

Historic Structure Preservation Ordinance

1. Application of Section: The provisions of this section shall apply to all buildings and structures located in whole or in part with the following described Historic Structure Preservation Districts that require a demolition permit issued by the City of Marion Building Official:

A. Pucker Street Historic District. Area described within the following boundary. Beginning at the intersection of 20th Street and 9th Avenue, then west along 9th Avenue to the intersection of 13th Street, then south along 13th Street to the middle of the block south of 8th Avenue and north of 7th Avenue, then west along the rear property lines of the lots located immediately south of 8th Avenue to the intersection of 20th Street, then north along 20th Street to 9th Avenue and the Point of Beginning.

B. Terrace Park Historic District. Area described within the following boundary. Beginning at the intersection of 10th Avenue and 11th Street, then south along the center line of 11th Street to the intersection of 9th Avenue then east along 9th Avenue to the intersection of 12th Street then north along the centerline o 12th Street to a point 200 feet south of the 10th Avenue and 12th Street Intersection, then east 165 feet, then north to the centerline of 10th Avenue, then west along 10th Avenue to the Point of Beginning.

C. Downtown Commercial Historic District. Area described within the following boundary. Beginning at the intersection of 8th Avenue and 13 Street, then south along 13th Street to the intersection of 7th Avenue, then west along the center line of 7th Street to the intersection of 11th Street, then south along 11th Street to the intersection of 6th Avenue, then west along 6th Avenue to the intersection of 10th Street then south along 10th Street 152', the west along the center line of the east / west alley of Block 27 Original town to the intersection of the north/south alley of Block 27 Original Town, then north along the north south alley through Blocks 27, 20 and 12 of Original town to the intersection of the east west alley of Block 23 Original Town, then east along the centerline of the east west alley of Block 12 and 13 Original town to the intersection with the north south alley of Block 13 Original Town, then north along the centerline of the north south alley of Block 13 Original Town to the intersection of 8th Avenue then east along 8th Avenue to the point of beginning.

2. The Marion Building Official may issue a demolition permit if building is deemed to be dangerous and an immediate public hazard if damaged by a fire or an act of god.

3. Review by the Marion Historic Preservation Commission. Upon receiving an application for a demolition permit for any building subject to this section, the Planning Official shall immediately notify the Marion Historic Preservation Commission of such application.

The applicant shall file the information required in this section with the historic preservation commission at the office of the Planning and Economic Development by the application deadline established by the commission. The applicant shall post notice on the property regarding notice of the proposed demolition fourteen (14) days prior to action taken by the Marion Historic Preservation Commission. At its next regular meeting, the commission shall recommend to the City Council approval or denial of the application, or table the application for additional information for a specified period not to exceed sixty (60) days from the date of application with the commission. A failure of the commission to take action on the application within the sixty (60) day period, unless the applicant requests an extension of such time, shall constitute commission approval thereof. The recommendation of the commission shall be transmitted to the City clerk. The City clerk shall transmit the recommendation and the application within the sixty (60) day period to the City Council for its consideration.

The commission shall review all of the information submitted by the applicant and shall make a determination as to the following:

- A. Whether the building proposed for demolition has historic or architectural significance to the community; and
- B. Whether denial of the proposed demolition permit would prevent the property owner from earning a reasonable economic return on the property.

If the commission finds that denial of the application would prevent the property owner from earning a reasonable economic return on the property, or that the building does not have any historical or architectural significance to the community, the commission shall recommend approval of the application

If the commission finds that denial of the application would not prevent the property owner from earning a reasonable economic return on the property and that the building has historical or architectural significance to the community, the commission shall recommend denial of the permit application.

4. The City of Marion's historic property inventory and any subsequent official architectural/historical surveys/evaluations and nominations to the National Register of Historic Places prepared for any buildings located within the neighborhoods described in Section 1 of this section also shall be considered as guidelines at such time.

- A. Survey and Evaluation of the Pucker Street District (2000)
- B. National Register of Historic Places District Nomination of the Pucker Street Historic District (2001)
- C. Survey and Evaluation of the Terrace Park District (2003)
- D. National Register of Historic Places Nomination of the Terrace Park Historic District (2005).

