

# HISTORIC PRESERVATION COMMISSION WORK SESSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, APRIL 13, 2021; 5:30 PM

CITY HALL, 226 W 4TH ST, COUNCIL CHAMBERS

\*A PARTIALLY ELECTRONIC MEETING IS BEING HELD BECAUSE A FULLY "IN PERSON" MEETING IS IMPRACTICAL DUE TO CONCERNS FOR THE HEALTH AND SAFETY OF COUNCIL MEMBERS, STAFF, AND THE PUBLIC PRESENTED BY COVID-19, AND TO FOLLOW THE GOVERNOR'S PROCLAMATION AND THE MAYOR'S EXECUTIVE ORDER DIRECTING SOCIAL DISTANCING AND PLACING RESTRICTIONS ON GATHERINGS. IN PERSON ATTENDANCE BY THE GENERAL PUBLIC AT ANY CITY OF DAVENPORT PUBLIC MEETING WITHIN ITS FACILITIES SHALL BE LIMITED TO 20 PERSONS.\*

I. Call to Order

II. Topics for Discussion

- A. J. Monroe Parker-Ficke House: Reconstruction of the East Porch at 1208 Main Street
- B. Pending Items
- C. Commission Training and Education

III. Adjourn

IV. Next Commission Meeting: May 11, 2021

City of Davenport  
Historic Preservation Commission Work Session

Department: DNS  
Contact Info: Matt Werderitch 563.888.2221

**Date**  
**4/13/2021**

Subject:  
J. Monroe Parker-Ficke House: Reconstruction of the East Porch at 1208 Main Street

Recommendation:  
Provide feedback for the proposed reconstruction.

Background:  
The applicant is proposing to reconstruct the east porch abutting Main Street. The purpose of the work session is to provide the applicant a clear direction for preservation and reconstruction.

The J. Monroe Parker-Fick House is a locally designated historic landmark and located within the College Square Historic District.

ATTACHMENTS:

| Type              | Description         |
|-------------------|---------------------|
| ▢ Backup Material | Application         |
| ▢ Backup Material | Background Material |
| ▢ Backup Material | Site Inventory Form |

REVIEWERS:

| Department                                | Reviewer         | Action   | Date                |
|-------------------------------------------|------------------|----------|---------------------|
| Community Planning & Economic Development | Werderitch, Matt | Approved | 4/6/2021 - 11:36 AM |



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

**Property Address\***

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

**Applicant (Primary Contact)**

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

*Application Form Type:*

**Plan and Zoning Commission**

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

**Owner** (if different from Applicant)

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

**Zoning Board of Adjustment**

Zoning Appeal ☐  
Special Use ☐  
Hardship Variance ☐

**Design Review Board**

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

**Engineer** (if applicable)

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

**Historic Preservation Commission**

Certificate of Appropriateness ☐  
Local Landmark Nomination ☐  
Demolition Request ☐

**Architect** (if applicable)

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

**Administrative**

Administrative Exception ☐  
Health Services and Congregate Living Permit ☐

**Attorney** (if applicable)

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

## Historic Resource:

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

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

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

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

## When is a certificate of appropriateness required?

Prior to the commencement of the work.

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

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

## Submittal requirements

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

### Submittal requirements for all types of requests:

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

### Submittal requirements for specific types of requests:

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

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

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

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

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

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

**Formal Procedure**

(1) Application:

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

(2) Historic Preservation consideration of the request:

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

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

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

Applicant:  Date:

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

Received by:  Date:

Planning staff

Date of the Public Meeting:

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

### ***Work Plan***

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

Add additional pages in needed.

