

Chapter 10: Historic Preservation Commission Applications and Procedures**10-1 Purpose and Intent**

- A. Commission Created: There is hereby created the Historic Preservation Commission.
- B. Purpose: The purpose of the commission is to:
 - 1. Promote the educational, cultural, economic, and general welfare of the public through the protection, enhancement, and perpetuation of districts, individually designated historic properties, landmarks, and landmark sites of prehistoric, historic, architectural, archaeological, and cultural significance;
 - 2. Safeguard the city's prehistoric, historic, aesthetic, architectural, archaeological and cultural heritage by preserving historic properties, districts, landmarks, and landmark sites of historical, architectural, and cultural significance;
 - 3. Stabilize and improve property values;
 - 4. Foster civil pride in the legacy of beauty and achievements of the past;
 - 5. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business thereby provided;
 - 6. Strengthen the economy of the city; and
 - 7. Promote the use of properties, districts, landmarks, and landmark sites of prehistoric, historic, architectural, archaeological, and cultural significance as sites for the education, pleasure, and welfare of the people of the city.
- C. Internal Organization And Rules: The commission may adopt rules and regulations to govern its organizational procedures as may be necessary and which are not in conflict with this Code of Ordinances or the Iowa Code.
- D. Procedures For Operation: All administrative, personnel, accounting, budgetary, and procurement policies of the city govern the commission in all its operations.
- E. Membership:
 - 1. The Commission comprises nine (9) residents of the city, appointed by the city council.
 - 2. Age Requirement. Residents must be eighteen (18) years of age or older.
 - 3. Special Qualifications.
 - a. One (1) resident from each designated historic preservation district, including historic districts hereinafter established.
 - b. Four (4) at-large members.
 - c. Each member must possess qualifications evidencing expertise or interest in architecture, history, archaeology, law, construction, building rehabilitation, city planning, or conservation in general.
 - d. One (1) member must be a licensed architect.
 - 4. Membership on the commission must comply with the provisions of Iowa Code §69.16A, relating to gender balance, and Iowa Code §303.34, subsection 3, relating to establishment of a commission to deal with matters involving areas of historical significance.
- F. Oath: Each person, upon appointment or reappointment to the commission, must execute an oath of office at the first meeting of the commission following the appointment or reappointment or at the city clerk's office any time prior to the first meeting of the commission.
- G. Terms: The term of office for a commissioner is three (3) years or until such commissioner's successor is appointed and qualified.
- H. Vacancies: Vacancies must be filled in the same manner as original appointments. In the event that a vacancy occurs in a seat which requires that the appointee be a resident of a historic preservation district and for which there is no application from a qualified resident, the city council must appoint a tenth commissioner,

which appointment is temporary, and upon appointment of a qualified resident to the vacancy, the temporary appointment terminates.

- I. Officers/Organization: The commissioners must elect from its membership a chairperson and vice chairperson, whose terms of office are fixed by bylaws adopted by the commission. The chairperson presides over the meetings of the commission and has the right to vote. The vice chairperson, in cases of absence or disability of the chairperson, may perform the duties of the chairperson. The city manager must designate a city employee to serve as secretary to the commission. The secretary must keep a record of all resolutions, proceedings, and actions of the commission.
- J. Meetings:
 1. Regular Meetings. The commission must meet at least three (3) times in a calendar year to maintain Certified Local Government status.
 2. Special Meetings. Special meetings may be called by the chairperson or at the written request of a majority of the commissioners.
 3. Open Meetings. All meetings must be called and held in conformance with the Iowa Open Meetings Law.
 4. Attendance.
 - a. In the event a commissioner has been absent for three (3) or more consecutive meetings of the commission, without being excused by the chairperson, such absence will be grounds for the commission to recommend to the city council that the position be declared vacant and a replacement appointed.
 - b. Attendance must be entered upon the minutes of all meetings.
 5. Minutes. A copy of the minutes of all regular and special meetings of the commission must be filed with the city council within ten (10) working days after each meeting, or by the next regularly scheduled city council meeting, whichever is later.
 6. Quorum. Five (5) commissioners constitute a quorum for the transaction of business. The affirmative vote of a majority of the commissioners present and voting is necessary for the adoption of any motion or resolution.
- K. Compensation: Commissioners serve without compensation, provided that they may receive reimbursement for necessary travel and other expenses while on official commission business within the limits established in the city administrative policies and budget.
- L. Removal: The city council may remove any commissioner for cause upon written charges and after a public hearing.
- M. Powers: The commission has the following powers, duties, and responsibilities:
 1. To promote and conduct educational and interpretive programs on historic properties within its jurisdiction.
 2. To develop and adopt specific standards for review and design guidelines, in addition to those set forth in section 10-7 of this chapter, for the alteration of landmarks, landmark sites, individually designated historic properties and property and structures within historic districts.
 3. To adopt its own bylaws.
 4. To identify, evaluate, register, manage and protect significant prehistoric and historic archaeological sites.
 5. To conduct an ongoing survey to identify historically, archaeologically and architecturally significant properties, structures and areas that exemplify the cultural, social, economic, political, archaeological or architectural history of the nation, state or city.
 6. To research and recommend to the city council the adoption of ordinances designating areas as having historic, architectural, archaeological or cultural value or significance as historic districts.

7. To research and recommend to the city council the adoption of ordinances designating properties or structures having historic, architectural, archaeological or cultural value or significance as landmarks or landmark sites.
8. To research and recommend to the city council the adoption of ordinances designating properties as having historic, architectural, archaeological or cultural value or significance as individually designated historic properties.
9. To research and recommend to the city council the adoption of ordinances designating areas as having historic, architectural, archaeological or cultural value as "conservation districts".
10. To research and recommend to the city council the adoption of ordinances designating areas as having historic, architectural, archaeological or cultural value as "conservation planning areas".
11. To maintain a register of all properties and structures which have been designated as landmarks, landmark sites or historic districts, including all information required for each designation.
12. To assist and encourage the nomination of landmarks, landmark sites and historic districts to the national register of historic places, and review and comment at a public hearing on any national register nomination submitted to the commission upon the request of the mayor, city council or the state historic preservation office.
13. To confer recognition upon the owners of landmarks, individually designated historic properties or of property or structures within historic districts.
14. To review in progress or completed work to determine compliance with specific certificates of appropriateness or certificates of economic nonviability.
15. To serve as an advisory design review body to the city council for review of public works projects which have historic preservation implications in historic districts, individually designated historic properties, or for alteration of landmarks, landmark sites or structures, that would result in a material change in appearance or be visible from the public way.
16. To serve as an advisory review body to the city council for the review of public planning, design, construction, and maintenance needs in conservation planning areas upon request from the city council.

10-2 Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them below:

Alteration: any act or process which changes the exterior architectural appearance or exterior feature of a structure, site or area, including, but not limited to, the erection, construction, reconstruction, restoration, removal or demolition of any structure or part thereof, excavation, or the addition of an improvement.

Archaeological Significance: a determination based on the following criteria:

- A. The site is associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad cultural patterns of U.S. history and from which an understanding and appreciation of those patterns may be gained; or
- B. The site is associated importantly with the lives of persons nationally significant in U.S. history; or
- C. The site represents some great idea or ideal of the American people; or
- D. The site embodies the distinguishing characteristics of an architectural type or specimen exceptionally valuable for a study of a period, style or method of construction, or that represents a significant, distinctive and exceptional entity whose components may lack individual distinction; or
- E. The site is composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition, but collectively compose an entity of exceptionally historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or
- F. The site has yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the U.S. Such sites are those

which have yielded, or which may reasonably be expected to yield data affecting theories, concepts and ideas to a major degree.

Architectural Interest: a determination that a building, structure, property, object, site or area that has sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

Architectural Significance: a determination based on the following criteria:

- A. The structure(s) is (are) the work of, or associated with, a nationally or locally noted architect, architectural firm, engineer, builder or craftsman; or
- B. The structure(s) is (are) an example of a particular period of architecture or architectural style in terms of detail, material, method of construction or workmanship, with no or negligible irreversible alterations to the original structure; or
- C. The structure(s) is (are) one of the few remaining examples of a particular architectural style; or
- D. The structure(s) is (are) one of a contiguous group of structures which have a sense of cohesiveness which is expressed through a similarity of characteristics, a similarity of a style, a similarity of period, a similarity of method of construction or which accent the architectural significance of the area.

