

Sen. State Govt. 5/6, Pass 5/11

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HOUSE FILE 1498

Place On Calendar

BY COMMITTEE ON NATURAL RESOURCES

Passed House, Date 5-3-76 (p. 2368) Passed Senate, Date 5-14-76 (p. 1990)

Vote: Ayes 76 Nays 2 Vote: Ayes 38 Nays 2

Approved 5-27-76

A BILL FOR

1 An Act relating to establishment of historical preservation
2 districts.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. DEFINITIONS. As used in this
2 Act, unless the context otherwise requires:

3 1. "Area of historical significance" means contiguous
4 pieces of property of no greater area than one hundred sixty
5 acres under diverse ownership which:

6 a. Are significant in American history, architecture,
7 archaeology and culture, and

8 b. Possess integrity of location, design, setting,
9 materials, workmanship, feeling and association, and

10 c. Are associated with events that have been a significant
11 contribution to the broad patterns of our history, or

12 d. Are associated with the lives of persons significant
13 in our past, or

14 e. Embody the distinctive characteristics of a type;
15 period; method of construction; represent the work of a mas-
16 ter; possess high artistic values; represent a significant
17 and distinguishable entity whose components may lack in-
18 dividual distinction.

19 f. Have yielded, or may be likely to yield, information
20 important in prehistory or history.

21 2. "Commission" is the five-person body, elected by the
22 qualified electors in the historical preservation district
23 from persons living in the district for the purpose of adminis-
24 tering this Act.

25 3. "District" means a historical preservation district
26 established under this Act.

27 4. "Division" means the division of historical preser-
28 vation, Iowa state historical department.

29 5. "Exterior features" means the architectural style,
30 general design and general arrangement of the exterior of
31 a building or other structure, including the kind and tex-
32 ture of the building material and the type and style of all
33 windows, doors, light fixtures, signs and other appurtenant
34 fixtures. In the case of an outdoor advertising sign,
35 "exterior features" means the style, material, size and

1 location of the sign.

2 6. "Property owner" means an individual or corporation
3 who is the owner of real estate for taxation purposes.

4 Sec. 2. NEW SECTION. PETITION. Not less than ten percent
5 of the eligible voters in an area of asserted historical sig-
6 nificance may petition the division for a referendum for the
7 establishment of a district.

8 The petition shall contain a description of the property
9 suggested for inclusion in the district, the reasons justifying
10 the creation of the district.

11 Sec. 3. NEW SECTION. ACTION BY DIVISION. The division
12 shall hold a hearing not less than thirty days or more than
13 sixty days after the petition is received. The division shall
14 publish notice of the hearing, at a reasonable time before
15 the hearing is to take place, and shall post notice of the
16 hearing in a reasonable number of places within the suggested
17 district. The cost of notification shall be paid by the
18 persons who petition for the establishment of a district.

19 At the hearing the division shall hear interested persons,
20 accept written presentations, and shall determine whether
21 the suggested district is an area of historical significance
22 which may properly be established as a historical preservation
23 district pursuant to the provisions of this Act. The division
24 may determine the boundaries which shall be established for
25 the district. The division shall not include property which
26 is not included in the suggested district unless the owner
27 of such property is given an opportunity to be heard.

28 The division, if it determines that the suggested district
29 meets the criteria for establishment as a historical preser-
30 vation district, shall indicate the owners of the property
31 and residents included and shall forward a list of such owners
32 and residents to the county commissioner of elections.

33 If the division determines that the suggested district
34 does not meet the criteria for establishment as a historical
35 preservation district, it shall so notify the petitioners.

1 Sec. 4. NEW SECTION. REFERENDUM. Within thirty days
2 after the receipt of the list of owners of property and
3 residents within the suggested historical preservation
4 district, the county commissioner of elections shall fix a
5 date not more than forty-five days from the receipt of the
6 petition seeking a referendum on the question of establishment
7 of a historical preservation district. The county commissioner
8 of elections shall specify the polling place within the
9 suggested district that will best serve the convenience of
10 the voters and shall appoint from residents of the proposed
11 district three judges and two clerks of election.

12 Sec. 5. NEW SECTION. NOTICE. The county commissioner
13 of elections shall post notice of the referendum in a
14 reasonable number of places within the suggested district
15 a reasonable time before it is to take place. The notice
16 shall state the purpose of the referendum, a description of
17 the district, the date of the referendum, the location of
18 the polling place, and the hours when the polls will open
19 and close.

20 Sec. 6. NEW SECTION. VOTING. A person shall be qualified
21 to vote at the referendum if such person is a qualified elector
22 of the area embraced by the proposed historic district.

