

FILE COPY



CITY OF WATERLOO, IOWA

CITY HALL

• 715 MULBERRY STREET 50703 •

October 26, 1990

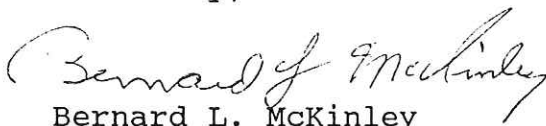
Local Government Coordinator
Bureau of Historic Preservation
Historical Building
Capital Complex
Des Moines, IA 50319

Dear Sir or Madam:

Transmitted herewith is the CLG annual report for the City of Waterloo. The report was reviewed by the Waterloo Historic Preservation Commission and myself and is an accurate depiction of the past years preservation activities for the CLG.

If you have any questions or would like further information, feel free to call me at (319) 291-4301.

Sincerely,


Bernard L. McKinley
Mayor

BLM:RWE:dbe

Enclosures

CLG ANNUAL REPORT

Name of Certified Local Government:

Report covering period from October 1, 1989, through September 30, 1990

Fiscal Year: 1990

Chief Elected Local Official

Name: Bernard L. McKinley, Mayor

Address: 715 Mulberry Street

Waterloo, Iowa 50703

Telephone: 319-291-4301

Report prepared by: Staff to Commission

Date: 10-19-90

Federal CLG regulations contain standards which must be met by local governments in order to maintain certified status. This annual report form addresses these standards in items A through D below.

A. Enforce appropriate legislation for the designation and protection of historic properties.

1. Does the CLG's historic preservation ordinance or resolution continue to meet the requirements outlined in Iowa's CLG guidelines?

☒ Yes ☐ No

(Please attach a copy of any revisions made to the ordinance or resolution that was originally approved).

2. Does the local commission have the authority to review and approve proposed changes to historic properties?

☒ Yes ☐ No

If yes, do the decisions of the commission reflect a general understanding and use of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings?

☒ Yes ☐ No

Please explain.

Members of the Commission have expertise in historic preservation and design techniques and knowledge of the Secretary of the Interior's Standards and Guidelines, which they apply to the proposed changes in historic sites.

B. Establish by state or local law an adequate and qualified historic preservation commission composed of professional and lay members.

1. Are all positions on the commission currently filled?
☒ Yes ☐ No
2. Complete the attached commission membership form. Submit a biographical sketch of each new commission member, sufficient to demonstrate that member's positive interest, knowledge, or competence in historic preservation. Individuals filling professional positions on the commission must submit complete resumes.

ATTACHED

3. If qualified professionals are not on the commission, has the CLG obtained appropriate expertise when necessary (for example, when conducting a survey)?
☒ Yes ☐ No
4. Did the commission meet at least three times during the year?
☒ Yes ☐ No
5. Did a representative of the commission attend preservation training sessions during the year?
☒ Yes ☐ No

List the member(s) and workshop topic(s), date(s), and location(s).

Dave Swinehart	Museum, Libraries & Preservation	May 2, 1990	Dubuque
Rose Middleton	State Conference	November 11, 1989	Des Moines
Bob Stevenson	Lift Programs	June, 1990	State Center

C. Maintain a system for the survey and inventory of historic properties.

1. Does the CLG maintain a system for the survey and inventory of historic properties that is compatible with the SHPO office's survey and inventory system?

☒ Yes ☐ No

(Attach a summary of information currently included in the local inventory. Include where survey materials are housed).

2. Are survey materials accessible to the public, yet controlled so city that materials are not lost?
planning office.

☒ Yes ☐ No

3. Is access to information about archeological site locations restricted?

NOT APPLICABLE

☐ Yes ☐ No

- D. Provide for adequate public participation in the local preservation program, including the process of recommending properties to the National Register of Historic Places.

1. Are the requirements of Iowa's open meeting law (Code of Iowa, Chapter 21) followed for all commission meetings?

☒ Yes ☐ No

(Describe method of announcing meetings to public).

Agendas are posted in the lobby of City Hall at least 24 hours prior to the meetings.

2. Are written minutes of all meetings kept on file and accessible to the public?

☒ Yes ☐ No

3. Describe activities undertaken by the historic preservation commission during the previous year, and those planned by the commission for the coming year.

Activities for the past year include:

- Various activities for the National Historic Preservation Week.
- Amendments to the local Historic Preservation Ordinance.
- Review proposed projects for Certificate of Appropriateness.
- Review demolition requests
- Made application for CLG grant for proposed district - not approved
- Change in notification procedure for tagged structures with historic or architectural significance.

Activities for the upcoming year include:

- Advocate adoption of building conservancy code.
- Process tax credit development requests.
- Process applications for individual district, sites requests.
- Review demolition requests as per Ordinance No. 3420.
- Develop education program for the public.
- Raise funds to further our efforts.

4. List the properties within the CLG's jurisdiction which have been reviewed for National Register eligibility.

Not Applicable

5. Was each nomination reviewed by the chief elected official, the preservation commission, and an appropriate professional, using the National Register eligibility criteria?

Not Applicable

___ Yes

___ No

6. Did the CLG transmit the National Register recommendations to the SHPO within the required time frame?

Not Applicable

___ Yes

___ No

E. Other

1. Please describe any problems or successes your community has experienced in administering and operating the CLG program over the last year. Attach extra sheets as needed.

For SHPO staff use in evaluating CLG performance.
Comments:

I certify that the Certified Local Government of _____
_____ conforms with State and National Park Service procedures.
_____ will be in conformance when ... (see attached page).

Reviewer: _____ Date _____

NAME & ADDRESSTERM EXPIRESOFFICE HELD

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4-7-91

Mike Broshar
900 Waterloo Bldg.
Waterloo, IA 50701
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4-7-91

Vice Chair

Rose Middleton
430 Lester Street
Waterloo, IA 50703
(319) 292-5552

4-7-92

Dave Swinehart
2506 Timber Drive
Cedar Falls, IA 50613
(319) 235-6777

4-7-92

Secretary

Rosie Peterson
1552 Bertch
Waterloo, IA 50702
(319) 266-5149

4-7-92

Earl Spencer
P.O. Box 237
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(319) 232-2902

4-7-91

Susan Pearson
202 Highland Blvd.
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Sharon Penn
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4-7-91

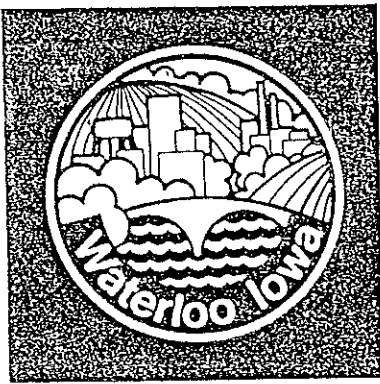
Bob Stevenson
715 Mulberry
Waterloo, IA 50703
(319) 291-4366

4-7-93

Chair

Willie Mae Wright
715 Mulberry
Waterloo, IA 50703
(319) 233-7368

Ex-Officio Member



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CITY OF WATERLOO, IOWA
PLANNING, PROGRAMMING AND ZONING COMMISSION

CHARLES MEANS
Chairman

BOB STEVENSON
City Planner

June 13, 1990

Mayor Bernard L. McKinley
City Council Members
City Hall
Waterloo, IA 50703

Dear Mayor and Council Members:

Transmitted herewith is a request by the Historic Preservation Commission for proposed amendments to chapter 18 1/2, Historic Preservation, Waterloo Code of Ordinances. The proposed revisions will make the local ordinance more consistent with the state law. The most significant change gives the commission the right to act in an advisory role in reviewing all "A" classified structures before any exterior alterations can be made.

The portions of the ordinance in bold print and parenthesis are to be added, the portions in brackets are suggestions from the State Historic Preservation Office, and the underlined sections are to be removed.

The Waterloo Planning, Programming and Zoning Commission reviewed the proposed amendments and approved them with one change to section 18 1/2-4(a) found on page 4. The Historic Preservation Commission proposed that anyone who resides or is employed in Waterloo is eligible to serve on the commission. The Planning, Programming and Zoning Commission proposed to limit membership to persons residing in Waterloo. The version submitted includes the Planning, Programming and Zoning Commissions recommendation, if you choose to include persons employed in Waterloo that should be a part of the motion to approve.