Building: any structure used or intended for supporting or sheltering any use or occupancy, typically for any form of human activity. A building also may refer to an historically and functionally related unit, such as a courthouse and jail or a house and barn. Examples of buildings include: carriage house, church, garage, hotel, house, library, school, shed, store or theater.

Certificate of Appropriateness: a document issued by the Historic Preservation Commission indicating its approval of plans for an alteration or activity which will:

- A. Create a material change in appearance, or the removal or demolition, of a landmark, landmark site or of a structure within an historic district; and
- B. Require a regulated permit.

Certificate of Economic Non-Viability: a document issued by the historic preservation commission which acknowledges an exception as herein defined and which authorizes an alteration or activity:

- A. Which creates a material change in appearance, or the removal or demolition, of a landmark, landmark site or of a structure within a historic district;
- B. Which requires a regulated permit; and
- C. For which a certificate of appropriateness has been or would be denied; however, a certificate of economic non-viability may be issued only upon a showing that the property owner will be deprived of any reasonable economic return on the property if not allowed to proceed with the requested alteration or activity.

Character Defining Feature: a prominent or distinctive aspect, quality, or characteristic of a cultural landscape or historic building, site, structure, object, or district that contributes significantly to its physical character.

Commission: the Dubuque Historic Preservation Commission, as established by this chapter.

Conservation District: an area designated by ordinances of the City Council which:

- A. Has defined geographic boundaries;
- B. Contains contiguous pieces of property under diverse ownership;
- C. Encompasses areas of historically and architecturally significant buildings, sites, structures, objects, or districts, including potential national or local historic districts; and
- D. Is important to maintain and preserve for its economic and social value and as a neighborhood or area of affordable housing.

Conservation Planning Area: an area designated by ordinances of the City Council which:

- A. Has defined geographic boundaries;

- B. Contains areas within a historical, architectural or archaeological survey;
- C. Has a history of good overall maintenance and where architectural interest is high; and
- D. The City of Dubuque has undertaken the study of the area.

Contributing Building: a contributing building, site, structure, or object adds to the historic architectural qualities, historic or traditional cultural associations, or archaeological values for which a property is significant because:

- A. It was present during the period of significance or does not relate to the documented significance of the property; or
- B. Despite alterations, disturbances, additions, or other changes, it still possesses historical integrity or is capable of yielding important information about the period; or
- C. It independently meets one or more of the National Register of Historic Places criteria; or
- D. It has identified as contributing in a historical, architectural, or archaeological survey.

Cultural Significance: a determination based on the following criteria:

- A. The role a property, cultural landscape, building, site, structure, object, or district plays in a community's historically rooted beliefs, customs, and practices; or
- B. Its association with events, or series of events, significant to the cultural traditions of a community.

Demolition: any act or process which destroys in part or in whole a landmark or a structure.

Design Guideline: a standard of acceptable activity which will preserve the prehistoric, historic, architectural, archaeological and cultural character of a building, district, landmark, site, object or structure.

Determination of No Material Effect: a document issued by the city planner indicating approval for any normal "repair" or act of maintenance as defined by this chapter, which:

- A. Is not an alteration, construction, removal, demolition or excavation as defined by this chapter;
- B. Does not create a material change in the exterior architectural appearance or exterior features of a structure or site; and
- C. Nonetheless does require a regulated permit

District: a definable geographic area that can be distinguished from surrounding properties, and which possesses a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

Excavation: the digging out or removal of earth, soil.

Exterior Architectural Appearance: the architectural style and character and the general composition and arrangement of the exterior of a building or structure, including character-defining features.

Exterior Features: the architectural style and the general design and arrangement of the exterior of a structure, including, but not limited to, the kind and texture of the building material(s), and the type, style and arrangement of all windows, doors, light fixtures, signs and other appurtenant elements, or the natural features of a landmark, landmark site or structure. In the case of outdoor advertising signs, "exterior feature" includes the style, material, size and location of the sign.

Historic District: an area designated by ordinances of the City Council which:

- A. Has defined geographic boundaries;
- B. Contains contiguous pieces of property under diverse ownership; and
- C. Is one or more of the following:
 1. Significant to American history, architecture, prehistoric or historic archaeology or culture; or
 2. Possesses integrity of location, design, setting, materials, workmanship, feel and association; or

3. Associated with events that have been a significant contribution to the broad patterns of our prehistory or history; or
4. Associated with the lives of persons significant with our past; or
5. Embodies the distinctive characteristics of a type, period, or method of construction; or
6. Represents the work of a master; or
7. Possesses high artistic values; or
8. Represents a significant and distinguishable entity whose components may lack individual distinction; or
9. Has yielded, or may be likely to yield, information important to prehistory and history.

Historic Significance: a determination based on the following criteria:

- A. The structure(s) or site(s) has (have) a strong association with the life or activities of a person or persons who have contributed to or participated in the historic events of the nation, state or community; or
- B. The structure(s) or site(s) is (are) associated with an association or group (whether formal or informal) which has contributed to or participated in historic events of the nation, state or community; or
- C. The structure(s) or site(s) or object(s) is (are) associated with an antiquated use due to technological or social changes in the nation, state or community, such as, but not limited to, a blacksmith's shop or railroad trestle; or
- D. The site(s) or object(s) is (are) a monument to or a cemetery of historic personages.

Improvement: any building, structure, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or part of such betterment.

Individually Designated Historic Properties: historical designation offered for individual properties determined to have prehistoric, historic, architectural, archaeological and cultural significance and which are not of a landmark status or located within a historic district.

Integrity: the original, unaltered or historically altered appearance of a structure, site or area when taken as a whole.

Landmark: a property or structure designated by ordinance of the City Council pursuant to procedures described herein, that is worthy of preservation, rehabilitation or restoration because of its prehistoric, historic, architectural, archaeological or cultural significance to the City, the state or nation.

Landmark Site: any parcel of land of prehistoric or historic archaeological significance, or historic significance due to its substantial value in tracing the prehistory or history of Native Americans, or upon which an historic event has occurred, and which has been designated as a landmark site under this section, or an improvement parcel, or part thereof, on which is situated a landmark and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.

Material Change of Appearance: any change, alteration or modification of the external architectural appearance or exterior features of a building, improvement, structure or property which is visible from the public way and for which a regulated permit is required for compliance with applicable local codes, including, but not limited to:

- A. Changes in the exterior size, configuration, fenestration or other structural features of the property; or
- B. Construction or reconstruction; or
- C. Demolition; or
- D. Any alteration in the size, location or appearance of any sign on the property; or
- E. Any excavation on property or the deposit of any waste, fill or other material on property.

F. For individual historic districts, the definition of “material change in appearance” may be expanded to include additional activities for which a Certificate of Appropriateness is required. Such additional activities shall be delineated in the ordinance designating an individual district or by amending the district designating ordinance, in the case of a district that has been previously designated.

Non-contributing Building: a non-contributing building, site, structure, or object does not add to the historic architectural qualities, historic or traditional cultural associations, or archaeological values for which a property is significant because:

- A. It was not present during the period of significance or does not relate to the documented significance of the property; or
- B. Due to alterations, disturbances, additions, or other changes, it no longer possesses integrity or is incapable of yielding important information about the period; or
- C. It does not independently meet one or more of the National Register of Historic Places criteria.

Object: as distinguished from buildings and structures, objects are those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Examples of objects include: fountain, mile-post, monument, sculpture or statuary.

Owner of Record: any person, firm, corporation or other legal entity listed as owner on the records of the Dubuque County Recorder.

Prehistoric Significance: a determination based on the following criteria:

- A. That a property, cultural landscape, building, site, structure, object, or district has yielded or may be likely to yield, information important in prehistory; or
- B. That property, cultural landscape, building, site, structure, object, or district provides a diagnostic assemblage of artifacts for a particular cultural group or time period or that provides chronological control (specific dates or relative order in time) for a series of cultural groups.