In determining whether a building has historic or architectural significance, the commission and the City Council shall consider an application for a demolition permit in accordance with the standards for review set forth in the secretary of the interior's standards for identification and evaluation, and any subsequent revisions of these standards and guidelines by the secretary of the interior. The commission and the City Council shall also consider a determination from the State Historical Society of Iowa as to the potential eligibility for listing of the building proposed for demolition on the National Register of Historic Places.

5. *Economic Guidelines and Review Criteria:* In determining whether to recommend approval or denial of the application, the commission and the City Council may consider the information set forth in this subsection. The commission and the City Council may also investigate strategies which would allow the property owner to earn a reasonable economic return on the property, may solicit expert testimony, and may require that the applicant make submissions concerning any or all of the following information:

- A. Estimate of the cost of the proposed demolition and a completed demolition application form.

- B. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures and their suitability for rehabilitation and or architectural historian.
- C. An Estimated market value prepared by an real-estate appraiser of the property in its:
- (1) current condition or property and structure
 - (2) after completion of the proposed demolition and,
 - (3) after renovation of the existing property for continued use
- D. An opinion from a licensed architect, licensed real estate consultant and or licensed appraiser (other than initial appraiser completing item C above) or other real estate professional experienced in rehabilitation, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
- E. The amount paid for the property, the date of purchase and the person from whom the property was purchased, including a description of the relationship, if any, between the owner of record or the applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
- F. If the property is income producing, the annual gross income from the property for the previous two (2) years;
- G. Itemized operating and maintenance expenses for the previous two (2) years, and the depreciation deduction and annual cash flow before and after debt service, if any, during the same period or a showing of the applicant's efforts in ongoing maintenance and repair
- H. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;
- I. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
- J. Any listing of the property for sale or rent, the price asked and offers received, if any, within the previous two (2) years;
- K. The assessed value of the property according to the two (2) most recent assessments;
- L. The amount of real estate taxes for the previous two (2) years and whether or not they have been paid;
- M. The form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture or other;
- N. Any other information considered necessary by the commission to make a determination as to whether the property does or may yield a reasonable economic return to the property owner(s), including, but not limited to, the income tax bracket of the owner(s) or applicants or the principal investor(s) in the property;

O. Statement from applicant's in regard to their efforts to obtain financing, tax incentives, preservation grants and other incentives sufficient to allow the applicant to earn a reasonable economic return from the property in its current condition, and after renovation of the existing property for continued use; and

P. A showing of the applicant's efforts in ongoing maintenance and repair.

6. *Action By The City Council:* At its next regular meeting following receipt of the recommendation of the commission by the City clerk, the City Council shall hold a hearing on the application for a demolition permit and shall approve, deny or withhold action on the application for a specified period not to exceed ninety (90) days from the date of application to the Historic Preservation Commission, unless the applicant requests an extension of such time. If the City Council fails to take action to approve, deny or withhold action on the application within the ninety (90) day period, or such extension as requested by the applicant, the building official shall issue the permit forthwith.

The City Council may withhold action on the application to allow the City Council and the commission an opportunity to investigate the historical or architectural value of the building to the community and to take such action as may be appropriate to encourage its preservation. However, nothing in this section shall authorize the withholding by the building official of a demolition permit for more than ninety (90) days from the date of application to the building services department, unless the applicant requests an extension.

The applicant will be required to post notice on the property fourteen (14) days prior to the public hearing by the Marion City Council. At the hearing, the City Council shall consider the recommendation of the commission, any information submitted to the commission by the applicant and any information submitted to the City Council by the applicant.

If the City Council finds that denial of the application would prevent the property owner from earning a reasonable economic return on the property or that the building does not have any historical or architectural significance to the community, the City Council shall approve the application.

If the City Council finds that denial of the application would not prevent the owner from earning a reasonable economic return on the property and that the building has historical or architectural significance to the community, the City Council shall deny the application.

If the City Council denies the application, it shall state its findings in writing and shall transmit a copy of such findings to the applicant.