We ask that you set a date of public hearing for the proposed revisions to chapter 18 1/2, Historic Preservation, Waterloo Code of Ordinances.

If you have any questions or would like further information
please contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Bob Stevenson".

Bob Stevenson
City Planner

BS:RE:re

Chapter 18 1/2

HISTORIC PRESERVATION

Sec. 18 1/2-1. Purpose and intent.

The purpose of this chapter is to create and establish the Waterloo Historic Preservation Commission to promote the educational, cultural, economic and general welfare of the City of Waterloo by:

- (a) Maintaining a comprehensive inventory of historic, architectural and archaeological sites and districts in the City of Waterloo for public use;
- (b) Promoting the city's historic, aesthetic and cultural heritage through the designation, enhancement and perpetuation of such historic districts and sites which represent or reflect significant elements of the city's unique heritage;
- (c) Strengthening the city's economy by encouraging the stabilization, improvement, preservation or rehabilitation of designated properties, districts or sites;
- (d) Facilitating the dissemination of information regarding Waterloo's cultural, historical and architectural heritage, through publications, proclamations, and promotional events recognizing Waterloo's heritage;
- (e) Integrating historic preservation with a comprehensive land use plan. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-2. Definitions.

Alteration shall mean any act or process which causes a material change in exterior appearance to any site(,) structure (or property within a) historic district.

Architectural and historical sites survey as used herein shall mean that survey conducted on behalf of the City of Waterloo to identify and classify those structures in the city built prior to 1935. These structures have been classified as follows:

- A. Individually National Register of Historic Places eligible;
- B. Supportive structure in a potential or existing historic district;
- C. Not eligible for National Register of Historic Places.

Area shall mean a specific geographic division of the City of Waterloo.

Certificate of Appropriateness shall mean a certificate issued by the Waterloo Historic Preservation Commission indicating its approval of plans for alteration, construction, removal or demolition of any site or a structure in (a) historic district. The certificate must be obtained before a regulated permit will be issued if the work to be done will have an impact on any contributing architectural features or any A or B sites and structures.

Certificate of No Material Effect shall mean a certificate issued by the Waterloo Historic Preservation Commission (or designee) of the work being contemplated in the application if determined to have no adverse effect on any significant architectural features of any site or a structure (or any property located within a) historic district. The certificate must be obtained before a regulated permit will be issued.

Commission shall mean the Waterloo Historic Preservation Commission as established by this chapter.

Construction shall mean the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property, to include the placing of construction materials in a permanent position and fastened in a permanent manner.

Council shall mean the city council of Waterloo, Iowa.

Demolition shall mean any act or process that destroys all or part of a site or structure.

Design guidelines shall mean a standard of appropriate activity that will preserve the historic and architectural character of a structure or area. [Guidelines shall be consistent with] such as the Secretary of the Interior's "Standards for Rehabilitation" and "Guidelines for Rehabilitating Historic Buildings".

Exterior features shall mean the architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements, and shall also be construed as meaning significant architectural features.

Historic district shall mean an area designated as (a) "historic district" in accordance with criteria as stated herein and by ordinance of the city council, which is contiguous and contains within definable geographic boundaries several properties under diverse ownership.

(Landscape Feature shall mean fencing, gazebos and also inclusive of other ornamental outdoor fixtures.)

Owner shall mean the person, corporation or other legal entity listed as owner for purposes of taxation, and shall be construed to include owner of record.

Reasonable return shall mean fair and equitable value under the prevailing economic and social climate of the city and based on comparable locations, uses and structures.

Regulated permit shall mean a permit issued by the building official, city engineer or other official of the city according to provisions of the building code, or other ordinance or regulation, and which permit is regulated by this chapter when:

- (1) The issuance of such permit would occasion a change in an exterior feature, herein defined, on a site or structure; and
- (2) The location of such permit is a designated site or within an historic district established pursuant to this chapter.

Repair shall mean any change that is not construction, removal or alteration.

Removal shall mean any relocation of a structure on its site or to another site.

(Significant Feature shall mean architectural, historical and archeological elements that contribute to the historic value of the site or structure.)

Site shall mean a property structure or feature marking a specific event, era or prominent feature of the city, state or nation, which has been designated in accordance with criteria as stated herein and by ordinance of the city council; construed to include historic site.

Structure shall mean anything constructed or erected requiring permanent or temporary location on or in the ground and including, but not limited to buildings or appurtenant structures, such as (landscape features,) advertising signs, radio and television antennae or dishes, swimming pools, solar collectors (and any improvements on publicly owned property). (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-3. Meetings of the historic preservation commission.

(a) A quorum shall consist of a simple majority of all members.

(b) The commission shall adopt rules or bylaws for the transaction of its business which shall provide for the time and place of holding regular and special meetings and revise procedures for the approval or disapproval of certificate of appropriateness as needed.

(c) There shall be no fewer than four (4) meetings of the commission per year and special meetings on an as needed basis.

(d) Transaction of business. The commission shall transact business only at regular meetings, or in the case of a special meeting, which shall be held only when the chairman or three (3) members declare a need exists. Business may be transacted if the commission gives one (1) day written or oral notice to the members of the time, place, and reason(s) for said meeting. Further notice to public shall be posted at least twenty-four (24) hours in advance of the meeting.

(e) All regular or special meetings of the commission shall be open to the public, and any person shall be entitled to appear and be heard on a matter before it reaches its decision. Notice of hearings shall be sent as specified in identification and designation, section 18 1/2-8 (b)(1) through (3).

(f) Members of the historic preservation commission shall attend at least two-thirds of all regularly scheduled meetings within any twelve-month period. If any member does not attend such prescribed number of meetings, it may constitute grounds for the commission to recommend to the city council that such member be replaced. Attendance of all members shall be entered on the minutes.

(g) No member of the historic preservation commission shall vote on any matter that may directly or indirectly, materially or apparently effect the property, income, or business interest of that member.
(Ord. No. 3420, 1-20-86)

Sec. 18 1/2-4. Historic preservation commission, composition.

(a) The Waterloo Historic Preservation Commission shall consist of no fewer than seven (7) members, (all of whom are residents of the City of Waterloo, said members) shall be appointed by the mayor and approved by the city council.

(b) The Highland Historic District shall be represented by one (1) member and as historic districts are created, one (1) member shall be appointed from each district.

Other members shall be chosen at large, each of whom shall possess a demonstrated expertise or positive interest in architecture, law, historic preservation, history, archaeology or city planning.

(c) No more than two (2) members of the commission shall belong to the city's planning and zoning commission. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-5. Terms of commission members.

(a) The original appointment of the members of the commission shall be two (2) for one (1) year, two (2) for two (2) years, and three (3)

for three (3) years. The members appointed from the designated historic districts shall serve three-year terms.

After the initial appointment of members, the term for each member shall be three (3) years.

(b) Vacancies occurring in the commission, other than by expiration of term of office, shall be filled only for the unexpired term.

(c) Each member shall serve until the appointment of a successor.

(d) Members shall serve without compensation. (Ord. No. 3420)

Sec. 18 1/2-6. Officers of commission.

(a) The historic preservation commission shall elect from its membership a chairman and vice-chairman whose term of office shall be one (1) year. The chairman and vice-chairman may serve for more than one (1) term, but no member shall serve as chairman for more than two (2) consecutive years.

(b) The chairman shall preside over meetings and shall have the right to vote in the event of a tie only. The vice-chairman shall, in cases of absence or disability of the chairman, perform the duties of the chairman. A simple majority vote of members shall be sufficient to pass a motion.

(c) The historic preservation commission shall designate a person to serve as secretary to the commission. The secretary shall take minutes of each commission meeting, keep a record of all applications for certificates of appropriateness, resolutions proceedings, and actions of the historic preservation commission. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-7. Powers, duties and responsibilities.

The Waterloo Historic Preservation Commission will work with all city boards and departments to further its goals and shall have and may exercise the following powers, duties, and responsibilities:

(a) Adopt its own bylaws or procedural regulations consistent with state and federal guidelines.