Preservation Alternatives: financial incentives and restoration alternatives sufficient for the property owner to earn a reasonable economic return. Financial incentives include, but are not limited to, financing, tax credits, tax abatements, preservation grants or other similar incentives. Restoration alternatives include, but are not limited to, different materials, techniques or methods for rehabilitation of historic buildings and structures, or archaeological sites.

Regulated Permit: an official document or certificate issued by the Building Official, City Engineer or other official of the City pursuant to provisions of the Building Code or other ordinance or regulation, and which authorized the performance of a specified activity.

Repair: any change which does not require a building permit, and which is not construction, removal or demolition.

Scale: in a building or structure, the relationship of the vertical, horizontal and volume measurements; the relationship of the parts to one another within a building, or structure or in comparison to other buildings or structures within that vicinity.

Site: the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure. Examples of sites include: cemetery, designed landscape, habitation site, natural feature having cultural significance, rock carving, rock shelter, ruins, trail or village site.

State Historic Preservation Office: state agency which identifies, records, collects, preserves, manages, and provides access to Iowa's historical resources and educates, conducts and stimulates research, disseminates information, and encourages and supports historic preservation and education efforts of others throughout the state.

Structure: anything constructed or erected, the use of which requires a permanent or temporary location on or in the ground, including, but not limited to, the following: earthwork, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennas, including supporting towers, and swimming pools. As

distinguished from buildings, structures are those functional constructions made usually for purposes other than creating human shelter.

Visibility from the Public Way: any portion of a building or structure that is visible to a person while standing on an adjacent improved public street, alley, sidewalk or step. Temporary structures or vegetation shall not be considered as obstructions to the visibility from the public way.

10-3 Historic Preservation Commission Established

- A. The Historic Preservation Commission is hereby established and shall consist of nine members who shall be residents of the City.
- B. Members of the Commission shall be appointed by the City Council as follows: one resident from each designated historic preservation district, including the historic districts hereinafter established; and four at large members. Each member shall possess qualifications evidencing expertise or interest in architecture, history, archaeology, law, construction or building rehabilitation, City planning or conservation in general. One Commission member shall be a licensed architect. In the event that a vacancy occurs in a seat which requires that the appointee be a resident of the district and for which there is no application from a qualified resident, the City Council shall appoint a tenth member. This appointment shall be temporary. Upon appointment of a qualified resident to the vacancy, the temporary appointment shall terminate.
- C. Members shall serve three-year terms.
- D. Vacancies occurring in the Commission, other than through expiration of term of office, shall be only for the unexpired portion of the term of the member replaced. Each member shall serve until the appointment of a successor.
- E. Members may serve for more than one term.
- F. Vacancies shall be filled by the City Council in accordance with the requirements set forth above.
- G. Members shall serve without compensation.

10-4 Commission Organization

- A. The Commission shall elect from its membership a chairperson and vice chairperson, whose terms of office shall be fixed by bylaws adopted by the Commission. The chairperson shall preside over meetings of the Commission and shall have the right to vote. The vice chairperson shall, in cases of absence or disability of the chairperson, perform the duties of the chairperson.
- B. The City Manager shall designate a person to serve as secretary to the Commission. The secretary shall keep a record of all resolutions, proceedings and actions of the Commission.
- C. The Commission shall adopt rules or bylaws for the transaction of its business. The bylaws shall provide for, but not be limited to, the time and place of holding regular meetings, the procedure for the calling of special meetings by the chairperson or by at least three members of the Commission and quorum requirements.
- D. All meetings of the Commission shall be subject to Iowa Code chapter 21, the Iowa Open Meetings Act.
- E. The Commission shall keep a record of its resolutions, proceedings and actions. The records shall be subject to Iowa Code chapter 22, the Iowa Public Records Act.
- F. A quorum of the Commission shall be required in order to transact business.
- G. The affirmative vote of a majority of Commission members present at a meeting shall be required for the approval of plans or the adoption of any resolution, motion or other action of the Commission.
- H. The vote of each member of the Commission shall be recorded.
- I. A member of the Commission shall attend at least two-thirds (2/3) of all scheduled meetings within any consecutive 12 month period. If any member does not attend such prescribed number of meetings it shall constitute grounds for the Commission to recommend to the City Council that said member be replaced. Attendance of all members shall be entered on the minutes.

J. The Commission shall file with the City Council a copy of the minutes of each regular and special meeting of the Commission within 10 working days after each meeting.

10-5 Powers and Duties Generally

A. The general duties and powers of the Commission shall be as follows:

1. To promote and conduct educational and interpretive programs on historic properties within its jurisdiction;
2. To develop and adopt specific standards for review and design guidelines, in addition to those set forth in **Section 10-10** of this chapter, for the alteration of landmarks, landmark sites, individually designated historic properties and property and structures within historic districts;
3. To adopt its own bylaws;
4. To identify, evaluate, register, manage and protect significant prehistoric and historic archaeological sites;
5. To conduct an ongoing survey to identify historically, archaeologically and architecturally significant properties, structures and areas that exemplify the cultural, social, economic, political, archaeological or architectural history of the nation, state or City;
6. To research and recommend to the City Council the adoption of ordinances designating areas as having historic, architectural, archaeological or cultural value or significance as “historic districts;”
7. To research and recommend to the City Council the adoption of ordinances designating properties or structures having historic, architectural, archaeological or cultural value or significance as “landmarks” or “landmark sites;”
8. To research and recommend to the City Council the adoption of ordinances designating properties as having historic, architectural, archaeological or cultural value or significance as “Individually Designated Historic Properties;”
9. To research and recommend to the City Council the adoption of ordinances designating areas as having historic, architectural, archaeological or cultural value as “conservation districts;”
10. To research and recommend to the City Council the adoption of ordinances designating areas as having historic, architectural, archaeological or cultural value as “conservation planning areas;”
11. To maintain a register of all properties and structures which have been designated as landmarks, landmark sites or historic districts, including all information required for each designation;
12. To assist and encourage the nomination of landmarks, landmark sites and historic districts to the National Register of Historic Places, and review and comment at a public hearing on any National Register nomination submitted to the Commission upon the request of the mayor, City Council or the State Historic Preservation Office;
13. To confer recognition upon the owners of landmarks, individually designated historic properties or of property or structures within historic districts;
14. To review in-progress or completed work to determine compliance with specific Certificates of Appropriateness or Certificates of Economic Non-Viability; and
15. To serve as an advisory design review body to the City Council for review of public works projects which have historic preservation implications in historic districts, individually designated historic properties, or for alteration of landmarks, landmark sites or structures, that would result in a material change in appearance or be visible from the public way; and
16. To serve as an advisory review body to the City Council for the review of public planning, design, construction, and maintenance needs in conservation planning areas upon request from the City Council.

B. The commission shall be governed by the administrative, personnel, accounting, budgetary and procurement policies of the city. (Ord. 52-09, 10-19-2009)

10-6: IDENTIFICATION AND DESIGNATION OF LANDMARKS, SITES AND HISTORIC DISTRICTS:

