsection. The commission may also investigate strategies which would allow the property owner to earn a reasonable economic return on the property, may solicit expert testimony, and may require that the applicant make submissions concerning any or all of the following information:
 - a. A bid from a qualified contractor showing the cost of the proposed demolition.
 - b. A report from a licensed engineer, architect or contractor with experience in rehabilitation as to the structural integrity of any structure that the applicant proposes to demolish.
 - c. An opinion of the market value and the appraised value of the property by a realtor or appraiser: 1) in its current condition; 2) after completion of the proposed demolition; 3) after renovation of the existing property for continued use; and 4) all appraisals obtained within the last five (5) years for the property.
 - d. An estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation of the cost: 1) to perform the repairs identified by the building services department and the housing and community development department if the structure contains one or more dwelling units; and 2) to rehabilitate the structure.
 - e. The amount paid for the property, the date of purchase and the person from whom the property was purchased, a description of the relationship, if any, between the owner of record, the applicant and the person from whom the property was purchased, and the terms of the purchase or proposed purchase, including financing.
 - f. If the property is income producing, form 1040 schedule E or equivalent for the previous two (2) years.
 - g. Itemized operating and maintenance expenses for the previous two (2) years, and the depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 - h. The name of all mortgagees and the balance of all mortgages or other financing secured by the property and annual debt service, if any, for the previous two (2) years.
 - i. Any listing of the property for sale or rent, the price asked and offers received, if any, within the previous five (5) years.
 - j. The assessed value of the property for the previous two (2) assessment years.
 - k. The amount of real estate taxes assessed for the previous two (2) assessment years and whether or not they have been paid.
 - l. Any other information considered necessary by the city council to make a determination as to whether the property does or may yield a reasonable economic return to the property owner(s).

- m. A statement of the applicant's efforts to obtain financing, tax incentives, preservation grants and other incentives sufficient to allow the applicant to earn a reasonable economic return from the property in its current condition, and after renovation of the existing property for continued use.
- n. A statement of the applicant's current maintenance and repair activities.

2. If the application is for any building with one or more dwelling units, the housing and community development department may also make submissions concerning any or all of the above information, including strategies which would allow the property owner to earn a reasonable economic return on the property. The commission shall consider such information.

E. Guidelines And Review Criteria For Applications By State Or Political Subdivision Of State:

- 1. In determining whether to approve or deny the application, the commission may consider the information set forth in this subsection and any other information the commission considers relevant to balancing any conflicting governmental interests.
- 2. The commission may require that the applicant make submissions concerning any or all of the following information for the proposed site and suitable alternative location(s):
 - a. Fair market value of property.
 - b. Estimate of the cost of the proposed demolition, including hazardous material removal and remediation.
 - c. Fair market value of any property owned by the governmental body that could be sold if that site is not chosen for the project.
 - d. Property tax impact of removing private property from the tax rolls at the proposed location and all alternative locations.
 - e. Any other factors that contribute to making one location more suitable than others for the proposed use.
 - f. Any other information appropriate to evaluating how all conflicting governmental interests may be accommodated.
 - g. The need for the use in question, the effect on neighboring property, and the environmental impact of the proposed use.

F. Action: If the commission fails to take action to approve, deny or withhold action on the application within the ninety (90) day period, or such extension as requested by the applicant, the building official shall issue the permit forthwith.

G. Process For Establishment, Expansion Or Alteration Of Conservation District: Any person may

make a request to the city council for establishment, expansion or alteration of a conservation district. The process for establishment, expansion or alteration of a conservation district shall be as follows:

1. A written request for the establishment, expansion or alteration of a conservation district shall be submitted to the city clerk. At its next regular meeting following receipt of the request by the city clerk, the city council may approve or deny the request, set the request for consideration at a subsequent meeting, set the request for a public hearing, or refer the request to the commission for a recommendation before voting on the request.
 - a. If the city council considers the request at a public hearing, a notice of the date, time and location of the hearing shall be published in accordance with Iowa Code section 362.3.
 - b. The city council may also direct the city clerk to mail a notice of the date, time and location of the meeting at which the city council will consider the request to the property owners of record in the district.
 - c. If the city council refers the request to the commission, the city council may also direct the secretary of the commission to mail a notice of the date, time and location of the meeting at which the commission will consider the request to the property owners of record in the district.
2. At its next regular meeting, if a referral is made to it by the city council, the commission shall review the request, and make a recommendation to the city council to approve or deny the request, or to table the request for additional information for a specified period not to exceed sixty (60) days. A failure of the commission to take action on the request within the sixty (60) day period, unless the applicant requests and the commission grants an extension of such time, shall constitute commission approval thereof. The recommendation of the commission shall be transmitted to the city clerk. The city clerk shall promptly transmit the recommendation and the application to the city council for its consideration. In determining whether to recommend approval or denial of the request, the commission shall consider whether the proposed conservation district, or the expansion or alteration of the district, has historic or architectural significance to the community.
3. At its next regular meeting following receipt of the recommendation of the commission by the city clerk, the city council shall approve or deny the request.

H. Demolition By Neglect Prohibited: The owner of a building or structure in any conservation district shall preserve and keep in good repair all of the exterior portions of such buildings and structures and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior portion. This shall be in addition to all other provisions of law requiring property and improvements to be kept in good repair. The owner shall repair the building or structure to correct any of the following defects as determined by the building official:

1. Parts which are improperly or inadequately attached so that they may fall and injure persons or property;
2. A deteriorated or inadequate foundation;

3. Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed;
4. Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the load imposed;
5. Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle, due to defect or deterioration or are insufficient to support the load imposed;
6. Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;
7. Deteriorated, crumbling, or loose exterior stucco or mortar;
8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows and doors;
9. Defective or lack of weather protection for exterior wall coverings, foundations, or floors, including broken windows and doors;
10. Any default, defect, or condition in the structure which renders it structurally unsafe or not properly watertight;
11. Deterioration of any exterior feature so as to create a hazardous condition which could make demolition necessary for the public safety;
12. Deterioration or removal after the effective date hereof of any unique architectural feature which would detract from the original architectural style;
13. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, wall facings, and architectural details that cause instability, loss of shape and form, or crumbling;
14. Rotting, holes, and other forms of decay; or
15. Leaving a building or structure open or vulnerable to vandalism, decay by the elements, or animal and/or insect infestation. (Ord. 52-09, 10-19-2009; amd. Ord. 40-15, 6-1-2015)