(b) Maintain a system for the survey and inventory of Waterloo properties for the purpose of identifying those structures, areas or sites of architectural, historic, or prehistoric significance.

(c) Investigate and recommend to the planning, programming and zoning commission and to the city council the adoption of ordinances designating properties or structures having special historic, (cultural) or architectural value as "sites".

(d) Investigate and recommend to the planning, programming and zoning

commission and to the city council the adoption of ordinances designating areas as having special historic, (cultural) or architectural value as "historic districts".

(e) Keep a register of all properties and structures that have been designated as sites or historic districts, including all information required for each designation.

(f) Determine an appropriate system of markers for designated sites and historic districts.

(g) Request from the city council funds to support the preparation and publishing of maps, brochures, and other descriptive material about Waterloo's sites and historic districts.

(h) Advise and assist owners of sites or other historic structures on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion in the National Register of Historic Places.

(i) Review and make decisions on any application for a Certificate of Appropriateness (or through commission designee for a Certificate of No Material Effect) and require presentation of such plans, drawings, elevations, and other information as may be necessary to make such decisions.

(j) Review proposed zoning amendments and applications for special use permits and applications for zoning variances that affect proposed or designated sites and structures within historic districts.

(k) Make a recommendation to the state office of historic preservation for the listing of an historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.

(l) Other powers. In addition to those duties and powers specified above, the commission may, with city council approval:

- (1) Accept gifts and donations of real and personal property, including money, for the purpose of historic preservation.
- (2) Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic preservation.
- (3) Apply for federal, state and local funds for the rehabilitation, preservation, improvement or stabilization of sites or structures in historic districts located within 'the City of Waterloo.
- (4) Preserve, restore, maintain and operate historic properties, under the ownership or control of the commission.

- (5) Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
- (6) Contract, with the state or the federal government or other organizations.
- (7) Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.
- (8) Provide information for the purpose of historic preservation to the governing body.
- (9) Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

Sec. 18 1/2-8. Identification and designation.

The commission may exercise its powers, duties and responsibilities by preparing studies to identify and designate sites or historic districts as defined in this chapter. The commission may proceed at its own initiative or act upon petition from any person, group, organization, or the State Office of Historic Preservation of the State Bureau of Historic Preservation.

(a) Procedure. The following procedure shall be followed in proposing the designation of sites and historic districts:

(1) Proposals shall be filed with the commission upon forms prescribed by them, and shall include all data required by the commission, including legal descriptions of real estate involved.

(2) A public hearing by the commission may be held prior to submission to planning, programming and zoning commission for review.

(3) In any case where a historic district is proposed, the petitioner shall acquire the written consent of at least fifty-one (51) percent of the ownership of properties within the proposed historic district.

(4) After such investigation as the commission deems necessary, the commission shall recommend to approve, disapprove, or modify the proposal within sixty (60) days of the referral of the petition to the commission. Said recommendation shall be in writing and signed by the commission chairman and shall state the findings of fact which constituted the basis of the decision.

(5) Within seven (7) calendar days after making such determination, the commission shall transmit the proposal and the recommendation to the planning, programming and zoning

commission and petitioner.

(6) Within sixty (60) days of the receipt of the report, recommendation and proposed ordinance, the planning, programming and zoning commission shall report to the city council with respect to the relation of such designation to the general development plan, zoning ordinance, proposed public improvements, and any plans for the renewal of the area involved. Upon submission of the report of the planning, programming and zoning commission, or upon the expiration of the sixty-day period, the matter shall be transmitted to the city council.

(7) The city council shall submit a description of the proposed area to the state office of historic preservation at least forty-five (45) days prior to the date of any public hearing conducted by the city council on an ordinance establishing the proposed area as an historic district. Any recommendations made by the state office of historic preservation shall be made available by the city to the public for viewing during normal working hours at a city government place of public access.

(8) Upon receiving the recommendation of the historic preservation commission and the report of the planning, programming and zoning commission, and after having received a recommendation of approval from the state office of historic preservation or having had the forty-five day waiting period elapse, the city council shall conduct a public hearing on the ordinance establishing the proposed historic preservation district. The council may approve or disapprove the ordinance or may refer the historic district designation to the historic preservation commission for modification.

(b) Notice In the case of public hearings, the commission shall meet the following notification requirements:

(1) Written notice shall be given to the owners of the properties proposed for designation. Said notice shall be sent by regular mail from the secretary to the last known address or address as it appears in the records of the county auditor's office. Written notice shall also be posted at least twenty-four (24) hours prior to public hearing.

(2) Failure to send notice by mail to any such property owner where the address of such owner is not so recorded shall not invalidate any proceedings in connection with the proposed designation.

(3) The notice shall include the date, time, place, and reason for the public hearing. Said notice shall be given not less than five (5) days nor more than twenty (20) days prior to the public hearing.

(c) Effective date. Any determination made under the provisions of this section shall be in full force and effective on the date the determination is made.

(d) Amendment rescission. Any designation made in accordance with this chapter may be amended or rescinded in the same manner as the original designation was made.

(e) Extension of time. Whenever under the provisions of this chapter, the commission is required within a prescribed period of time to make a determination or perform any act in relation to any petition for designation, the petitioner and the commission may extend such period by mutual consent of the involved parties, said consent to be filed in writing to the commission.

(f) Economic impact The commission shall in its consideration of designations consider, along with all other factors and criteria, all economic factors presented to it. The commission shall recognize the necessity of weighing potential economic detriments against preservation objectives and shall strive to effect a reasonable return in all instances.

(g) Designation criteria In considering a proposal to designate any improvements or sites in the city as a site or historic district, the following criteria shall be considered:

- (1) If it has historical and cultural importance, having significant character, interest, or value, as part of the development history or cultural characteristic of the city, state, or nation.
- (2) If it is associated with the life of a person significant in the past.
- (3) If it is the site of a significant historical event.
- (4) If it exemplifies or reflects a cultural, political, economic, social, or historic heritage of the city, state, or the nation.
- (5) If it has potential for yielding information of archaeological significance.
- (6) If it embodies distinctive elements of an architectural or any engineering type, style, or method of construction.
- (7) If it is representative of the notable work of a master builder, designer, or architect whose individual genius influenced the city, state, or nation.
- (8) If it represents an established or familiar visual feature of the neighborhood, community, or city due to its unique

location or similar physical characteristic.

- (9) If it has geographical importance by being related to a significant area and should be developed or reserved according to a plan based on a historic, cultural or architectural motif.
- (10) If it has a relationship to a site, building, or historic district.
- (11) If it has integrity as a natural environment that significantly contributes to the quality of life in the city. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-9. Remedy of dangerous conditions of (designated) sites and structures.

(a) Except for emergencies as determined by the building official pursuant to the ordinances of the City of Waterloo, city enforcement agencies and departments shall give the historic preservation commission at least thirty (30) days notice of any proposed order which may affect the exterior features of any building for remedying conditions determined to be dangerous to life, health or property.

(b) In all other cases it shall be the responsibility of the commission and the city agency or department to cooperate with the property owner in an attempt to develop a preservation plan whereby the dangerous conditions will be corrected with minimal adverse impact on exterior features. Such plan shall be approved by the commission and shall be signed by the chair of the commission, the property owner, and the head of the city agency or department.

(c) If a preservation plan acceptable to the commission, the city agency or department and the property owner cannot be reached within thirty (30) days or a period of time acceptable to the city agency or department, the agency or department shall proceed to issue and enforce its proposed order. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-10. Demolition of sites and structures (identified in the Architectural/Historic Sites Survey.)

(a) Regulated permits for demolition of sites or structures (identified as "A" or "B" classifications) shall be reviewed by the Historic Preservation Commission.

(b) (Said) "A" and "B" classifications require the (property owner with the assistance of the) commission to work together to develop a preservation plan whereby the property can be restored, rehabilitated, relocated, preserved or adaptively reused. Such preservation plan shall be developed within ninety (90) days.

(C) "C" classifications require no review by the commission. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-11. Alteration of (all "A" Classified) sites and/or any structures (within) historic districts.