- A. Generally: The commission conducts studies for the identification and nomination of landmarks, landmark sites, individually designated historic properties and historic districts, as defined by this chapter. The commission may proceed on its own initiative or upon a petition from any person, group or association.
- B. Nomination:
 - 1. Landmarks And Landmark Sites: The nomination of landmarks and landmark sites must be initiated by an application submitted to the commission by the property owner on a form supplied by the commission.
 - 2. Historic Districts: The designation of historic districts must be initiated by a nomination for such designation. A nomination is made to the commission on a form prepared by the commission and may be submitted by a member of the commission, the owner of record of property within a proposed historic district, the city council, or any other person or organization. When a commissioner, as a private citizen, nominates a historic district for designation, the nominating commissioner must abstain from voting on the designation. This provision does not extend to a designation motion presented by a commissioner as part of commission proceedings.
 - 3. Individually Designated Historic Properties: The nomination of individually designated historic properties must be initiated by an application submitted to the commission by the property owner on a form supplied by the commission.
- C. Criteria For Consideration Of Nomination: The commission will, upon such investigation as it deems necessary, make a determination as to the following:
 - 1. Whether the nominated property, structure, object, site or area:
 - a. Is of “architectural significance,” as defined by this chapter, or
 - b. Is associated with events that have made a significant contribution to the broad patterns of the history of the city of Dubuque, Dubuque County, the state of Iowa or the nation; or
 - c. Is associated with the lives of persons significant in the past of the city of Dubuque, Dubuque County, the state of Iowa or the nation; or
 - d. Has yielded, or may be likely to yield, information important in prehistory or history, and
 - 2. Whether the structure, property, object, site or area has sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration; and/or
 - 3. Whether the structure, property, object, site or area is at least fifty (50) years old, unless the commission determines that it has achieved significance within the past fifty (50) years and is of exceptional importance.
- D. Notification Of Nomination: Within sixty (60) days after receipt of a completed nomination in proper form, the commission must meet to review the nomination. Notice that a nomination for designation is being considered and the date, time, place and purpose of the meeting must be sent by certified mail, at least fourteen (14) days prior to the date of the hearing, to the owner(s) of record of the nominated landmark or landmark site, nominated individually designated historic property, or property within the nominated historic district and to the nominator(s). Notice must also be published in a newspaper having general circulation in the city. The notice must state the street address and legal description of a nominated landmark or landmark site or the boundaries of a nominated district.
- E. Meeting: The commission may, at its discretion, accept oral or written testimony concerning the significance of the nominated landmark, landmark site or historic district from any interested person. The commission may request expert testimony, consider staff reports or present its own evidence regarding the compliance of the nominated landmark, landmark site, individually designated historic property or historic district with the criteria set forth in subsection C of this section. The owner of any nominated landmark, landmark site, individually designated historic property or of any property within a nominated historic district shall be allowed a reasonable opportunity to present evidence regarding the nomination.
- F. Determination By Commission, Recommendation And Report: Within thirty (30) days following the commission’s meeting, the commission will determine whether the nominated landmark, landmark site, individually designated historic property or historic district meets the criteria for designation. Such determination is

made in an open meeting by resolution of the commission, in the form of a written recommendation and a written report in support of the nomination. The commission's recommendation on the nomination of a landmark, landmark site, individually designated historic property or historic district, and its supporting report, will be transmitted to the city council, with a proposed ordinance or amendment establishing such landmark, landmark site, individually designated historic property or historic district and describing its location and boundaries by address and legal description.

G. Action By City Council:

1. The city council must submit the proposed ordinance or amendment to the state historic preservation office for review and recommendations at least thirty (30) days prior to the date of any public hearing conducted by the city council. The City will make any recommendations made by the state historic preservation office available to the public for viewing during normal working hours at a city government place of public access.
2. Upon receipt of the recommendation and report of the commission, and after having received a recommendation from the state historic preservation office or if the thirty (30) day waiting period has lapsed since submission of the request for such recommendation, the city council will conduct a public hearing on the ordinance or amendment establishing the proposed landmark, landmark site, individually designated historic property or historic preservation district. After public hearing, the city council will approve or disapprove the ordinance or amendment, or refer the nomination back to the commission for modification. A modified nomination requires compliance with the same procedure for designation as set forth above.
3. City council approval of the ordinance or amendment constitutes designation of the landmark, landmark site, individually designated historic property or historic district.

H. Amendment And Rescission Of Designation: A designation may be amended or rescinded upon petition to the commission and compliance with the same procedure and criteria as set forth above for designation.

10-7 Designated Landmarks, Landmark Sites, Individually Designated Historic Properties and Historic Districts

A. Historic Districts

1. Langworthy Historic Preservation District

The properties hereinafter described are hereby designated as an historic preservation district, according to the provisions of this chapter: All of Lots 1 through 3, inclusive; all of Lot 4 excepting the northerly ten (10) feet thereof, all of the south half of Lot 6; all of Lots 12 through 16, inclusive; and all of Lots 12A through 16A, inclusive; all being in Paulina Langworthy's Addition. The west fifteen (15) feet of lot 4; all of Lot 5, and Lot 6; all being in McCoy Subdivision. All of Lots 1 through 6, inclusively, of Lot 2 and Lot 3; all of Lot 4; and all of Lots 5 through 8, inclusive, excepting the northerly twelve (12) feet of all of them; all being in Mrs. L. A. Langworthy's Addition. All of Lots 1 through 12, inclusive; all of Lots 17 through 21, inclusive; and all of Lots 9 through 53, inclusive; all being in Julia Langworthy's Addition. Lots 1 through 4, inclusive; Lot 1 of Lot 6; Lots 28 through 32, inclusive; Lot 1 of Lot 1 of Lot 1 of Lot 33; and Lot 1 of Lot 2 of Lot 2 of Lot 33; all being in T. S. Nairn's Dubuque Addition.

2. Old Main Historic Preservation District

The properties hereinafter described are hereby designated as an historic preservation district, according to the provisions of this chapter: All of City Lots 1 through 12, inclusive; all of City Lots 69 through 80, inclusive; and the south sixty-four (64) feet of Lot 1 Block XV of Dubuque Downtown Plaza.

3. Jackson Park Historic Preservation District

The properties hereinafter described are hereby designated as an historic preservation district, according to the provisions of this chapter: Beginning at the intersection of West 17th and Heeb Streets, north along Heeb Street to the south line of M. A. Rebman's Sub.; west along said line and the south line of Duncan's Sub. to the west line of Lot 4-C.L. six hundred seventy-four (674) feet; south along said line to the south line of Lot 2-5-C.L. 674; west along said line and along the south line of Lot 1-5-C.L. 674 to Main Street; west across Main Street and Madison Avenue to the north line of Lot 5-2-C.L. 673; continuing west along said line to the west line of said lot; south along said line to Dorgan Place; west along Dorgan Place to the east line of Lot 1-1A-Dorgan's Sub.; southwest along said line and along the east line of Lot 1-1-Dorgan's Sub. and its extension of West 17th

Street; first south then in a counterclockwise manner along the westerly line of D.N. Cooley's Sub. and its southerly extension to the north line of Lot 1-1-C.L. 667; east along said line to the east line of said lot; south along said line and the east line of Lot 2-3-C.L. 667 to the south along said line of Lot 2-1-C.L. 667; east along said line to Bluff Street; south along Bluff Street to the south line of A.L. Brown's Sub.; west along said line to the east line of Lot 769B of A. McDaniel's Sub.; south along said line and the east right-of-way line of Grove Terrace and the east line of Corkery's Sub. to the north line of Lorimer's Sub.; east along said line to the east line of Lot 1-1-1 and 11 of Lorimer's Sub.; south along said line and its extension to West 9th Street; east along West 9th Street to Locust Street; north along Locust Street to West 10th Street; east along West 10th Street to the alley between Locust and Main Streets; north along said alley to West 13th Street; east along West 13th Street to Main Street; south along Main Street to the south line of the north 1/5-C.L. 465; east along said line and its extension to the east line of the west 33 feet, north 1/5-C.L. 460; north along said line to West 13th Street; east along West 13th Street to Iowa Street; north along Iowa Street to West 14th Street; east along West 14th Street to the alley between Iowa Street and Central Avenue; north along said alley to West 17th Street; east along West 17th Street to Heeb Street, the point of beginning.

