

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: January 25, 2016
	Agenda Item No. 40 Roll Call No. <u>16-0146</u> Communication No. <u>16-029</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Amendment to Section 58-59 of the Landmark Ordinance altering the process by which properties and sites are designated as local landmarks.

SYNOPSIS:

On November 17, 2014, by Roll Call No. 14-1809, the City Council directed City staff to review the Landmark Ordinance to ensure that when the nomination process is conducted, it reflects the will of a reasonable number of citizens given the time and resources the process takes and considers the potential impact to property owners. The proposed amendment to Section 58-59 would require a nomination to be signed by 50 individuals eligible to vote in City elections if the application is not signed by the property owner. Currently, a nomination can be submitted by any individual. The draft was reviewed by the Mayor’s Task Force on Historic Preservation and Demolition (Task Force), the Historic Preservation Commission, the Urban Design Review Board, the Plan and Zoning Commission, and the State of Iowa Historic Preservation Office (SHPO). All five (5) groups recommend approval of the proposed amendment. Staff concurs with this recommendation.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

On November 17, 2014, by Roll Call No. 14-1809, the City Council directed City staff to review the Landmark Ordinance to ensure that when the nomination process is conducted, it reflects the will of a reasonable number of citizens given the time and resources the process takes and considers the potential impact to property owners. In response to this directive, staff prepared two (2) potential amendments for discussion with the Task Force and City boards.

The first is the proposed amendment to Section 58-59, which would require a nomination to be signed by 50 individuals eligible to vote in City elections if the application is not signed by the property owner. Currently, a nomination can be submitted by any individual. The second was an amendment to City Code Section 58-60, which would require a nomination to receive the affirmative vote of six (6) out of seven (7) City Council members in order to be approved if the owner opposes the nomination. A simple majority is currently required regardless of opposition.

The Task Force reviewed the potential amendments on April 28, 2015. Those members present expressed support for the proposed change to City Code Section 58-59, which would require a nomination to be signed by 50 individuals eligible to vote in City elections if the application is not

signed by the property owner. The Task Force felt 50 signatures was a reasonable number and that the requirement would strengthen a nomination. The Task Force was generally opposed to the potential amendment to City Code Section 58-60, which would require a nomination to receive the affirmative vote of six (6) out of seven (7) City Council members in order to be approved if the owner opposes the nomination. The Task Force felt the change would unnecessarily weaken the process and the public's ability to protect historic resources in the community.

The Historic Preservation Commission reviewed the potential amendments at their June 17, 2015 meeting. The Urban Design Review Board reviewed the potential amendments at their June 23, 2015 meeting. The Plan and Zoning Commission reviewed the potential amendments at their October 1, 2015 meeting. All three (3) groups concurred with the opinion of the Task Force and recommend adoption of the amendment to Section 58-59 and not of the amendment to Section 58-60. The potential amendments were reviewed by the SHPO in accordance with the City's Certified Local Government (CLG) agreement with the State of Iowa. SHPO agrees with the recommendation of the Task Force and the three (3) City boards.

PREVIOUS COUNCIL ACTION(S):

Date: November 17, 2014

Roll Call Number: [14-1809](#)

Action: [On](#) application from Jack Porter to designate the "Riverfront YMCA" building at 101 Locust Street as a Local Landmark. Moved by Hensley to adopt and deny local landmark status, and: (1) to direct the City staff to continue working with the YMCA on determining, if possible and feasible, how to preserve the murals and have discussions with the new property owner regarding the same; (2) to direct the City staff to work with the AIA to look at the other specific recommendations submitted by Mr. Porter, and to possibly incorporate those recommendations into the Mayor's Task Force on Demolition Review recommendations; (3) refer to the Legal Department and Community Development Department staff or procedures and minimum requirements to trigger consideration of an application for local landmark designation. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Historic Preservation Commission

Date: June 17, 2015

Resolution Number: N/A

Action: Recommend approval of the amendment to Section 58-59 and denial of the amendment to Section 58-60.

Board: Urban Design Review Board

Date: June 23, 2015

Resolution Number: N/A

Action: Recommend approval of the amendment to Section 58-59 and denial of the amendment to Section 58-60.

Board: Plan and Zoning Commission

Date: October 1, 2015

Resolution Number: N/A

Action: Recommend approval of the amendment to Section 58-59 and denial of the amendment to Section 58-60.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and third readings of the Ordinance by the City Council unless waived.

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