(a) (No) material change in appearance of any ("A" classified site) or (any structure within a historic district) shall be made or permitted to be made by the owner or occupant thereof until a regulated permit shall have been obtained for such change as provided by this chapter.

(b) (It) shall be the duty of the historic preservation commission to review all plans for any and all material changes in appearance of any structure or site (as identified herein). It shall have the power to review such plans before a regulated permit for such can be granted, provided that the commission shall review only such features of a change as they affect the exterior of the structure. The commission shall issue a certificate of appropriateness if it approves plans submitted to it for review. The commission shall approve only if it finds that either:

- (1) The proposed work in creating, changing, destroying, or affecting the exterior features of the improvement or site upon which the work is to be done will not have a substantial adverse effect on the historical or architectural significance and value of either the property itself or of the neighboring improvements in relation to said district or site. (The) commission shall determine whether the proposed change is consistent with the historic value and the overall architectural style of the district site, or building; or
- (2) The denial of a certificate of appropriateness would prevent the owner of the site or a structure within a historic district from earning a reasonable return or other interest in his property. The building official, city engineer, or other local authorities shall not issue a regulated permit until such certificate of appropriateness has been issued by the commission. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-12. Procedure for the review of plans.

(a) Application for a regulated permit shall be made to the (appropriate City Official or Department).

- (1) The chair of the historic preservation commission and the secretary of said commission, or their designee, may issue a certificate of no material effect if the work contemplated in the application will have no effect on any significant architectural features of the site or any structure within the historic district. (Ord. No. 3420, 1-20-86)

(b) The application will state that the work is to be done (to an "A" classified site or any structure) within a historic district. The commission may require submission of such drawings, sketches, photographs, or other exhibits as it deems reasonably necessary for consideration of the application. Upon the filing of such application, the building official shall immediately notify the historic preservation commission of the receipt of such application and shall transmit it, together with accompanying plans and other information to the commission, unless it pertains solely to the interior of the building.

(c) The historic preservation commission shall meet within (thirty (30)) days after notification by the (appropriate City) official of the filing, or a mutually agreed upon date, unless the application qualifies for a certificate of no material effect, as specified herein. The commission shall review the plans according to the duties and powers specified herein. In reviewing the plans, the commission may confer with the applicant or his authorized representative. In acting upon an application, the commission shall consider whether the change in appearance conforms to (design guidelines as defined herein.) standards set forth in the current edition of the Secretary of the Interior's "Standards for Rehabilitation". The Commission may use the Secretary of Interior's "Guidelines for Rehabilitating Historic Buildings" or other guidelines adopted by the commission to aid in determining whether the proposed change in appearance to a building or site conforms to the Secretary of Interior's "Standards for Rehabilitation".

(d) The commission shall approve(, approve with modifications,) or disapprove such plans, and if approved, shall issue a certificate of appropriateness, which is to be signed by the chairman, attached to the application for the regulated permit and immediately transmitted to the building official.

(e) If the commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such actions therefor in writing to the (appropriate City) official and to the applicant. The commission may propose appropriate revisions of the applicant's plans if it disapproved of the plans submitted. The applicant, if so desired, may make modifications to the plans and shall have the right to resubmit said application after one hundred twenty (120) days have elapsed or at a time mutually agreed upon by the applicant and the commission.

(f) No regulated permit shall be issued authorizing a material change or appearance of any ["A" classified] site or a [any] structure within a historic district, until a certificate of appropriateness has been filed with the (appropriate City) official. In the event the commission disapproves of a proposed plan, its notice of disapproval shall be binding upon the (said City) official and no permit shall be issued in such a case. The failure of the commission to act within

(sixty (60)) days from the date of an application filed with it, unless an extension is agreed upon mutually by the applicant and the commission, shall be deemed to constitute approval. In the event, however, that the commission shall make a finding that the circumstances of a particular application require further time for additional study and information that cannot be obtained within the aforesaid period of (sixty (60)) days, then in said event the commission shall have a period of up to a maximum of ninety (90) days from the date of original submittal of application within which to act upon such an application.

(g) After the certificate of appropriateness has been issued and the regulated permit granted to the applicant, the (appropriate City) official or his designee shall from time to time inspect the construction, alteration, or repair approved by such certificate and shall take such action as is necessary to enforce compliance with the approved plans.

(h) Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any ("A" classified site or any) structure within a historic district where such maintenance or repair does not involve a(n) (alteration) as herein defined.

Sec. 18 1/2-13. Appeals from commission decisions.

An aggrieved party may appeal the commission's (final) action within sixty (60) days to the city council. If not satisfied by the decision of the city council, the party may appeal within sixty (60) days of the city council's decision to the District Court for Black Hawk County. On appeal, the city council or the district court, as the case may be, shall consider whether the commission has exercised its powers and followed the guidelines established by law and ordinance and whether the commission's action was patently arbitrary and capricious. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-14. Violation and penalties.

In accordance with established city policies and/or procedures; any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this chapter upon conviction shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day that a violation is permitted to exist constitutes a separate offense. The building official is hereby designated and ordered to enforce this chapter. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-15. Enforcement.

In case any building or structure is erected, constructed, reconstructed, altered, repaired or converted or any building, structure or land is used in violation of this chapter, the (appropriate City) official, in addition to other remedies, shall institute any proper

action or proceedings in the name of the City of Waterloo, Iowa, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure of land, or to prevent any illegal act, conduct, business or use in or about such premises. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-16. Compatibility with existing zoning regulations.

Any new building shall conform to all setback requirements of the zone in which it is to be built or moved. If a building which has lost one hundred (100) fifty (50) percent or more of its assessed value due to fire or other natural disasters is to be reconstructed as near as possible to the original exterior design, it may be placed upon its original foundation or the site of the original foundation. In the event that the original foundation or site thereof is found to be in noncompliance with regulations in Zoning Ordinance No. 2479, as amended, it shall require board of adjustment approval prior to beginning construction. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-17. Validity.

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared to be invalid. (Ord. No. 3420, 1-20-86)

ORDINANCE NO. 3727

AN ORDINANCE AMENDING THE 1988 CODE OF ORDINANCES OF THE CITY OF WATERLOO, IOWA, BY REPEALING CHAPTER 18 1/2, HISTORIC PRESERVATION; AND BY ENACTING IN LIEU THEREOF A NEW CHAPTER 18 1/2, HISTORIC PRESERVATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WATERLOO:

That Chapter 18 1/2, Historic Preservation, of the 1988 Code of Ordinances of the City of Waterloo, Iowa, is hereby repealed in its entirety; that a new Chapter 18 1/2, Historic Preservation, of the 1988 Code of Ordinances of the City of Waterloo, Iowa, is hereby enacted in lieu thereof as follows:

Chapter 18 1/2
HISTORIC PRESERVATION

Sec. 18 1/2-1. Purpose and Intent.

The purpose of this chapter is to create and establish the Waterloo Historic Preservation Commission to promote the education, cultural, economic and general welfare of the City of Waterloo by:

- (a) Maintaining a comprehensive inventory of historic, architectural and archaeological sites and districts in the City of Waterloo for public use;
- (b) Promoting the City's historic, aesthetic and cultural heritage through the designation, enhancement and perpetuation of such historic districts and sites which represent or reflect significant elements of the City's unique heritage;
- (c) Strengthening the City's economy by encouraging the stabilization, improvement, preservation or rehabilitation of designated properties, districts or sites;
- (d) Facilitating the dissemination of information regarding Waterloo's cultural, historical and architectural heritage, through publications, proclamations, and promotional events recognizing Waterloo's heritage;
- (e) Integrating Historic Preservation with a comprehensive land use plan. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-2. Definitions.