4. Cathedral Historic Preservation District

The properties hereinafter described are hereby designated as an historic preservation district, according to provisions of this chapter: Beginning at the intersection of Locust Street and West Seventh Street; southwest along West Seventh Street to Bluff Street; northwest along Bluff Street to the northwest line of Lot 5-C.L. 653A; southwest along said line to the southwest line of said lot; southeast along said line to the northwest line of the north fifty (50) feet of Lot 1-1-C.L. 653; southwest along said line to the northeast line of Coriell's Dubuque Sub.; first southeast then in a clockwise manner along said line to West Fifth Street; southeast along West Fifth Street; to the northwest line of the west one hundred seven and five-tenths (107.5) feet-west one hundred seventy (170) feet-C.L. 624; southwest along said line to the northeast line of Cooper Heights Sub; southeast along said line and along the northeast line of Lot 1-1-1-C.L. 692 to the north right-of-way line of West Fourth Street; southwest along said right-of-way line and along the northwest line of Lot 2-1-1-1-C.L. 692 to Raymond Place; southeast along Raymond Place to the northwest line of Fenelon Point Sub.; first northeast then in a clockwise manner along said line to the southwest line of Lot 1-E. seventy-eight and five-tenths (78.5) feet south one hundred (100) feet-C.L. 692; southeast along said line to West Third Street to the southwest line of Saint Raphael's Add.; southwest along said line to the northwest line of Lot 1-2-C.L. 694; first northeast then in a clockwise manner along said line to the northwesterly most line of Pixler Place; northeast along said line to the west right-of-way line of Bluff Street; southeast across Bluff Street to the northeast line of C.L. 589A; continuing southeast along the northeast line of C.L. 589A and the northeast line of C.L. 589 and the northeast line of the north twenty-one (21) feet-north 1/2 C.L. 572 to Locust Street; northeast along Locust Street to the southwest line of the south fifty (50) feet-C.L. 568; northwest along said line to Bissell Lane; north along Bissell Lane to West Fourth Street; northeast along West Fourth Street to Locust Street; northwest along Locust Street to West Seventh Street, the place of beginning as described herein.

5. West Eleventh Street Historic Preservation District

The properties hereinafter described are hereby designated as an historic preservation district, according to provisions of this chapter: Beginning at the intersection of Loras Boulevard and Bluff Street; south along Bluff Street to the south line of A.L. Brown's Sub.; west along said south line to the east line of Lot 769B of A. McDaniel's Sub.; south along said east line and along the east right-of-way line of Grove Terrace and along the east line of Corkery's Sub. to the north line of Lorimer's Sub.; east along said north line to the east line of Lot 1-1-1-Lorimer's Sub; south along said east line and its southerly extension to West 9th Street; west along West 9th Street to the west line of Central Addition; north along said west line to the south line of the east twenty-seven (27) feet-Lot 3-C.L. 703; west along said south line to the west line of said lot; north along said west line to the north line of the west one hundred thirty-nine (139) feet-Lot 3-C.L. 703; west along said north line to the east line of Lot 2-46A-Farley's Sub.; north along said east line to Wilbur Street; west along Wilbur Street to the west line of Lot 2-46A-Farley's Sub.; south along said west line to the south line of Lot 1-46-Farley's Sub.; west along said south line and along the south line of Lot 1-45-Farley's Sub. to the west line of said Lot 1-45; north along said west line to Wilbur Street; west along Wilbur Street to Spruce Street; south along Spruce Street to the south line of Lot 2-43-Farley's Sub.; west along said south line to the east line of the south eighty (80) feet-Lot 37-Farley's Sub.; north along said east line to the north line of said lot; west along said north line to the east line of Lot 38-Farley's Sub.; north along said east line to Jefferson Street; west along Jefferson Street and along the south line of Lot 2-1-1-3-C.L. 738 to the west line of Lot 2-1-1-3-C.L. 738; north along said west line and along the west line of Lot 1-1-1-3-C.L. 738 and along the west line of Lot 2-1-3-C.L. 738 and along the west line of

Lot 1-2-1-C.L. 738; to West Eleventh Street; east along West Eleventh Street to the west line of Lot 12 of Cummin's Sub.; north along the west lines of Lots 11, 10, 9 and 8 of Cummin's Sub.; north across Race Street; north along the west line of Lot 6 of Cummin's Sub. to Chestnut Street; west along Chestnut Street to the west property line of Lot 8 of Bissell's Dubuque; north along the west property lines of Lots 9, 10, 11, 12, 13, 14 and 15 of Bissell's Dubuque and the E. 150' of Lot 5 of C.L. 740; east along the north line of the E. 150' of Lot 5 of C.L. 740 to Walnut Street; north along Walnut Street to Loras Boulevard; east along Loras Boulevard to Henion Street; north along Henion Street to Pickett Street; east along Pickett Street to the east line of Lot 2-7-C.L. 667; south along said east line to the south line of Lot 1-4-C.L. 667; first east line then in a counter-clockwise manner along the southerly lines of Lot 1-4-C.L. 667 and Lot 1-3-C.L. 667 to the west line of Lot 2-1-C.L. 667; south along said west line of the south line of Lot 2-1-C.L. 667; east along said south line to Bluff Street; south along Bluff Street to Loras Boulevard, the place of beginning.

B. Landmarks and Landmark Sites

1. William M. Black Landmark

The structure hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: Sidewheeler Dredge William M. Black moored at Inner Levee of the Mississippi River, commonly known as the Ice Harbor.

2. Dubuque City Hall Landmark

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The building situated on the N 2/5 of City Lot 448 and the N 2/5 of City Lot 457, commonly known as 50 West 13th Street.

3. Dubuque County Courthouse Landmark

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The building situated on part of City Lot 286 and City Lots 287 to 288, commonly known as 720 Central Avenue.

4. Dubuque County Jail Landmark

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The building situated on City Lots 284 to 285 and part of City Lot 286, commonly known as 36 West 8th Street.

5. Julien Dubuque Monument Landmark

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The structure situated on Pt. Lot 1, Government Lots 1 and 2, located at terminus of Monument Drive.

6. Mathias Ham House Landmark

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The building situated on Lot 1 of Lot 531 Ham's Addition, commonly known as 2241 Lincoln Avenue.

7. Shot Tower

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The Shot Tower structure situated on River Front Sub 1, located at terminus of Commercial Street.

8. Four Mounds Estate Landmark Site

The property hereinafter described is hereby designated as a landmark site, according to the provisions of this chapter: The buildings, structures, objects, sites, and property situated on Lot 1-1-2-1 & Lot 1-1-2-1-1 of SW-NW & Gov 1 & min Lot 331 & Lot 1-7-SW & Lot 2-NW-NW all in Sec 1 of T89N-R2E & Lot 1 & Lot 2-1-1-1 of Sub of 1-7 SW and SW of NW Sec 1 T89N-R2E & Gov Lot 1 a/k/a min Lot 331 & Lot 1-1-4, 2-2-4, 2-1-2-4, Lot 2 & 3 of SW Sec 1 of T89N-R2E & Lot 1 Fountain Hill re-sub & Lot 16 John Deere Dub Tractor Works & Lot 2-1-1-2-2 of SE 1/4 NE 1/4 Sec 2 of T89N-R2E 5th, commonly known as 4900 Peru Road.

9. Carnegie Stout Public Library

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter:

The buildings situated on City Lot 658A, City Lot 659, City Lot 660, balance of City Lot 658, commonly known as 360 West 11th Street.

10. White Water Creek Bridge

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The span of bridge situated on Lot H Dubuque Industrial Center West Final Plat, commonly known as the Bergfeld Recreation Area, 7600 Chavenelle Drive.

11. Eagle Point Park

The property hereinafter described is hereby designated as a landmark site, according to the provisions of this chapter.

The buildings, structures, objects, sites, and property situated on Lot 2-1-2, Lot 1-1-1-1-2-3, Lot 2-1-1-2-3, Lot 2-1-2-3, Lot 1, Lot 2-2-2-3 All of Mineral Lot 310; Lot 1 of Mineral Lot 308; Lot 1 & 2 of Subdivision of 3 of Mineral Lot 305a; Lot 4, Lot 1-1-1-1-1-1 of Mineral Lot 305a; Lot 1-1-1-1 of 305a Except That Part That Lies Easterly of the Railroad Tracks And Westerly of the Lock and Dam & Riverlot 2-4 of Eaglepoint #2; Lot 2-221, Lot 1-222 & Lots 223 & 224 Julien Addition; Lots 529 Thru 534 Hams Addition; Lots 2-6, Lot 2-1-6 and Parts of Lots 107 to 124 All In Fountain Hill Resubdivision; Lot 1, Lot 1a, Lot 2-3-2, Lot 2-1-4, Lot 2-6, Lot 7, Lot 2-2-3, Lot 2-4, Lot 2-1-3, Lot 3-1-4, And Lot 2-1-2-3 All of Mineral Lot 312; Lot 2-1 Block 3 Orchard Hills; Lot 2-2 of Mineral Lot 305a; All in Section 7 - Township 89 North - Range 3 East, commonly known as 2601 Shiras Avenue.