**City of Davenport Zoning Historic Preservation Commission  
2021 Meeting and Submittal Calendar**

| <b>Local Landmark Nomination Application</b> | <b>Local Landmark HPC Commission Meeting</b> | <b>All Other Historic Preservation Applications</b> | <b>All Other Historic Preservation Applications HPC Meeting</b> |
|----------------------------------------------|----------------------------------------------|-----------------------------------------------------|-----------------------------------------------------------------|
| <b>Application Submittal</b>                 | <b>HPC Commission Meeting</b>                | <b>Application Submittal</b>                        | <b>HPC Meeting</b>                                              |
| <b>Friday 5:00 p.m.</b>                      | <b>Tuesday 5:00 p.m.</b>                     | <b>Friday 5:00 p.m.</b>                             | <b>Tuesday 5:00 p.m.</b>                                        |
| <b>Public Works Center</b>                   | <b>Council Chambers   City Hall</b>          | <b>Public Works Center</b>                          | <b>Council Chambers   City Hall</b>                             |
| <b>1200 E 46th St</b>                        | <b>226 W 4th St</b>                          | <b>1200 E 46th St</b>                               | <b>226 W 4th St</b>                                             |
| <b>Davenport IA, 52807</b>                   | <b>Davenport IA, 52801</b>                   | <b>Davenport IA, 52807</b>                          | <b>Davenport IA, 52801</b>                                      |
| 11/30/2020                                   | 1/12/2021                                    | 12/31/2020                                          | 1/12/2021                                                       |
| 12/23/2020                                   | 2/9/2021                                     | 1/29/2021                                           | 2/9/2021                                                        |
| 1/22/2021                                    | 3/9/2021                                     | 2/26/2021                                           | 3/9/2021                                                        |
| 2/26/2021                                    | 4/13/2021                                    | 4/5/2021                                            | 4/13/2021                                                       |
| 3/26/2021                                    | 5/11/2021                                    | 4/30/2021                                           | 5/11/2021                                                       |
| 4/23/2021                                    | 6/8/2021                                     | 5/28/2021                                           | 6/8/2021                                                        |
| 5/28/2021                                    | 7/13/2021                                    | 7/2/2021                                            | 7/13/2021                                                       |
| 6/25/2021                                    | 8/10/2021                                    | 7/30/2021                                           | 8/10/2021                                                       |
| 7/30/2021                                    | 9/14/2021                                    | 9/3/2021                                            | 9/14/2021                                                       |
| 8/27/2021                                    | 10/12/2021                                   | 10/1/2021                                           | 10/12/2021                                                      |
| 9/24/2021                                    | 11/9/2021                                    | 10/29/2021                                          | 11/9/2021                                                       |
| 10/29/2021                                   | 12/14/2021                                   | 12/3/2021*                                          | 12/14/2021                                                      |

Location/Date/Time are subject to change. Contact [planning@davenportiowa.com](mailto:planning@davenportiowa.com) to confirm meeting date/time/location.

# J. Monroe Parker-Ficke House

- Locally Designated Historic Landmark
- College Square Historic District
- Constructed: 1881
- Architectural Style: Second Empire
- Column Porches Identified as a Distinctive Feature on Historical Survey



# Proposed Project

- Purpose: Deterioration of Front (East) Porch
- Scope of Work: Demo all existing porch structures, except roof and iron lattice around the base of porch. Roof is to stay. It matches all other roofs on house. Iron lattice is in good shape and will be re-used on new porch. New porch to be constructed to exact dimensions and to as similar in appearance as possible.
- New Porch Includes:
  - New footings
  - New concrete piers around stairs.
  - New treated framing
  - New Composite deck boards, (brown in color). Most likely "Mahogany" color from Azek.
  - New framed piers for columns to sit on, trimmed out in white PVC board.
  - New columns (Round) and type in some kind of load bearing ceramic product.
  - New concrete steps with nosings (to match what is existing).
  - New White composite railings to be similar in design to what is existing.
  - Re-install lattice
  - New Fypon dental molding under soffit to match existing as best as possible
- All elements of project to meet local building codes and comply with historical area standards.