- (a) Alteration shall mean any act or process which causes a material change in exterior appearance to any site, structure or property within a historic district.
- (b) Architectural and Historical Sites Survey as used herein shall mean that survey conducted on behalf of the City of Waterloo to identify and classify those structures in the City built prior to 1935. These structures have been classified as follows:
 - 1. Individually National Register of Historic Places eligible;
 - 2. Supportive structure in a potential or existing historic district;

3. Not eligible for National Register of Historic Places.
- (c) Area shall mean a specific geographic division of the City of Waterloo.
- (d) Certificate of Appropriateness shall mean a certificate issued by the Waterloo Historic Preservation Commission indicating its approval of plans for alteration, construction, removal or demolition of any site or a structure in a historic district. The certificate must be obtained before a regulated permit will be issued if the work to be done will have an impact on any contributing architectural features or any A or B sites and structures.
- (e) Certificate of No Material Effect shall mean a certificate issued by the Waterloo Historic Preservation Commission or designee of the work being contemplated in the application if determined to have no adverse effect on any significant architectural features of any site or a structure or any property located within a historic district. The certificate must be obtained before a regulated permit will be issued.
- (f) Commission shall mean the Waterloo Historic Preservation Commission as established by this chapter.
- (g) Construction shall mean the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property, to include the placing of construction materials in a permanent position and fastened in a permanent manner.
- (h) Council shall mean the City Council of Waterloo, Iowa.
- (i) Demolition shall mean any act or process that destroys all or part of a site or structure.
- (j) Design Guidelines shall mean a standard of appropriate activity that will preserve the historic and architectural character of a structure or area. Guidelines shall be consistent with the Secretary of the Interior's "Standards for Rehabilitation" and "Guidelines for Rehabilitating Historic Buildings".
- (k) Exterior Features shall mean the architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements, and shall also be construed as meaning significant architectural features.
- (l) Historic District shall mean an area designated as a "historic district" in accordance with criteria as stated herein and by ordinance of the City Council, which is contiguous and contains within definable geographic boundaries several property under diverse ownership.
- (m) Landscape Feature shall mean fencing, gazebos and also inclusive of other ornamental outdoor fixtures.
- (n) Owner shall mean the person, corporation or other legal entity listed as owner for purposes of taxation, and shall be construed to include owner of record.

- (o) Reasonable Return shall mean fair and equitable value under the prevailing economic and social climate of the City and based on comparable locations, uses and structures.
- (p) Regulated Permit shall mean a permit issued by the building official, city engineer or other official of the city according to provisions of the building code, or other ordinance or regulation, and which permit is regulated by this chapter when:
 - (1) The issuance of such permit would occasion a change in an exterior feature, herein defined, on a site or structure; and
 - (2) The location of such permit is a designated site or within an historic district established pursuant to this chapter.
- (q) Repair shall mean any change that is not construction, removal or alteration.
- (r) Removal shall mean any relocation of a structure on its site or to another site.
- (s) Significant Feature shall mean architectural, historical and archaeological elements that contribute to the historic value of the site or structure.
- (t) Site shall mean a property structure or feature marking a specific event, era or prominent feature of the City, state or nation, which has been designated in accordance with criteria as stated herein and by ordinance of the City Council; construed to include historic site.
- (u) Structure shall mean anything constructed or erected requiring permanent or temporary location on or in the ground and including, but not limited to building or appurtenant structures, such as landscape features, advertising signs, radio and television antennae or dishes, swimming pools, solar collectors and any improvements on publicly owned property. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-3. Meetings of the Historic Preservation Commission.

- (a) A quorum shall consist of a simple majority of all members.
- (b) The Commission shall adopt rules or bylaws for the transaction of its business which shall provide for the time and place of holding regular and special meetings and revise procedures for the approval or disapproval of certificate of appropriateness as needed.
- (c) There shall be no fewer than four (4) meetings of the Commission per year and special meetings on an as needed basis.
- (d) Transaction of Business. The Commission shall transact business only at regular meetings, or in the case of a special meeting, which shall be held only when the chair or three (3) members declare a need exists. Business may be transacted if the Commission gives one (1) day written or oral notice to the members of the time, place, and reason(s) for said meeting. Further

notice to public shall be posted at least twenty-four (24) hours in advance of the meeting.

- (e) All regular or special meetings of the Commission shall be open to the public, and any person shall be entitled to appear and be heard on a matter before it reaches its decision. Notice of hearings shall be sent as specified in identification and designation, Section 18 1/2-8 (b) (1) through (3).
- (f) Members of the Historic Preservation Commission shall attend at least two-thirds of all regularly scheduled meetings within any twelve-month period. If any member does not attend such prescribed number of meetings, it may constitute grounds for the Commission to recommend to the City Council that such member be replaced. Attendance of all members shall be entered on the minutes.
- (g) No member of the Historic Preservation Commission shall vote on any matter that may directly or indirectly, materially or apparently effect the property, income, or business interest of that member. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-4. Historic Preservation Commission, Composition.

- (a) The Waterloo Historic Preservation Commission shall consist of no fewer than seven (7) members, all of whom are residents of or employed within the City of Waterloo, said members shall be appointed by the Mayor and approved by the City Council.
- (b) The Highland Historic District shall be represented by one (1) member and as historic districts are created, one (1) member shall be appointed from each district.

Other members shall be chosen at large, each of whom shall possess a demonstrated expertise or positive interest in architecture, law, historic preservation, history, archaeology or city planning.

- (c) No more than two (2) members of the Commission shall belong to the City's Planning and Zoning Commission. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-5. Terms of Commission Members.

- (a) The original appointment of the members of the Commission shall be two (2) for one (1) year, two (2) for two (2) years, and three (3) for three (3) years. The members appointed from the designated historic districts shall serve three-year terms.

After the initial appointment of members, the term for each member shall be three (3) years.

- (b) Vacancies occurring in the Commission, other than by expiration of term of office, shall be filled only for the unexpired term.
- (c) Each member shall serve until the appointment of a successor.
- (d) Members shall serve without compensation. (Ord. No. 3420)

Sec. 18 1/2-6. Officers of Commission.

- (a) The Historic Preservation Commission shall elect from its membership a chair and vice-chair whose term of office shall be one (1) year. The chair and vice-chair may serve for more than one (1) term, but no member shall serve as chair for more than two (2) consecutive years.
- (b) The chair shall preside over meetings and shall have the right to vote in the event of a tie only. The vice-chair shall, in cases of absence or disability of the chair, perform the duties of the chair. A simple majority vote of members shall be sufficient to pass a motion.
- (c) The Historic Preservation Commission shall designate a person to serve as secretary to the Commission. The secretary shall take minutes of each Commission meeting, keep a record of all applications for certificates of appropriateness, resolutions, proceedings, and actions of the Historic Preservation Commission. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-7. Powers, Duties and Responsibilities.

The Waterloo Historic Preservation Commission will work with all City boards and departments to further its goals and shall have and may exercise the following powers, duties, and responsibilities:

- (a) Adopt its own bylaws or procedural regulations consistent with state and federal guidelines.
- (b) Maintain a system for the survey and inventory of Waterloo properties for the purpose of identifying those structures, areas or sites of architectural, historic, or prehistoric significance.
- (c) Investigate and recommend to the Planning, Programming and Zoning Commission and to the City Council the adoption of ordinances designating properties or structures having special historic, cultural or architectural value as "sites".
- (d) Investigate and recommend to the Planning, Programming and Zoning Commission and to the City Council the adoption of ordinances designating areas as having special historic, cultural or architectural value as "historic districts".
- (e) Keep a register of all properties and structures that have been designated as sites or historic districts, including all information required for each designation.
- (f) Determine an appropriate system of markers for designated sites and historic districts.
- (g) Request from the City Council funds to support the preparation and publishing of maps, brochures, and other descriptive material about Waterloo's sites and historic districts.
- (h) Advise and assist owners of sites or other historic structures on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion in the National Register of Historic Places.

- (i) Review and make decisions on any application for a Certificate of Appropriateness or through Commission designee for a Certificate of No Material Effect and require presentation of such plans, drawings, elevations, and other information as may be necessary to make such decisions.
- (j) Review proposed zoning amendments and applications for special use permits and applications for zoning variances that affect proposed or designated sites and structures within historic districts.
- (k) Make a recommendation to the state office of historic preservation for the listing of an historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.
- (l) Other Powers. In addition to those duties and powers specified above, the Commission may, with City Council approval:
 - (1) Accept gifts and donations of real and personal property, including money, for the purpose of historic preservation.
 - (2) Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic preservation.
 - (3) Apply for federal, state and local funds for the rehabilitation, preservation, improvement or stabilization of sites or structures in historic districts located within the City of Waterloo.
 - (4) Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission.
 - (5) Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
 - (6) Contract, with the state or the federal government or other organizations.
 - (7) Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.
 - (8) Provide information for the purpose of historic preservation to the governing body.
 - (9) Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

Sec. 18 1/2-8. Identification and Designation.