C. Individually Designated Historic Properties

The properties hereinafter described are hereby designated as individually designated historic properties, according to provisions of this chapter:

1. The buildings, structures, objects, sites, and property situated on E 1/2 Lot 36, E 15' W 1/2 Lot 36, Lot 37 Prospect Hill Addition, commonly known as 565 Fenelon Place.
2. The buildings, structures, objects, sites and property situated on Lots 22 & 23 and the N 46 feet of Lot 25 LH Langworthy's Sub, also known as 216 Clarke Drive.
3. The buildings, structures, objects, sites and property situated on Lots 16 and 17 of the West 1/2 of Block 1 of Dubuque Harbor Company Addition to the City of Dubuque, Iowa, also known as 40 & 42 Main Street.
4. The buildings, structures, objects, sites and property situated on Lot 20 Staffords Add., also known as 2537 Windsor Avenue.
5. The buildings, structures, objects, sites and property situated on Lots 13, 14 & 15 of W 1/2 Blk 1 Dubuque Harbor Co. Add., also known as 44 Main Street. (Ord. 3-10, 1-19-2010)

10-8: DEMOLITION OF LANDMARKS, LANDMARK SITES AND STRUCTURES IN HISTORIC DISTRICTS AND CONSERVATION DISTRICTS:

- A. Demolition Generally: Demolition of landmarks, landmark sites, individually designated historic properties or structures within historic districts, and structures in conservation districts is prohibited unless, upon application and after hearing, the commission issues a certificate of appropriateness or a certificate of economic nonviability pursuant to this section.
- B. Demolition By Neglect Prohibited: The owner of a building or structure in any historic or conservation district, or of a landmark or landmark site, or individually designated historic property must keep in good repair all the exterior portions of such buildings or structures and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior portion and comply with all other provisions of law requiring property and improvements to be kept in good repair. The owner must repair the building or structure to correct any of the following defects as determined by the city 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 water-tight;
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.

C. Emergency/Hazard Removal: In the event that a building or structure becomes damaged by fire, or other calamity or disaster, to such an extent that the Building Official determines it cannot reasonably be repaired and restored, or it poses an immediate risk to public safety and well-being, after consultation with a licensed architect or engineer in determining whether a building or structure can be reasonably repaired, stabilized or restored, any portion thereof may be removed in conformance with applicable laws.

D. Review Of Demolition Permits: Upon receiving an application for a demolition permit for any building subject to this section, the building official must immediately notify the planning services department of such application. If the application is for any building with one or more dwelling units, the building official must also immediately notify the housing and community development department. The applicant must file the information required in this section with the historic preservation commission at the office of the planning services department by the application deadline established by the commission. If the application is for any building with one or more dwelling units, the planning services department must provide the filed information to the housing and community development department.

1. At its next regular meeting, the commission will approve or deny the application, or table the application for additional information for a specified period not to exceed ninety (90) days from the date of application with the commission. Failure of the commission to take action on the application within the ninety (90) day period, unless the applicant requests and the commission grants an extension of such time, constitutes commission approval thereof.

2. The commission will review all information submitted by the applicant and, if the application is for any building with one or more dwelling units, all information submitted by the housing and community development department, and make a determination as to the following:

- a. Whether the building proposed for demolition has historic or architectural significance to the community; and

- b. Whether denial of the proposed demolition permit would prevent the property owner from earning a reasonable economic return on the property.
3. If the commission finds that denial of the application would prevent the property owner from earning a reasonable economic return on the property, or that the building does not have any historical or architectural significance to the community, the commission will approve the application.'
4. If the commission finds that denial of the application would not prevent the property owner from earning a reasonable economic return on the property, and that the building has historical or architectural significance to the community, the commission will deny the permit application.
5. If the applicant is the state of Iowa or a political subdivision of the state, the city council will also make a determination as to whether the denial of the application would prevent the state or the political subdivision from accomplishing its governmental functions as follows:
 - a. If, after weighing the interests and attempting to accommodate all conflicting governmental interests, the city council finds that denial of the application would prevent the state or the political subdivision from accomplishing its governmental functions, the city council will approve the application.
 - b. If, after weighing the interests and attempting to accommodate all conflicting governmental interests, the city council finds that denial of the application would not prevent the state or the political subdivision from accomplishing its governmental functions, the city council may deny the application.
6. If the city council denies the application, it will state its findings in writing and shall transmit a copy of such findings to the applicant.

E. Standards for Demolition Review:

1. The report, "Heritage Of Dubuque" dated March 1974 and filed on record on January 27, 1975, is a comprehensive study for the historical preservation and conservation of the city and one of the guides to be considered at such time as a demolition permit is applied for under this section. 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 are also guidelines at such time.
2. In determining whether a building has historic or architectural significance, the commission considers 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 also considers 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.
 - a. If, after weighing the interests and attempting to accommodate all conflicting governmental interests, the city council finds that denial of the application would prevent the state or the political subdivision from accomplishing its governmental functions, the city council will approve the application.
 - b. If, after weighing the interests and attempting to accommodate all conflicting governmental interests, the city council finds that denial of the application would not prevent the state or the political subdivision from accomplishing its governmental functions, the city council may deny the application.

F. 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 the structure(s) that the applicant proposes to demolish.
- c. The appraised value of the property by a licensed appraiser for the following conditions:
 - (1) In the property's current condition;
 - (2) After completion of the proposed demolition;
 - (3) After rehabilitation of the existing property for continued use by providing sales for the previous six (6) months for at least three (3) comparable properties. If there are not sales for the previous six (6) months at comparable properties, sales for the previous year at comparable properties may be used; and
 - (4) If the property is an income-producing property, such valuation must include the rent scheduled and anticipated income after such rehabilitation, and the same for at least three (3) comparable properties to substantiate the information provided for the property in question.
- d. An estimate from an architect, developer, contractor, or appraiser experienced in rehabilitation as to the cost to rehabilitate the building to the point of which a reasonable use or a reasonable profit can be realized from the property, including but not limited to, bringing a building up to code so it can be occupied, not necessarily its "highest and best use", preferred use, or a restoration project.
- 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, if any between the owner of record, the applicant and the person from whom the property was purchased or is being purchased, and the terms of the purchase or proposed purchase, including financing.
- f. If the property is income producing, copies of the 1040 schedule E or other appropriate forms and/or schedules filed with the IRS for the previous two (2) years. Such forms must include operation and maintenance expenses, depreciation deduction and annual cash flow before and after debt service, if any. Such forms must be signed by the current property owner to certify their authenticity. If such forms/statements are not available, income statements from a certified public accountant or licensed public accountant on letterhead and signed may be substituted
- g. 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. Debt service is the amount of principle and interest payments paid annually on the property.
- h. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing and ownership of the property.
- i. Any listing of the property for sale or rent, the price asked and offers received for sale or rent, 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. The form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture or other.
- m. Any other information considered necessary by the commission to determine whether the property yields or may yield a reasonable economic return to the property owner(s). A reasonable economic return is defined as the cost to rehabilitate the building to the point at which a reasonable use or a reasonable profit can be realized from the property. This may mean bringing a building up to code to the point at which it can be occupied, not necessarily to its "highest and best use", preferred use or a restoration project.

- n. Proof of the applicant's efforts to obtain financing, tax incentives, preservation grants and other incentives to allow the applicant to earn a reasonable economic return from the property.
- o. Documents detailing the applicant's efforts in ongoing maintenance and repair. This may include, but is not limited to, tax statements and/or copies of invoices.
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 will consider such information.

G. 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 the following information for the proposed site and suitable alternative location(s), including but not limited to:
 - 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.