# J. Monroe Parker-Ficke House

DAVENPORT  
IOWA | USA



# J. Monroe Parker-Ficke House

DAVENPORT  
IOWA | USA



# J. Monroe Parker-Ficke House

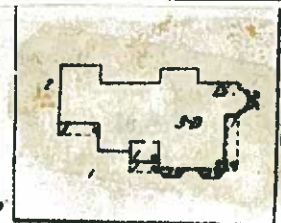
DAVENPORT  
IOWA | USA



## ARCHITECTURAL/HISTORICAL SURVEY

## DAVENPORT, IOWA

The Architects Office

Wehner, Nowysz, Pottschiull and Pfiffner  
201 day building, Iowa city, Iowa 52240DAVENPORT COMMUNITY DEVELOPMENT DEPARTMENT  
IOWA DIVISION OF HISTORIC PRESERVATIONSITE #82-10- MA-1208 MAP # 3HIST. DIST. College SquareNAME J. Monroe Parker Residence (Ficke) (H) CADDRESS 1208 Main StreetLEGAL DES. Allen's 2nd Add. 10 Lots 1, 2 and 3  
SUB-DIVISION BLOCK PARCEL SUB-PARCELUTM 15 7102240 46100460 ACREAGE 1 ZONE R-6M  
EASTING NORTHINGOWNER Delta Sigma Chi Fraternity  
1208 Main St., Davenport, IA 52803TITLE H. De L. Egan & Wife  
(IF DIFF)

SITE SHEET

## DESCRIPTION

FORM 2 stories, irregular plan CONST. DATE 1881

MATERIALS Stone, brick, wood, cast & wrought iron ARCH Second Empire

FENESTRATION Rectangular 1/1 D.H.S. in broad surrounds w/incised heads STYLE

DIST. FEATURES State mansard w/iron cresting, bracketed cornice w/paneled frieze, 2-story polygonal window bays, columned porches

ALTERATIONS 1 or 2 porch columns missing; converted to fraternity/apartment building

SITE & RELATED STR. Corner lot north of Sheldon Hall & high school

## STATEMENT

The Ficke House is perhaps the finest example of Second Empire architecture in Iowa, rivalled only by Terrace Hill in Des Moines. From the extraordinary roofscape - crested, dormered, sheathed in polychrome shingles - to the richly detailed cornices, porches and window surrounds, the Ficke House is the ultimate expression of Victorian excess, beautifully composed and finely-executed.

ARCHITECTURE

## SOURCES

Davenport Democrat & Leader, 30, May, 1904.  
HABS Inventory Form, Iowa Division of Historic Preservation

## SIGNIFICANCE

This building is associated with a moderately important local political leader and elected official, C.A. Ficke. As an active German-American politician, his career typified the change from Republican party to Democrat party evidenced in the German electorate between 1860 and 1885. Since City Hall remains extant, the value of this property is diminished.

Architect and contractor for the house was T. W. McClelland and Co., with the slate roof by Victor Huot. The design may possibly be credited to Benjamin W. Gartside, who was architect with the McClelland firm from 1878 until becoming vice-president in 1889.

## DESCRIPTION

Charles August Ficke came to Davenport as a child in 1851. He became established as a lawyer in 1877 following reading in H.R. Claussen's office and formal study. A successful attorney, Ficke was also active in real estate and several local banks. In 1880, Ficke changed from Republican to Democrat, over such issues as prohibition and women's suffrage. He was elected County Attorney in 1886 and mayor in 1890 & 91. His second election was the largest majority registered by a mayor to date. His administration as mayor was marked by improved paving and sewer construction. His career typified the successful professional and business career of many local German-Americans.

## SOURCES

- Downer, Harry, History of Davenport and Scott County, Iowa, Vol. II, Chicago: S.J. Clarke Publishing Company, 1910.
- Johnson, H.B., "German Forty-Eighters in Davenport," Iowa Journal of History and Politics, January, 1946, pp. 3-53.
- Oszuscik, Philippe, A History of the Architecture and Urbanization of Nineteenth Century Davenport, Iowa. Ph.D. Dissertation, University of Iowa, 1979, pp. 378, 387.