The Commission may exercise its powers, duties and responsibilities by preparing studies to identify and designate sites or historic districts as defined in this chapter. The Commission may proceed at its own initiative or act upon petition from any person, group, organization, or the State Office of Historic Preservation of the State Bureau of Historic Preservation.

- (a) Procedure. The following procedure shall be followed in proposing the designation of sites and historic districts:
- (1) Proposals shall be filed with the Commission upon forms prescribed by them, and shall include all data required by the Commission, including legal descriptions of real estate involved.
 - (2) A public hearing by the Commission may be held prior to submission to Planning, Programming and Zoning Commission for review.
 - (3) In any case where a historic district is proposed, the petitioner shall acquire the written consent of at least fifty-one (51) percent of the ownership of properties within the proposed historic district.
 - (4) After such investigation as the Commission deems necessary, the Commission shall recommend to approve, disapprove, or modify the proposal within sixty (60) days of the referral of the petition to the Commission. Said recommendation shall be in writing and signed by the Commission chair and shall state the findings of fact which constituted the basis of the decision.
 - (5) Within seven (7) calendar days after making such determination, the Commission shall transmit the proposal and the recommendation to the Planning, Programming and Zoning Commission and petitioner.
 - (6) Within sixty (60) days of the receipt of the report, recommendation and proposed ordinance, the Planning, Programming and Zoning Commission shall report to the City Council with respect to the relation of such designation to the general development plan, zoning ordinance, proposed public improvements, and any plans for the renewal of the area involved. Upon submission of the report of the Planning, Programming and Zoning Commission, or upon the expiration of the sixty-day period, the matter shall be transmitted to the City Council.
 - (7) The City Council shall submit a description of the proposed area to the State Office of Historic Preservation at least forty-five (45) days prior to the date of any public hearing conducted by the City Council on an ordinance establishing the proposed area as an historic district. Any recommendations made by the State Office of Historic Preservation shall be made available by the City to the public for viewing during normal working hours at a City government place of public access.
 - (8) Upon receiving the recommendation of the Historic Preservation Commission and the report of the Planning, Programming and Zoning Commission, recommendation of approval from the State Office of Historic Preservation or having had the forty-five day waiting period elapse, the City Council shall conduct a public hearing on the ordinance establishing the proposed Historic Preservation district. The Council may approve or disapprove the ordinance or may refer the historic

district designation to the Historic Preservation Commission for modification.

- (b) Notice. In the case of public hearings, the Commission shall meet the following notification requirements:
 - (1) Written notice shall be given to the owners of the properties proposed for designation. Said notice shall be sent by regular mail from the secretary to the last known address or address as it appears in the records of the County Auditor's Office. Written notice shall also be posted at least twenty-four (24) hours prior to public hearing.
 - (2) Failure to send notice by mail to any such property owner where the address of such owner is not so recorded shall not invalidate any proceedings in connection with the proposed designation.
 - (3) The notice shall include the date, time, place, and reason for the public hearing. Said notice shall be given not less than five (5) days nor more than twenty (20) days prior to the public hearing.
- (c) Effective Date. Any determination made under the provisions of this section shall be in full force and effective on the date the determination is made.
- (d) Amendment Rescission. Any designation made in accordance with this chapter may be amended or rescinded in the same manner as the original designation was made.
- (e) Extension of Time. Whenever under the provisions of this chapter, the Commission is required within a prescribed period of time to make a determination or perform any act in relation to any petition for designation, the petitioner and the Commission may extend such period by mutual consent of the involved parties, said consent to be filed in writing to the Commission.
- (f) Economic Impact. The Commission shall in its consideration of designations consider, along with all other factors and criteria, all economic factors presented to it. The Commission shall recognize the necessity of weighing potential economic detriments against preservation objectives and shall strive to effect a reasonable return in all instances.
- (g) Designation Criteria. In considering a proposal to designate any improvements or sites in the City as a site or historic district, the following criteria shall be considered:
 - (1) If it has historical and cultural importance, having significant character, interest, or value, as part of the development history or cultural characteristic of the city, state, or nation.
 - (2) If it is associated with the life of a person significant in the past.
 - (3) If it is the site of a significant historical event.

- (4) If it exemplifies or reflects a cultural, political, economic, social, or historic heritage of the city, state, or the nation.
- (5) If it has potential for yielding information of archaeological significance.
- (6) If it embodies distinctive elements of an architectural or any engineering type, style, or method of construction.
- (7) If it is representative of the notable work of a master builder, designee, or architect whose individual genius influenced the city, state or nation.
- (8) If it represents an established or familiar visual feature of the neighborhood, community, or city due to its unique location or similar physical characteristic.
- (9) If it has geographical importance by being related to a significant area and should be developed or reserved according to a plan based on a historic, cultural or architectural motif.
- (10) If it has a relationship to a site, building, or historic district.
- (11) If it has integrity as a natural environment that significantly contributes to the quality of life in the city. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-9. Remedy of Dangerous Conditions of Designated Sites and Structures.

- (a) Except for emergencies as determined by the building official pursuant to the ordinances of the City of Waterloo, City enforcement agencies and departments shall give the Historic Preservation Commission at least thirty (30) days notice of any proposed order which may affect the exterior features of any building for remedying conditions determined to be dangerous to life, health or property.
- (b) In all other cases it shall be the responsibility of the Commission and the City agency or department to cooperate with the property owner in an attempt to develop a preservation plan whereby the dangerous conditions will be corrected with minimal adverse impact on exterior features. Such plan shall be approved by the Commission and shall be signed by the chair of the Commission, the property owner, and the head of the City agency or department.
- (c) If a preservation plan acceptable to the Commission, the City agency or department and the property owner cannot be reached within thirty (30) days or a period of time acceptable to the City agency or department, the agency or department shall proceed to issue and enforce its proposed order. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-10. Demolition of Sites and Structures Identified in the Architectural/Historic Sites Survey.

- (a) Regulated permits for demolition of sites or structures identified as "A" or "B" classifications shall be reviewed by the Historic Preservation Commission.

- (b) Said "A" and "B" classifications require the property owner with the assistance of the Commission to develop a preservation plan whereby the property can be restored, rehabilitated, relocated, preserved or adaptively reused. Such preservation plan shall be developed within ninety (90) days.
- (c) "C" classifications require no review by the Commission. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-11. Alteration of all "A" Classified sites and/or any structures within historic districts.

- (a) No material change in appearance of any "A" classified site or any structure within a historic district shall be made or permitted to be made by the owner or occupant thereof until a regulated permit shall have been obtained for such change as provided by this chapter.
- (b) It shall be the duty of the Historic Preservation Commission to review all plans for any and all material changes in appearance of any structure or site as identified herein. It shall have the power to review such plans before a regulated permit for such can be granted, provided that the Commission shall review only such features of a change as they affect the exterior of the structure. The Commission shall issue a certificate of appropriateness if it approves plans submitted to it for review. The Commission shall approve only if it finds that either:
 - (1) The proposed work in creating, changing, destroying, or affecting the exterior features of the improvement or site upon which the work is to be done will not have a substantial adverse effect on the historical or architectural significance and value of either the property itself or of the neighboring improvements in relation to said district or site. The Commission shall determine whether the proposed change is consistent with the historic value and the overall architectural style of the district site, or building; or
 - (2) The denial of a certificate of appropriateness would prevent the owner of the site or a structure within a historic district from earning a reasonable return or other interest in his property. The building official, city engineer, or other local authorities shall not issue a regulated permit until such certificate of appropriateness has been issued by the Commission. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-12. Procedure for the Review of Plans.