H. 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 will issue the permit forthwith.

10-9 Alteration of Landmarks, Historic Properties and Sites:

- A. No regulated permit or site plan approval for the alteration of landmarks, individually designated historic properties, landmark sites or structures in historic districts may be issued prior to review and action by the Commission unless a determination of no material effect has been made in accordance with this Chapter.
- B. Nothing in this chapter may be construed to prevent ordinary maintenance or repair of any landmark, landmark site or structure or site within a historic district where such maintenance or repair does not involve a material change of appearance which necessitates issuance of a regulated permit or site plan approval. A document issued by the city planner indicating approval for any normal "repair" or act of maintenance as defined by this chapter, which:
 1. Is not an alteration, construction, removal, demolition or excavation as defined by this chapter;
 2. Does not create a material change in the exterior architectural appearance or exterior features of a structure or site; and
 3. Nonetheless does require a regulated permit
- C. An application for a regulated permit or site plan approval must be made to the appropriate city official. The application must state or the appropriate city official will determine whether the proposed work or activity is

to be done on a landmark, landmark site, individually designated historic property or on a structure within a historic district.

- D. If the application demonstrates no material effect as recognized by this chapter, then the city planner may issue a determination of no material effect, which authorizes the proposed work or activity to proceed. If a permit application does not demonstrate compliance with the standards for a determination of no material effect, then an application must be made for commission review of the proposed work or activity. The application for commission review will be filed in the planning services department.
- E. Unless otherwise mutually agreed upon by the applicant and the commission, the commission will, within sixty (60) days after submittal of a complete application, review the proposed work or activity to determine whether it complies with the standards specified in this chapter. In the event the commission does not approve or deny an application within sixty (60) days after submittal of a complete application, such application is deemed approved by the commission, unless the applicant has consented to an extension of the sixty (60) day period. The commission will issue a certificate of appropriateness if, after conducting a review of the application, it finds:
 - 1. That the property owner or the property owner's representative has established that the proposed work or activity complies with the standards specified in this Chapter and conforms to the purpose and intent of this chapter; and
 - 2. That creating, changing, destroying or affecting the exterior architectural features of the structure, improvement or site upon which the work is to be done will not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of either the property itself or of the neighboring improvements in a district.
 - 3. In reviewing the proposed work or activity, the Commission may confer with the applicant or the applicant's authorized representative. The Commission may require submission of such additional drawings, sketches, photographs or other exhibits, as it deems reasonably necessary for consideration of the application.
- F. The issuance of a certificate of appropriateness enables the applicant to obtain a regulated permit or site plan approval and to proceed with the proposed work or activity.
- G. If the commission denies the proposed work or activity, it must state its reasons and transmit to the applicant a written record of its denial. The commission may propose revisions to the applicant's proposal, which, if adopted by the applicant, may cause the commission to reconsider its denial. The applicant may modify the proposed project and resubmit a modified proposal at any time.
- H. The commission will also issue a certificate of appropriateness, if, after conducting a review of preservation alternatives, it finds:
 - 1. That the property owner or the property owner's representative has established that the preservation alternatives for the proposed work or activity conform to the purpose and intent of this Chapter; and
 - 2. That creating, changing, destroying or affecting the exterior architectural features of the structure, improvement or site upon which the work or activity is to be done will not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of either the property itself or of the neighboring improvements in a district.
- I. Prior to filing an application for a certificate of economic nonviability, as provided for in subsection J of this section, the applicant must file an application for a review of preservation alternatives. This application documents the applicant's attempts to evaluate and obtain "preservation alternatives", including, but not limited to, financing, tax incentives, preservation grants, restoration alternatives and other incentives sufficient to allow the applicant to earn a reasonable economic return from the property.
 - 1. After a review of the preservation alternatives, the commission approves or denies the proposed project.
 - 2. If the proposed project is approved, the commission issues a certificate of appropriateness.
 - 3. If the commission denies the proposed project, it must state its reasons and transmit to the applicant a written record of its denial. The commission may propose appropriate revisions of the applicant's proposal that, if adopted by the applicant, may cause the commission to reconsider its denial. The applicant may modify the proposed project and resubmit a modified proposal at any time.

J. If the commission denies such proposed project after a review of preservation alternatives, it may, upon application or on its own motion, issue a certificate of economic nonviability.

1. Certificate Of Economic Nonviability: Upon application or motion for a certificate of economic nonviability, the commission will schedule a public meeting on that application or motion.
2. Data To Be Provided By Applicant: Before rendering its decision, the commission may solicit expert opinion or require that the applicant for a certificate of economic nonviability submit the following information, including but not limited to:
 - a. Estimate of the cost of the proposed work or activity and an estimate of any additional cost that would be incurred to comply with the recommendations of the Historic Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness;
 - b. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures and their suitability for rehabilitation;
 - c. Estimated market value of the property in its current condition; after completion of the proposed construction or alteration; and after any changes recommended by the commission.
 - d. The amount paid for the property, the date of purchase and the person from whom purchased, including a description of the relationship, if any, between the owner of record or the applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
 - e. If the property is income producing, the annual gross income from the property for the previous two (2) years.
 - f. Itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 - g. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years.
 - h. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 - i. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.
 - j. The assessed value of the property according to the two (2) most recent assessments.
 - k. The amount of real estate taxes for the previous two (2) years and whether or not they have been paid.
 - l. The form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture or other.
 - m. Any other information considered necessary by the commission to make a determination as to whether the property yields or may yield any reasonable economic return to the property owner(s), including, but not limited to, the income tax bracket of the owner(s) or applicant(s) or of the principal investor(s) in the property.
 - n. Proof of the applicant's efforts to obtain financing, tax incentives, preservation grants and other incentives sufficient to allow the applicant to earn a reasonable and an economic return from the property.
 - o. A showing of the applicant's efforts in ongoing maintenance and repair.
3. Issuance Or Postponement Of Certificate: If the commission, after review of the evidence submitted, finds that denial of the proposed work would prevent the property owner from earning any reasonable economic return from the property, the commission will:
 - a. Immediately issue a certificate of economic nonviability; or
 - b. At its discretion, postpone, for a period not to exceed one hundred eighty (180) days, the issuance of a certificate of economic nonviability. During this time, the commission will investigate strategies

for the property owner to earn a reasonable economic return from the property. No regulated permit will be issued during this time unless a certificate of appropriateness has been secured. If, at the end of the one hundred eighty (180) day period, the commission, after a public meeting, finds that the property owner still cannot earn any reasonable economic return from the property, it will issue a certificate of economic nonviability.

4. Denial Of Certificate: If the commission finds, after initial review or after the one hundred eighty (180) day period of postponement, that the property owner has earned or is able to earn a reasonable economic return from the property, then the commission will deny the application for a certificate of economic nonviability.
- K. The failure of the commission to approve or deny an application for a certificate of appropriateness within sixty (60) days from the date of the filing of the application for a certificate of appropriateness, unless an extension is agreed upon mutually by the applicant and the commission, constitutes approval, unless within such sixty (60) days the commission has made a determination of economic nonviability and has suspended its decision regarding a certificate of economic nonviability pursuant to subsection J3b of this section.
- L. The certificate of appropriateness expires and becomes null and void unless the regulated permits are secured within sixty (60) days from the date of its issuance.
- M.. All required permits must be secured and work must commence within sixty (60) days from the date of the issuance of the certificate of appropriateness and be completed within such time as the building official determines is reasonable under the circumstances, but not longer than two (2) years after its issuance. The building official may grant, in writing, one (1) or more extensions of time, for periods not to exceed one hundred eighty (180) days each. The extensions must be requested in writing and justifiable cause for the extension must be demonstrated.
- N. The transfer of a determination of no material effect, a certificate of appropriateness or a certificate of economic nonviability from one structure, improvements or site to another structure, improvement or site or from one person to another is prohibited.
- O. Each determination of no material effect, certificate of appropriateness or certificate of economic nonviability issued under the provisions of this chapter expires and becomes null and void if the work or activity for which the determination of no material effect, certificate of appropriateness or certificate of economic nonviability was issued is not commenced within one (1) year of its issuance.

