

CHAPTER 1091  
HISTORICAL PRESERVATION DISTRICTS  
S. F. 435

AN ACT relating to the establishment of historical preservation districts in cities.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Chapter three hundred three (303), Code 1979, is amended by adding the following new section following section three hundred three point thirty-three (303.33):

NEW SECTION. The provisions of section three hundred three point twenty (303.20) to three hundred three point thirty-three (303.33) of the Code do not apply within the limits of a city. However, in order for a city to designate an area which is deemed to merit preservation as an area of historical significance, the following shall apply:

1. An area of historical significance shall be proposed by the governing body of the city on its own motion or upon the receipt by the governing body of a petition signed by residents of the city. The city shall submit a description of the proposed area of historical significance or the petition describing the proposed area, if the proposed area is a result of the receipt of a petition, to the division of historical preservation of the Iowa state historical department which shall determine if the proposed area meets the criteria provided in subsection two (2) of this section and may make recommendations concerning the proposed area. Any recommendations made by the division of historical preservation shall be made available by the city to the public for viewing during normal working hours at a city government place of public access.

2. A city shall not designate an area as an area of historical significance unless it contains contiguous pieces of property under diverse ownership which meets the criteria specified in section three hundred three point twenty (303.20), subsection one (1), paragraphs a through f, of the Code.

3. A city may provide by ordinance for the establishment of a commission to deal with matters involving areas of historical significance but shall provide by ordinance for such commission upon the enactment of the ordinance designating an area as an area of historical significance as required in subsection four (4) of this section. Upon the establishment of the commission the city shall provide by ordinance for the method of appointment, the number, and terms, of members of the commission and for the duties and powers of the commission. The commission shall contain not less than three members. The members of the commission shall be appointed with due regard to proper representation of residents and property owners of the city and their relevant fields of knowledge including but not limited to history, urban

planning, architecture, archeology, law, and sociology. At least one resident of each designated area of historical significance shall be appointed to the commission. Cities with a population of more than fifty thousand shall not appoint more than one-third of the members to the commission of an area of historical significance that are members of a city zoning commission appointed pursuant to chapter four hundred fourteen (414) of the Code. The commission shall have the power to approve or deny applications for proposed alterations to exterior features within an area designated as an area of historical significance. An aggrieved party may appeal the commission's action to the governing body of the city. If not satisfied by the decision of the governing body, the party may appeal within sixty days of the governing body's decision to the district court for the county in which the designated area is located. On appeal the governing body or the district court as the case may be shall consider whether the commission has exercised its powers and followed the guidelines established by the law and ordinance, and whether the commission's action was patently arbitrary or capricious.

4. An area shall only be designated an area of historical significance upon enactment of an ordinance of the city. Before such an ordinance is enacted or an amendment thereto, the governing body of the city shall submit such ordinance or amendment to the division of historical preservation of the Iowa state historical department for its review and recommendations.

Sec. 2. Section four hundred fourteen point one (414.1), Code 1979, is amended to read as follows:

414.1 BUILDING RESTRICTIONS--POWERS GRANTED. For the purpose of promoting the health, safety, morals, or the general welfare of the community or for the purpose of preserving historically significant areas of the community, any city is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

Sec. 3. Section four hundred fourteen point two (414.2), Code 1979, is amended to read as follows:

414.2 DISTRICTS. For any or all of said purposes the local legislative body, hereinafter referred to as the council, may divide the city into districts, including historical preservation districts but only as provided in section one (1) of this Act, of such number, shape, and area as may be deemed best suited to carry out the purposes of this chapter; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations and restrictions shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

Approved May 13, 1980