- (a) Application for a regulated permit shall be made to the appropriate City official or Department.
 - (1) The chair of the Historic Preservation Commission and the secretary of said Commission, or their designee, may issue a certificate of no material effect if the work contemplated in the application will have no effect on any significant architectural features of the site or any structure within the historic district. (Ord. No. 3420, 1-20-86)

- (b) The application will state that the work is to be done to an "A" classified site or any structure within a historic district. The Commission may require submission of such drawings, sketches, photographs, or other exhibit as it deems reasonably necessary for consideration of the application. Upon the filing of such application, the building official shall immediately notify the Historic Preservation Commission of the receipt of such application and shall transmit it, together with accompanying plans and other information to the Commission, unless it pertains solely to the interior of the building.
- (c) The Historic Preservation Commission shall meet within thirty (30) days after notification by the appropriate City official of the filing, or a mutually agreed upon date, unless the application qualifies for a certificate of no material effect, as specified herein. The Commission shall review the plans according to the duties and powers specified herein. In reviewing the plans, the Commission may confer with the applicant or his authorized representative. In acting upon an application, the Commission shall consider whether the change in appearance conforms to design guidelines as defined herein.
- (d) The Commission shall approve, approve with modifications, or disapprove such plans, and if approved, shall issue a certificate of appropriateness, which is to be signed by the chairman, attached to the application for the regulated permit and immediately transmitted to the building official.
- (e) If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such actions therefor in writing to the appropriate city official and to the applicant. The Commission may propose appropriate revisions of the applicant's plans if it disapproved of the plans submitted. The applicant, if so desired, may make modifications to the plans and shall have the right to resubmit said application after one hundred twenty (120) days have elapsed or at a time mutually agreed upon by the applicant and the Commission.
- (f) No regulated permit shall be issued authorizing a material change or appearance of any "A" classified site or any structure within a historic district, until a certificate of appropriateness has been filed with the appropriate City official. In the event the Commission disapproves of a proposed plan, its notice of disapproval shall be binding upon the said City official and no permit shall be issued in such a case. The failure of the Commission to act within sixty (60) days from the date of an application filed with it, unless an extension is agreed upon mutually by the applicant and the Commission, shall be deemed to constitute approval. In the event, however, that the Commission shall make a finding that the circumstances of a particular application require further time for additional study and information that cannot be obtained within the aforesaid period of sixty (60) days, then in said event the Commission shall have a period of up to a maximum of ninety (90) days from the date of original submittal of application within which to act upon such an application.
- (g) After the certificate of appropriateness has been issued and the regulated permit granted to the

applicant, the appropriate City official or his designee shall from time to time inspect the construction, alteration, or repair approved by such certificate and shall take such action as is necessary to enforce compliance with the approved plans.

- (h) Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any "A" classified site or any structure within a historic district where such maintenance or repair does not involve an alteration as herein defined.

Sec. 18 1/2-13. Appeals from Commission Decisions.

An aggrieved party may appeal the Commission's final action within sixty (60) days to the City Council. If not satisfied by the decision of the City Council, the party may appeal within sixty (60) days of the City Council's decision to the District Court for Black Hawk County. On appeal, the City Council or the district court, as the case may be, shall consider whether the Commission has exercised its powers and followed the guidelines established by law and ordinance and whether the Commission's action was patently arbitrary and capricious. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-14. Violation and Penalties.

In accordance with established City policies and/or procedures, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this chapter upon conviction shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day that a violation is permitted to exist constitutes a separate offense. The building official is hereby designated and ordered to enforce this chapter. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-15. Enforcement.

In case any building or structure is erected, constructed, reconstructed, altered, repaired or converted or any building, structure or land is used in violation of this chapter, the appropriate City official, in addition to other remedies, shall institute any proper action or proceedings in the name of the City of Waterloo, Iowa, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure of land, or to prevent any illegal act, conduct, business or use in or about such premises. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-16. Compatibility with Existing Zoning Regulations.

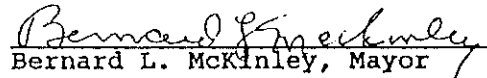
Any new building shall conform to all setback requirements of the zone in which it is to be built or moved. If a building which has lost fifty (50) percent or more of its assessed value due to fire or other natural disasters is to be reconstructed as near as possible to the original exterior design, it may be placed upon its original foundation or the site of the original foundation. In the event that the original foundation or site thereof is found to be in noncompliance with regulations in Zoning Ordinance No. 2479, as amended, it shall require Board of Adjustment approval prior to beginning construction. (Ord. No. 3420, 1-20-86)

Sec. 18 1/2-17. Validity.

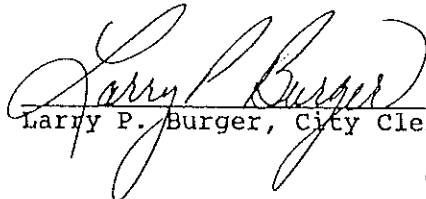
Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared to be invalid. (Ord. No. 3420, 1-20-86)

INTRODUCED:	July 9, 1990
PASSED 1ST CONSIDERATION:	July 9, 1990
PASSED 2ND CONSIDERATION:	July 9, 1990
PASSED 3RD CONSIDERATION:	July 9, 1990

PASSED AND ADOPTED by the City Council on this 9th day of July, 1990, and approved by the Mayor on this 11th day of July, 1990:


Bernard L. McKinley, Mayor

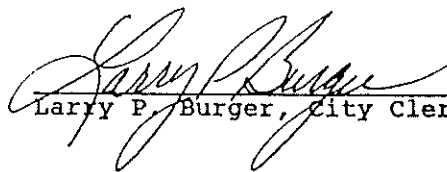
ATTEST:


Larry P. Burger, City Clerk/Auditor

CERTIFICATE

I, Larry P. Burger, City Clerk/Auditor of the City of Waterloo, Iowa, do hereby certify that attached hereto is a true and complete copy of Ordinance No. 3727, as passed and adopted by the Council of the City of Waterloo, Iowa, on the 9th day of July, 1990.

Witness my hand and seal of office this 11th day of July, 1990.


Larry P. Burger, City Clerk/Auditor

Iowa Site Inventory

Office of Historic Preservation
Iowa State Historical Department
East 12th & Grand Avenue
Des Moines, Iowa 50319

Site Number 07-028-7569
District Name _____
Map Reference # #283

Identification

1. Site Name Waterloo Township _____ County _____
2. Village/Town/City 226 Logan
3. Street Address _____
4. Legal Location _____

Urban:
Rural:

subdivision
township

block
range

parcel
section

subparcel
1/4 section of 1/4 section
5. UTM Location: zone _____ easting _____ northing _____; Acreage _____
6. Owner(s) Name _____
7. Owner(s) Address _____

(Street address)
House

(City)
House

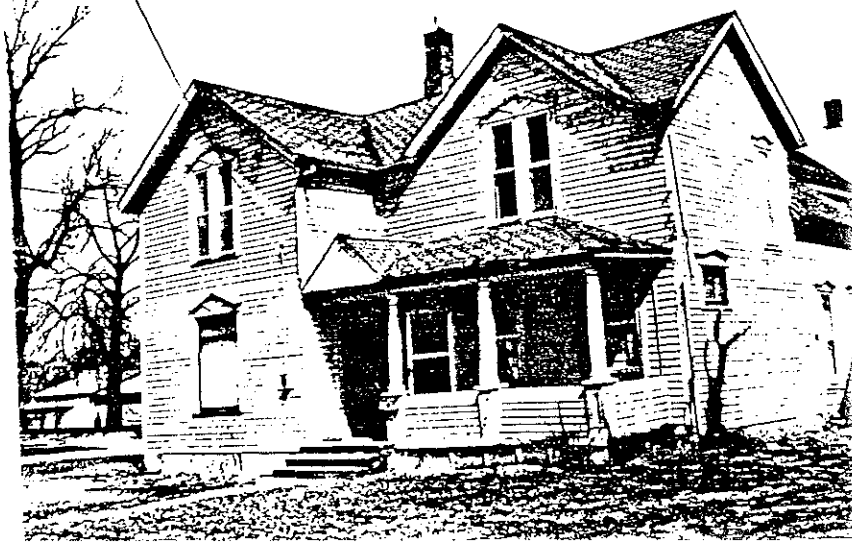
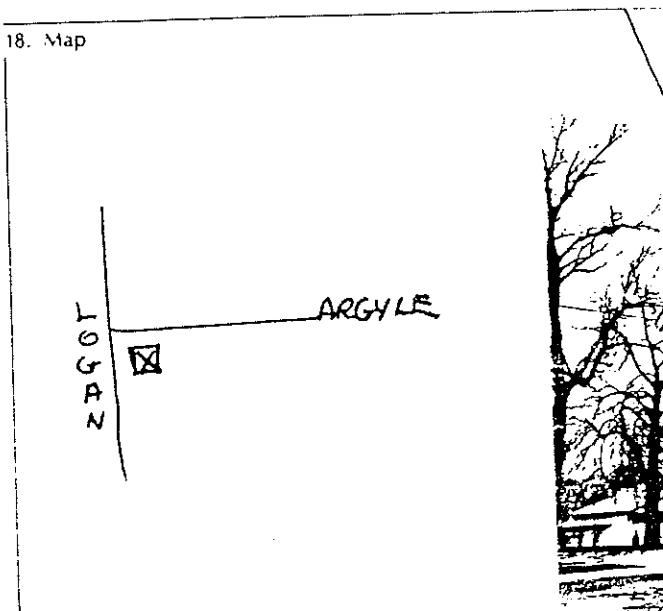
(State)
House