ARCHITECTURAL HISTORIAN: Martha Bowers

HISTORIAN: MARLYS SVENDSEN - ROESLER

SURVEY COMP 1981

## EVALUATION

### ARCHITECTURAL

- I. ARCH. EVALUATION Exceptional
- II. ENVIR. STATURE Landmark
- III. INT. OF CONTEXT Good
- IV. INT. OF FABRIC Excellent

LEVEL OF SIGNIFICANCE:

☒ NAT. ☐ STATE ☐ LOCAL ☐ N. ELIG.

### HISTORICAL

- I. THEME(S) OF SIGNIFICANCE:  
A. PRIMARY Gov't. & Politics  
B. SECONDARY \_\_\_\_\_

II. LEVEL OF SIGNIFICANCE:

☐ NAT. ☐ STATE ☒ LOCAL

III. NRHP:

ELIGIBLE ☒ NOT ELIGIBLE ☐

### HISTORIC DISTRICT CLASSIFICATION

☒ A. ☐ B. ☐ C.

## FOR DIVISION OF HISTORIC PRESERVATION USE ONLY

1. DATE RECEIVED \_\_\_\_\_

2. DATE OF STAFF EVALUATION \_\_\_\_\_

|                       | A. ARCHITECTURAL         | B. HISTORICAL            |
|-----------------------|--------------------------|--------------------------|
| ELIGIBLE FOR NRHP     | <input type="checkbox"/> | <input type="checkbox"/> |
| NOT ELIGIBLE FOR NRHP | <input type="checkbox"/> | <input type="checkbox"/> |

3. NRHP ACTION

|                       |                               |                                  |                                 |            |
|-----------------------|-------------------------------|----------------------------------|---------------------------------|------------|
| A. STATE REVIEW COMM. | APP. <input type="checkbox"/> | DISAPP. <input type="checkbox"/> | TABLED <input type="checkbox"/> | DATE _____ |
| B. FEDERAL REVIEW     | APP. <input type="checkbox"/> | DISAPP. <input type="checkbox"/> | TABLED <input type="checkbox"/> | DATE _____ |

4. D.H.P. SOURCES

- ☐ COUNTY RESOURCES
- ☐ W'SHIELD SURVEY
- ☒ NRHP 11/16/83
- ☐ GRANT \_\_\_\_\_

☐ DET. OF ELIGIBILITY

☐ R. & C. \_\_\_\_\_

☒ DAVENPORT A/H SURVEY

☐ \_\_\_\_\_

☐ \_\_\_\_\_

5. SUBJECT TRACES

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. PHOTO

1620-2,3,4, & 5

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HISTORY

The Architects Office

Wehner, Nowysz, Pattschull and Pfiffner  
901 ovy building, iowa city, iowa 52240DAVENPORT COMMUNITY DEVELOPMENT DEPARTMENT  
IOWA DIVISION OF HISTORIC PRESERVATION

# 82-10- MA-1208

ADDITIONAL PHOTOGRAPHS:



CONTINUATION

City of Davenport  
Historic Preservation Commission Work Session

Department: DNS  
Contact Info: Matt Werderitch 563.888.2221

**Date**  
**4/13/2021**

Subject:  
Pending Items

REVIEWERS:

| Department                                   | Reviewer         | Action   | Date                |
|----------------------------------------------|------------------|----------|---------------------|
| Community Planning &<br>Economic Development | Werderitch, Matt | Approved | 4/9/2021 - 11:55 AM |

City of Davenport  
Historic Preservation Commission Work Session

Department: DNS  
Contact Info: Matt Werderitch 563.888.2221

**Date**  
**4/13/2021**

Subject:  
Commission Training and Education

**Background:**

The purpose of this work session is to review the following materials:

1. Chapter 2.65 of the Municipal Code - Historic Preservation Commission
2. Historic Preservation Commission Bylaws
3. Procedures Used to Conduct Business in Davenport
4. Placing Conditions and Amending Items
5. City Website & Interactive Map
6. Davenport Register of Historic Properties and Local Landmarks
7. Historic Preservation Ordinance

Following review of the referenced material, commissioners should identify future work session topics for the May 11, 2021 agenda.