23 An historic preservation district is established if a
24 majority of the persons voting at the referendum votes in
25 favor of its establishment.

26 Sec. 7. NEW SECTION. COMMISSION. At the same time the
27 referendum is held, an election shall be held for the commis-
28 sion. Each voter at the referendum may write upon the ballot
29 the names of not more than five persons who are eligible
30 voters within the district to be members of the commission.

31 The five persons receiving the highest number of votes
32 shall constitute the commission. In the event one of the
33 five receiving the highest number of votes elects not to serve
34 on the commission, the person receiving the next highest
35 number of votes shall serve.

1 Of the initial commission the person receiving the highest
2 number of votes shall receive a five-year term of office,
3 the next highest a four-year term, the next highest a three-
4 year term, the next highest a two-year term, and the fifth
5 highest a one-year term. Thereafter, an election shall be
6 held annually in the district to elect a member to a five-
7 year term as each term expires.

8 Vacancies in the commission occurring between elections
9 shall be filled by the remaining members of the commission
10 by majority vote. Should a majority of those voting vote
11 not to establish the district, the election shall be void.

12 Sec. 8. NEW SECTION. CONTROLS. After the establishment
13 of a district, an exterior portion of any building, exterior
14 fixture, or other exterior structure, or any above-ground
15 utility structure or any type of outdoor advertising sign
16 shall not be erected, altered, restored, moved or demolished
17 within such district until after an application for a
18 certificate of appropriateness as to exterior features has
19 been submitted to and approved by the commission.

20 Sec. 9. NEW SECTION. INTERIOR. The commission shall
21 not consider or attempt to control the interior arrangement
22 of any building in the district.

23 Sec. 10. NEW SECTION. USE OF STRUCTURES. No change in
24 the use of any structure or property within a designated his-
25 torical district shall be permitted until after an application
26 for a certificate of appropriateness has been submitted to
27 and approved by the commission. For purposes of this section
28 "use" means the legal enjoyment of property that consists
29 in its employment, exercise, or practice.

30 Sec. 11. NEW SECTION. PROCEDURES. Prior to issuance
31 or denial of a certificate of appropriateness the commission
32 shall take such action as may reasonably be required to inform
33 persons likely to be materially affected by the application,
34 and shall give the applicant and such persons an opportunity
35 to be heard. In cases where the commission deems it necessary,

1 it may hold a public hearing concerning the application.

2 The commission shall vote upon any application for a
3 certificate of appropriateness within sixty days after its
4 submission to the commission.

5 If the commission determines that the proposed construction,
6 reconstruction, alteration, restoration, moving, demolition,
7 or the change in use is appropriate, it shall forthwith approve
8 such application and shall issue to the applicant a cer-
9 tificate of appropriateness.

10 If the commission determines that the proposed construction,
11 reconstruction, alteration, restoration, moving or demolition
12 of buildings, structures, appurtenant fixtures, outdoor adver-
13 tising signs or natural features, or the proposed change in
14 use would be incongruous with the historical, architectural,
15 archaeological or cultural aspects of the district, a
16 certificate of appropriateness shall not be issued, and the
17 commission shall place upon its records the reasons for such
18 determination and shall notify the applicant of such
19 determination, furnishing the applicant an attested copy of
20 its reasons and its recommendations, if any, as appearing
21 in the records of the commission.

22 The commission may approve the application in any case
23 where a person would suffer extreme hardship, not including
24 loss of profit, unless the certificate of appropriateness
25 was issued. Any applicant aggrieved by a determination of
26 the commission may appeal to the district court for the county
27 in which the land concerned is located within sixty days of
28 the commission's action.

29 Sec. 12. NEW SECTION. ACTION BY COMMISSION. The
30 commission shall take action to enjoin any attempts to
31 construct, reconstruct, alter, restore, move, or demolish
32 any exterior feature, or to change the use of the property
33 within the district without a certificate of appropriateness.

34 Sec. 13. NEW SECTION. ORDINARY MAINTENANCE AND REPAIR.
35 Nothing in this Act shall be construed to prevent the ordinary

1 commission has given notice to those parties that may be
2 affected by denial or approval of a certificate of
3 appropriateness.

4 The termination of a historical preservation district shall
5 take effect if ten percent of the property owners in the
6 district so request two years after the initial establish-
7 ment of the historical preservation district and a majority
8 of those voting vote in favor of termination.

9 An election to terminate a district pursuant to this Act,
10 which fails, the district in question shall not be subject
11 to another election to terminate for a period of two years.

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