10-10 Standards for Design Review

- A. The commission considers each design review on the merits of the individual case, with due deliberation given to each proposed change(s) and its sympathetic relationship to the specific historic setting, architectural or historic significance, extent of previous alteration, use of original materials and quality of design of the existing structure or site. Commission approval of a particular type of alteration or activity does not establish a binding precedent for future commission action, but may constitute an additional factor to be considered in subsequent design reviews involving the same type of alteration or activity.
- B. The "secretary of interior's standards and guidelines for archaeology and historic preservation", the "secretary of interior's standards and guidelines for the treatment of historic properties", codified as 36 CFR 68, as amended, and the "secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings", provide the guidelines by which the commission reviews an application for a certificate of appropriateness or certificate of economic nonviability, and any subsequent revisions of these standards and guidelines by the secretary of the interior will be adopted by the commission.
- C. The commission is also guided by the "Architectural Guidelines For Historic Structures In The Historic Districts Of The City Of Dubuque, Iowa"; the "Streetscape And Landscape Guidelines For The Historic Districts Of The City Of Dubuque, Iowa"; and any design standards specified in the ordinance or amendment designating the landmark, landmark site or historic district.
- D. The commission considers the factors of architectural style, scale, mass, arrangement, texture, materials, and any other pertinent factors. The proposed work must be appropriate for and must restore, preserve, or enhance features of buildings or structures. The proposed work may not adversely affect the exterior architectural features of the building or structure, nor may the proposed work adversely affect the character or spe-

cial historical, architectural or aesthetic value of the property and its setting. The proposed work also must conform to such further standards as may be embodied in the ordinance.

10-11 Conservation Districts

A. Application of Section: The provisions of this section shall apply to all buildings located in whole or in part within the following described conservation districts:

1. Fourth Street Neighborhood Conservation District

Beginning at the intersection of Seventh and Bluff Streets, thence southerly along Bluff Street to its intersection with West Fifth Street; thence westerly along West Fifth 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 Third Street; thence easterly along West Third 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 First Street; thence easterly along First 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 Fifth Street; thence easterly along West Fifth Street to its intersection with Locust Street; thence northerly along Locust Street to its intersection with Seventh Street; thence westerly along Seventh 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 Fifth and Burch Streets, thence southerly along Burch Street to its intersection with West Third Street; thence easterly along West Third 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 Fifth Street; thence westerly along West Fifth Street to its intersection with Burch Street which is the point of beginning.

3. Third Street Neighborhood Conservation District

Beginning at the intersection of West Third 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 Third Street; thence northwesterly along West Third Street to its intersection with Nevada Street; thence northeasterly along Nevada Street to its intersection with West Fifth Street; thence southeasterly along West Fifth 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 Third Street; thence south easterly along West Third Street to its intersection with Hill Street which is the point of beginning.

4. Washington Street Neighborhood Conservation District

Beginning at the intersection of Sixteenth and Washington Streets thence westerly along Sixteenth Street to its intersection with Jackson Street; thence northerly along Jackson Street to its intersection with Eighteenth Street; thence westerly along Eighteenth Street to its intersection with Central Avenue; thence southerly along Central Avenue to its intersection with Fourteenth Street; thence easterly along Fourteenth Street to its intersection with Washington Street; thence northerly along Washington Street to its intersection with Sixteenth Street which is the point of beginning.

5. Jackson Park Neighborhood Conservation District

Beginning at the intersection of Fourteenth Street and Central Avenue thence westerly along Fourteenth Street to its intersection with Iowa Street; thence southerly along Iowa Street to its intersection with Tenth Street; thence westerly along Tenth 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 Cen

tral Avenue; thence southerly along Central Avenue to its intersection with Fourteenth Street which is the point of beginning.

6. West Eleventh Street Neighborhood Conservation District

Beginning at the intersection of Ninth and Bluff Streets thence westerly along Ninth 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 Eleventh Street; thence westerly along West Eleventh 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 Sixteenth Street; thence easterly along West Sixteenth 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 Ninth Street which is the point of beginning.

7. Broadway Street Neighborhood Conservation District

Beginning at the intersection of West Twenty-third Street and Central Avenue thence westerly along West Twenty-third 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 Twenty-third Street which is the point of beginning.

8. Downtown Neighborhood Conservation District

Beginning at the intersection of White Street and Eleventh Street, thence southerly along White Street to its intersection with Fifth Street; thence easterly along Fifth Street to its intersection 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 First Street; thence westerly along First 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 First Street; thence westerly along First Street to its intersection with Bluff Street; thence northerly along Bluff Street to its intersection with Fifth Street; thence easterly on Fifth Street to its intersection with Locust Street; thence northerly on Locust Street to its intersection with Seventh Street; thence westerly on Seventh Street to its intersection with Bluff Street; thence southerly on Bluff Street to its intersection with Fifth Street; thence westerly along Fifth Street to the bluff line; thence northerly along the bluff line to Ninth Street; thence easterly along Ninth Street to its intersection with Bluff Street; thence northerly along Bluff Street to its intersection with Tenth Street; thence easterly along Tenth Street to its intersection with Iowa Street; thence northerly along Iowa Street to its intersection with Fourteenth Street; thence easterly along Fourteenth Street to its intersection with White Street, thence southerly along White Street to its intersection with Thirteenth Street, thence westerly along Thirteenth Street to its intersection with Central Avenue, thence southerly along Central Avenue to its intersection with Eleventh Street, thence easterly along Eleventh 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.

B. Process For Establishment, Expansion Or Alteration Of Conservation District: Any person may request that the city council for 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

- 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 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.

10-12 Conservation Planning Areas

At the request of the City Council, the Commission shall conduct studies and encourage special attention to the public planning, design, construction, and maintenance needs with respect to land use, transportation, public utilities, public facilities, housing, open space, historic preservation, urban design, and other elements of the Comprehensive Plan in the following conservation planning areas:

- A. Phase I Historic and Architectural Survey Area: an area located in the Washington/Jackson/Elm Street area north of the central business district in the Couler Valley, which consists primarily of the Central Avenue, White Street, Jackson Street, Washington Street, Elm Street, Pinard Street, and Kniest Street corridors between 8th and 26th Streets.
- B. Phase II Historic and Architectural Survey Area: an area northeast of the original plat of the City of Dubuque with two distinct sub-areas: the Rhomberg/Eagle Point neighborhood which consists primarily of three streets (Garfield, Rhomberg and Lincoln) running Northeast and Southwest from Kniest Street to Eagle Point area; and, the Linwood district, which consists of streets located on the hillside between 22nd Street and Linwood Cemetery, from Queen Street to Jefferson Middle School.
- C. Warehouse District: the area encompassed by 12th Street on the north, White Street on the west, and U.S. 61/151 on the east.

10-13 Appeals from Commission Action

- A. An aggrieved party may appeal the Commission's action to the City Council by filing a notice of appeal with the Planning Services Department within 30 days from the date of notice of the Commission's action.
- B. Upon filing of a notice of appeal, the Planning Services Department shall immediately transmit such notice and the record of the action before the Commission to the City Clerk.
- C. On appeal, the City Council shall consider only the record of the action before the Commission. No new matter may be considered.
- D. The City Council shall consider whether the Commission has exercised its powers and followed the guidelines established by law and this Chapter, and whether the Commission's action was patently arbitrary or capricious.
- E. The City Council may affirm or reverse the Commission's action, or may refer the matter back to the Commission for such further action as may be appropriate. The City Clerk shall give written notice of the City

Council's decision on appeal within seven days of the City Council's decision to the appellant and the Historic Preservation Commission.

F. An appellant who is not satisfied by the decision of the City Council may appeal within 60 days of the City Council's decision to the district court for Dubuque County, pursuant to Iowa Code section 303.34.

10-14 Inspection

- A. After a Certificate of Appropriateness or Certificate of Economic Non-Viability has been issued and a regulated permit granted to the applicant, the Building Official, City Engineer or other local authority may from time to time inspect the work authorized and shall take such action as is necessary to enforce compliance with the approved plans.
- B. Historic Preservation Commissioners may from time to time inspect, from the public way, the work authorized and shall advise the Building Official or other enforcement authority as necessary to enforce compliance with the approved plans.

10-15 Violations; Penalties

It shall be unlawful for any person to disobey, omit, neglect or refuse to comply with any provision of this Chapter, and such person shall be subject to the provisions of **Sections 1-8** and **1-15 through 1-17** of the City Code.