**ATTACHMENTS:**

| Type              | Description                                                   |
|-------------------|---------------------------------------------------------------|
| ▣ Backup Material | Chapter 2.65 of the Municipal Code                            |
| ▣ Backup Material | Historic Preservation Commission Bylaws                       |
| ▣ Backup Material | Procedures Used to Conduct Business in Davenport              |
| ▣ Backup Material | Placing Conditions or Amending Items                          |
| ▣ Backup Material | Davenport Register of Historic Properties and Local Landmarks |
| ▣ Backup Material | Title 14-Historic Preservation Ordinance                      |

**REVIEWERS:**

| Department                                | Reviewer         | Action   | Date                |
|-------------------------------------------|------------------|----------|---------------------|
| Community Planning & Economic Development | Werderitch, Matt | Approved | 4/6/2021 - 11:25 AM |

## **Chapter 2.65 HISTORIC PRESERVATION COMMISSION**

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

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

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

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

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

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

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

Members shall serve without compensation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**“Bylaws” \***

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**ARTICLE I**

General Rules

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

**ARTICLE II**

Membership

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

**ARTICLE III**

Officers

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

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

**ARTICLE IV**

Meetings

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

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\*as amended 03/13/01

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

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

#### Conflict of Interest

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

#### Ex Parte Communications

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

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

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

## **ARTICLE V**

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

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

## **ARTICLE VI**

### **Rules of Order**

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

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

# **Basic Procedures Used to Conduct Business in Davenport**

## **RULES & CUSTOMS**

**Intent Controls** – Form does not trump substance. The intention of the body determines the result even if the Body's rules were not followed precisely. The official, approved minutes will be the definitive expression of the body's intent.

**Compound motions are allowed** - Compound motions are allowed and require only one vote unless a member requests the item be split into parts to be voted on separately.

**Voice Vote v. Roll Call** – Legislative agenda items on the Discussion and Consent Agendas (e.g. Ordinances, Resolutions, and Motions), Motion to Go into Executive Session, and Motions to Suspend the Rules require a roll call vote. Voice votes may be used for all other motions (approving minutes, reports, appointments, and proclamations; motions to table, delete, amend, substitute, reconsider, add to agenda by itself, adjourn and close debate; etc.). However, if a member requests a roll call on an item, a roll call will be conducted.

**Acquiescence/Approval by Consent** – If the mayor or chair takes action on an item or issue in the discussion, and no member challenges the action or requests a vote it will be deemed to have been acquiesced or consented to by the body. This result will not be true in the case of items that require a roll call vote. If any member of the body requests staff take a lawful action that is clearly understood by staff, staff will take action unless another member of the body challenges the directive.

**Withdrawing a motion** – a pending motion can be withdrawn simply by the movant and the second stating a desire to withdraw the motion.

**Friendly Amendment** – a pending motion can be amended without a formal vote, so long as the movant and the second agree to the change and adopt it.

**Clarification and Restatement** – a pending motion can be clarified and restated prior to a vote by the movant and second.

**Whole Body and Subcommittee** – once the whole body has voted upon an action item, it cannot be altered or amended by a subcommittee of the body, unless the body has expressly stated otherwise and state law does not prohibit.

**“So moved”** – The statement of a proposed or requested motion may be transformed into an actual motion by a member of the body by simply stating “so moved” as opposed to repeating the same.

## **MOTIONS**

**Motion to approve or “move the consideration”** – once seconded begins the body's discussion of the agenda item. Usually ends in a roll call vote on the main motion, unless the item is tabled or deleted.

**Move to Amend** – Voice vote. Once an item has been moved for consideration amendments may be offered. A motion to amend an amendment while it is pending is okay, but another level of amendment is not.