(Zip)
House
8. Use: Present _____ Original _____

Description

- 1896 Architect/Builder _____
9. Date of Construction _____
 10. Building Type:
☒ single-family dwelling ☐ industrial ☐ other institutional ☐ religious
☐ multiple-family dwelling ☐ educational ☐ public ☐ agricultural
☐ commercial
 11. Exterior Walls: ☒ clapboard ☐ stone ☐ brick ☐ board and batten ☐ shingles ☐ stucco
☐ other _____
 12. Structural System: ☐ wood frame with interlocking joints ☐ wood frame with light members (balloon frame)
☐ masonry load-bearing walls ☐ iron frame ☐ steel frame with curtain walls ☐ reinforced concrete
☐ other _____
 13. Condition: ☐ excellent ☐ good ☐ fair ☐ deteriorated
 14. Integrity: ☐ original site ☐ moved—if so, when? _____
Notes on alterations, additions (with dates and architect, if known) and any other notable features of building and site: _____
 15. Related Outbuildings and Property: ☐ barn ☐ other farm structures ☐ carriage house ☐ garage ☐ privy
☐ other _____
 16. Is the building endangered? ☐ no ☐ yes—if so, why? _____
 17. Surroundings of the building: ☐ open land ☐ woodland ☐ scattered outbuildings ☐ densely built-up ☐ commercial
☐ industrial ☐ residential ☐ other 3323 Frame 17

18. Map



yes ✓

OK

Date of Filing: 2-22-86

CANDIDATES FOR APPOINTMENT TO
BOARDS AND COMMISSIONS
IN THE
CITY OF WATERLOO, IOWA

Commission or Board I prefer appointment to:

(1) Historic Preservation (2) Cable Commission

Commission

Name: Rosie Peterson

Home Address: 1552 Bertch Ave. Telephone: 232-8393

Business Address: 303 Clay Street C.F. Telephone: 266-5149

Present Employer: Cedar Falls Historical Society

Job Title : Museum Assistant

Current Membership in Organizations and Offices Held:

League of Women Voters (Black Hawk-Bremer) State Program Chair
League of Women Voters (Iowa) Adult Correction Study Committee
Cedar Falls Altrusa Second Vice President and Membership Chair

Past Organizational Memberships:

Lowell School PTA several Positions, inc. President 2 terms
Waterloo Council PTA several positions, inc. President 1 term
League of Women Voters several positions, inc. President 2 years

Please briefly explain (in two or three sentences) your qualifications for appointment to a City Board or Commission.

I am interested in the growth of this community.

I could list many many organizations that I have been involved in, and their titles, but I was never a member only, I was an active hard working member of all organizations that I have belonged to.

Additional Information and Comments:

I hereby understand that this application does not bind me to acceptance of an appointment should I be offered nor does it guarantee me an appointment to a board or commission.

Rosie Peterson

DATE OF FILING 6/1/90

CANDIDATES FOR APPOINTMENTS TO
BOARDS AND COMMISSIONS IN THE
CITY OF WATERLOO, IOWA

Commission or Board I prefer appointment to: (Must state preference)

(1) Historic Preservation (2) _____

NAME: Earl S. Spencer

HOME ADDRESS: 2840 West 4th Street

TELE: 236-3809

BUSINESS ADDRESS: Waterloo, Iowa 50701

TELE: 232-2902

PRESENT EMPLOYER: E.B. Spencer Engineering Company

190 West 18th Street (02)
P.O. Box 237
Waterloo 50704

JOB TITLE: Treasurer-Engineer

(Optional information) Age group: ☐ under 35
☐ 35-60
☒ over 60

Sex: ☒ Male
☐ Female

Race: _____

How long have you resided in Waterloo? 63 years.

Current Membership in Organizations and Offices Held:

Snowden House Foundation - Board Member

El Mecca Shrine Holding Company - Treasurer

Associated Builders and Contractors - Member

Iowa Engineering Society - Member

I am available for meetings:

☐ A.M.

☒ Noon

☒ P.M.

☒ evenings

I am available to serve on a Commission/Board throughout the year: ☒ yes ☐ no
☐ Spring ☐ Summer ☐ Winter ☐ Fall ☒ All Seasons

Please briefly explain (in two or three sentences) your qualifications for appointment to a City Board/Commission.

Being a life long resident, I am interested in the historic
preservations of our city.

Additional information and comments that may not be evident from information already on this form: _____

I am a registered Professional Civil Engineer in the state of Iowa.

References: Dave Van Dee

Carl Bluedorn

I hereby understand that this application does not bind me to acceptance of an appointment should I be offered nor does it guarantee me an appointment to a board or commission. Also, if selected I will be available to attend the appropriate training sessions.

SIGNATURE

RETURN THIS FOR TO THE MAYOR'S OFFICE/715 MULBERRY STREET/WATERLOO, IOWA 50703

ARCHAEOLOGY SPECIFIC RESUME

L. DAVID SWINEHART
2506 TIMBER DRIVE
CEDAR FALLS, IA 50613

319/277-0610

EDUCATION: B.A., Colorado State University. 1975.
Majors: Anthropology and Social Science.
Emphasis: North American prehistoric archaeology.

WORK EXPERIENCE:

- 1989-Present: Marketing and Development Officer
Grout Museum of History and Science, Waterloo, Iowa.
Responsible for fund raising, public relations and marketing
- 1984: Archaeologist. Brice, Petrides and Donohue. Waterloo, IA.
Limited, part time assistance in test excavations for historic
properties for environmental impact reports.
- 1978-89: Salesman, Sales Mgr., Product Mgr., Sales Promo Mgr.
Professional Office Services, Waterloo, IA; San Diego, CA.
Responsible for sales and marketing for the San Diego area and
later assisted in marketing and sales promotion for the
corporation's national sales force.
- 1977: Golf Course Maintenance Technician. City of Fort Collins, CO.
Retail Salesman. Sports Stalker. Dillon, CO.
- 1976: Archaeologist. Center for Archaeological Research.
University of Texas, San Antonio. San Antonio, TX.
Assisted in the excavation of prehistoric sites in S. Texas,
a 19th century military fort and cemetery in central Texas,
Mission San Francisco De La Espada in San Antonio and at the
Spanish Governor's Palace also in San Antonio.
- 1975: Archaeologist. Laboratory for Public Archaeology. Colorado
State University, Fort Collins, CO.
Participated in contract archaeology focusing on site survey
and test excavation of numerous high altitude and high plains
prehistoric sites.

ARCHAEOLOGY RELATED VOLUNTEER EXPERIENCE:

- 1989-Present: Board of Directors, Iowa Archaeological Society.
- 1988-Present: Commissioner, Waterloo Preservation Commission.
- 1987-Present: Member, Iowa Archaeological Society.
- 1975-Present: Active in identifying, collecting and recording
sites prehistoric sites in Colorado, Texas, Utah and Iowa.