**Move to Table** – No Debate is allowed on the motion, so an immediate voice vote is taken. Out of courtesy a member may say, “I am going to move to table this item later” in order to allow some discussion prior to the actual motion being made. Unless another time is specified, a motion to table will put the matter aside until the next meeting cycle.

**Move to Suspend the Rules** – No Debate, roll call, approval by  $\frac{3}{4}$  of the total membership of the body required for passage (i.e. 8 votes for Council meetings). This motion suspends all applicable and contrary rules to accomplish a particular goal that is otherwise prohibited. Can be combined with a motion to add something to the agenda in order to accomplish both aims with one vote instead of voting upon each separately (e.g. “I move to suspend the rules and add the following item(s) [read caption(s) of item]”).

**Move to Add an Item or Items to the Agenda** – No Debate, voice vote. This motion is frequently combined with a Motion to Suspend the Rules as noted above, in order to avoid two separate votes on each motion. If combined, a roll call and  $\frac{3}{4}$  approval are necessary. Multiple items can be added in one motion if all are referenced in the motion.

**Move to Pass Second and Third Consideration** – Used to pass an ordinance in one Council cycle as opposed to the normal three cycles. By state law rules must be suspended.

**Move to Reconsider** – No Debate. Must be made later in the same meeting or at the next meeting of that body. Must be made by someone who voted with the prevailing side or was not present to vote. A Motion to Reconsider cannot be reconsidered. If the Motion to Reconsider passes, the action item is placed back on the agenda and must then be moved and voted upon again unless tabled.

**Move to Delete** – No Debate. Removes the action item from the Agenda until some action is taken by the body to reintroduce it. When reintroduced the item would start anew, but this motion is not the equivalent of a motion to approve the item being defeated. Not being the same makes a difference for the one year bar for a failed rezoning.

**Motion to Substitute** – No Debate. As opposed to doing a series of motions to amend, after explaining generally the changes desired a Motion to Substitute can be used to replace one greensheet with another greensheet prepared in advance that addresses the same subject matter and contains the changes.

**Motion to Split** – No Debate. If the main motion has more than one subpart, this motion is used to discuss and vote on the subparts separately.

**“Call the Question” or Move to Close Debate** – Used to end debate and force an immediate vote. Should be voted upon separately, if seconded; However, if Mayor begins a vote on the main motion without challenge from an Alderman, all Aldermen will be deemed to have acquiesced or agreed to the closure of debate.

## **PLACING CONDITIONS OR AMENDING ITEMS**

### ***Staff works with applicants before the meeting***

Because staff already works with applicants in developing their application, conditions placed upon the application during the meeting should be minimal. The fine, detailed work should already be done prior to the meeting.

### ***Some applicants refuse to cooperate and instead hope they can convince the Board***

Applicants who refuse to work with staff and instead insist on a hail-mary attempt should not be rewarded by the Board offering amendments or tabling so the applicant can come back with something more reasonable. The prospect of last minute changes to an application disincentivizes reasonable communication prior to finalizing the application.

### ***Staff's goal is to bring full and final applications to the Board.***

Applicants who do not wish to revise their application to more reasonable standards before the meeting do not have to revise, but their application as presented to the Board is the final application. It should not be "final application only if the Board likes it enough to approve it." It should not be the "final application unless the Board wants me to change it." It is the final application. And if the Board does not want to approve it, the Board is not obligated to create conditions or amend the application.

### ***Any conditions or amendments placed on the application should well-vetted***

If there is a situation where you would like conditions to be placed on an item, consider the reasonableness and timeliness of the request. Conditions should be rare. Ideally, applicants and staff will work together *before* the meeting to provide the Board the most reasonable application. *Modifying at the meeting leads to sloppy results.* If no conditions were prepared beforehand, which is likely the case, then staff would prefer that the item be tabled with specific instructions on how to proceed.

*If you choose to request conditions on an application:*

1. Mention the possible conditions during the discussion portion of the meeting.
2. *Ask staff if they would prefer to table the discussion or amend the request.* (Preference is to table.)
3. If table, discuss specifically what you would like to see added, changed, or what further information you would like. This is to provide guidance to staff on what to work on.
  - a. Move to Table. (no discussion)
  - b. Second.
  - c. Vote.
4. If conditions, discuss specifically what conditions the board would like to see.
  - a. Move to amend by saying, "I move to amend Item X by adding/changing/deleting XYZ."
  - b. Second.
  - c. Voice Vote.
  - d. Move to approve (as amended).
  - e. Second.
  - f. Roll call.

## **UNRULY MEETINGS AND OFF-TOPIC SPEAKERS**

“Point of Order” can be used by anyone to bring the conversation back into focus.

Speakers should

1. Direct their comments to the Board, not staff
2. Keep their comments relevant to the matter being discussed

Speakers should not

1. Make unnecessary personal comments about staff or the applicant
2. Speak longer than necessary to make their point
3. Yell or use obscene language or gestures

“Point of Order” can be used as a reminder to the Chair to ask the speaker to get back on track.

The Chair can say (with or without a “Point of Order”)

“I’d ask you to speak to the Board as a body, not to staff individually.

“I’d ask you to keep your comments focused on the matter at hand.”

“I’d ask that you begin wrapping up your comments.”

## Davenport Register of Historic Properties and Local Landmarks

| #  | Historic Name                         | Address                              | Date Listed |
|----|---------------------------------------|--------------------------------------|-------------|
| 1  | Antoine LeClaire House                | 630 E. 7th Street                    | 9/16/1992   |
| 2  | St. Anthony's Church Square           | 407-417 Main Street                  | 10/7/1992   |
| 3  | Claim House                           | 1329 College Avenue                  | 10/7/1992   |
| 4  | Hillside                              | 1 Prospect Drive                     | 12/2/1992   |
| 5  | Dr. Heinrich Matthey House            | 505 W. 6th Street                    | 1/6/1993    |
| 6  | Henry Lischer House                   | 624 W. 6th Street                    | 1/6/1993    |
| 7  | Davenport City Hall                   | 226 W. 4th Street                    | 6/2/1993    |
| 8  | John Littig House                     | 6035 Northwest Boulevard             | 6/2/1993    |
| 9  | W.D. Petersen Memorial Music Pavilion | LeClaire Park                        | 6/2/1993    |
| 10 | Dillon Memorial                       | 100 S. Main Street                   | 6/2/1993    |
| 11 | Soldier's Monument                    | 1100 Main Street                     | 6/2/1993    |
| 12 | Hose Station #4                       | 2301 E. 11th Street                  | 6/2/1993    |
| 13 | Miles Collins House                   | 1234 E. 29th Street                  | 6/2/1993    |
| 14 | Vander Veer Park                      | 223 W. Central Park Avenue           | 8/4/1993    |
| 15 | Prospect Park                         | Prospect Drive                       | 8/4/1993    |
| 16 | Riverview Terrace Park                | Clay Street & Washington Street      | 8/4/1993    |
| 17 | Annie Wittenmyer Complex              | 2800 Eastern Avenue                  | 5/15/1996   |
| 18 | Dr. Kuno Struck House/Clifton Manor   | 1645 W. 12th Street                  | 8/7/1996    |
| 19 | Germania Miller/Standard Hotel        | 712 W. 2nd Street                    | 9/12/1996   |
| 20 | Octagon House                         | 512 E. 6th Street                    | 4/2/1997    |
| 21 | Riverview-Abner Davidson Homestead    | 1234 E. River Drive                  | 6/10/1997   |
| 22 | Schetzen Park Street Car Pavilion     | 700 Waverly Road                     | 8/5/1998    |
| 23 | Saengerfest Halle                     | 1012 W. 4th Street                   | 8/5/1998    |
| 24 | Lindsay Park                          | E. River Drive & E. 11th Street      | 8/5/1998    |
| 25 | Anken Flats                           | 508 W. 3rd Street                    | 10/7/1998   |
| 26 | Old St. Luke's Hospital               | 121 W. 8th Street                    | 2/3/1999    |
| 27 | Credit Island                         | 2200 W. River Drive                  | 2/3/1999    |
| 28 | Decker French House*                  | 1044 Pershing Avenue                 | 3/17/1999   |
| 29 | Municipal Inn                         | LeClaire Park, S. of Dillon Fountain | 3/17/1999   |
| 30 | Hose Station #1                       | 117 Perry Street                     | 6/2/1999    |
| 31 | St. Joseph's Church & Rectory         | 605-615 Marquette Street             | 9/1/1999    |
| 32 | Hamburg Historic District             | Gaines Street & W. 7th Street        | 11/1/1999   |
| 33 | Frank & John Bredow House             | 822 Gaines Street                    | 2/2/2000    |
| 34 | Renwick Building                      | 324 Brady Street                     | 2/2/2000    |
| 35 | Woeber Carriage Works                 | 312 W. 3rd Street                    | 11/15/2000  |

|    |                                                                |                          |            |
|----|----------------------------------------------------------------|--------------------------|------------|
| 36 | Charles F. Ranzow and Sons Building                            | 532 W. 3rd Street        | 11/15/2000 |
| 37 | Annie Wittenmyer/Iowa Soldier's Orphans Home Historic District | 2800 Eastern Avenue      | 5/1/2001   |
| 38 | J.H.C. Petersen and Sons Building                              | 131 W. 2nd Street        | 11/7/2001  |
| 39 | Iowa Reform Building                                           | 526 W. 2nd Street        | 1/16/2002  |
| 40 | House                                                          | 821 Ripley Street        | 4/2/2003   |
| 41 | Marycrest College Campus Historic District                     | 1607 W. 12th Street      | 1/1/2004   |
| 42 | J. Monroe Parker – Ficke House                                 | 1208 Main Street         | 6/4/2003   |
| 43 | Johnson School                                                 | 1730 Wilkes Avenue       | 11/30/2004 |
| 44 | Christian Jipp Home & Grocery                                  | 730-732 Gaines Street    | 7/5/2005   |
| 45 | Mississippi Hotel/RKO Theater                                  | 102 & 136 E. 3rd Street  | 8/3/2005   |
| 46 | Taylor School                                                  | 1400 Warren Street       | 9/13/2005  |
| 47 | Indian Springs Park                                            | 1000 Spring Street       | 10/5/2005  |
| 48 | Mother Goose                                                   | Fejervary Children's Zoo | 2/7/2007   |
| 49 | E.P. Adler House                                               | 2104 Main Street         | 7/7/2008   |
| 50 | Henry Deutsch House*                                           | 2101 Main Street         | 1/15/2008  |
| 51 | Linograph Company Building                                     | 420 West River Road      | 1/13/2009  |
| 52 | Peter Bruchmann House*                                         | 1125 Jersey Ridge Road   | 5/2/2009   |
| 53 | Jackson School/School No. 6                                    | 1420 W. 16th Street      | 5/11/2011  |
| 54 | Lambrite-Iles-Petersen House                                   | 510 W. 6th Street        | 7/25/2012  |
| 55 | Peterson Bag and Paper                                         | 301 E. 2nd Street        | 11/15/2012 |
| 56 | Oakdale Cemetery Historic District                             | 2501 Eastern Avenue      | 11/25/2015 |
| 57 | First Federal and Savings and Loan Association                 | 131 W. 3rd Street        | 1/27/2016  |
| 58 | John F. Kelly Company Wholesale Groceries Building             | 225 E. 2nd Street        | 11/8/2017  |
| 59 | Davenport Public Library-Edward Durell Stone Building          | 321 N. Main Street       | 1/23/2019  |

\*Building has been demolished.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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