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**1501 Purpose.**

A. It is hereby declared as a matter of public policy that the City of Sedona joins with the United States of America and the State of Arizona in promoting the protection, enhancement, and perpetuation of properties and areas of historic, cultural, archaeological and aesthetic significance as being necessary for the economic, cultural, educational and general welfare of the public. This is done pursuant to the provisions of the National Historic Preservation Act of 1966 as amended, and A.R.S. Section 9-462.01.

B. Inasmuch as the identity of a people is founded on its past, and inasmuch as Sedona has many historic, archaeological and cultural resources which constitute its heritage, this article is intended to:

1. Identify and preserve the historic properties which represent distinctive elements of Sedona's historic, archaeological, architectural and cultural heritage. Maintain and foster their unique identities, which in turn helps to make the community a desirable place to live, work and visit;
2. Promote the use of historic properties for the education, pleasure, and welfare of the people of the city;
3. Foster civic pride in the accomplishments of the past;
4. Protect and enhance Sedona's attractiveness to visitors and the support and stimulus to the economy thereby provided;
5. Stabilize and improve property values of rehabilitated and protected sites;
6. Provide incentives for restoration by owners of landmarks or historic properties;
7. Provide standards for restoration of designated properties and new construction within Historic Districts.

**1502 Relation to Community Plan.**

The administration of this article shall be pursued in accordance with the recommendations set forth in the Sedona Community Plan.

## 1503 Definitions.

For the purpose of this article, certain words, phrases and terms used herein shall have the meaning assigned to them by this section. When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural and those in the plural include the singular. The word “**shall**” signifies mandatory; the word “**may**” is permissive.

“**Alteration**” means any aesthetic, architectural, mechanical or structural change to the exterior surface of any significant part of a designated property, as defined herein.

“**Archaeological site**” means a site containing any structure, articles or remains resulting from historic human life, habitation or activity, including but not limited to petroglyphs, pictographs, paintings, pottery, tools, ornamentation, jewelry, textiles, ceremonial objects, weapons, armaments, vessels, vehicles or human remains.

“**Building**” means a structure created to shelter any form of activity, such as a house, barn, church, hotel, or similar structure. “**Building**” may also refer to a historically related complex, such as a courthouse and jail, or a farmhouse and barn.

“**Cemetery**” means any site which contains at least 1 burial, marked or previously marked, considered a dedicated cemetery under Arizona state statutes, even though it may be currently suffering neglect and abuse.

“**Certificate of Appropriateness**” means a document issued by the Commission, following prescribed review procedures, certifying that proposed work on a designated property is compatible with the historic character of the property, and therefore may be completed as specified in the Certificate of Appropriateness, and any building permits needed to do the work specified in the Certificate may be issued.

“**Construction**” means the act of adding to a structure, or the erection of a new principal or accessory structure on a lot or property, which requires a city building permit.

“**Chairman**” means the Chairman of the Historic Preservation Commission or his/her designee.

“**City**” means the City of Sedona, Arizona.

“**Commission**” means the Historic Preservation Commission of the City of Sedona, Arizona, as described in this article.

“**Construction**” means any site preparation, assembly, erection, repair, alteration or similar action (excluding demolition) for or of sites, structures, public or private rights-of-way, utilities or other improvements.

“**Contributing**” means a classification applied to a building site, structure or object within a Historic District or landmark property signifying that it contributes to the defining characteristics of the Historic District or landmark.

“**Demolition**” means any intentional act or process, which totally or partially destroys a designated property.

“**Designated property**” means a property which has received city designation as a landmark, or as a contributing property within a Historic District, according to the provisions of this article.

“**Director**” means the Director of Community Development or his/her designee for the city pursuant to Article 3 SLDC.

“**Historic District**” means a geographical area whose boundaries are defined by a Historic District zoning designation which contains properties, structures, sites or objects which are considered to have historic or cultural value.

“**Historic Property Register**” means the listing and defining of designated properties of Sedona as provided in this article.

“**Historic Resource Survey**” means the official Historic Resource Survey books of the city as produced by the Commission, listing and describing properties, structures, sites or objects (whether designated or not) which are considered by the Commission to have historic or cultural value.

“**Integrity**” means a measure of the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic or prehistoric period in comparison with its unaltered state. For example, a historic building of high integrity has few alterations or ones that can be easily reversed, and an archaeological site with high integrity is one that is relatively undisturbed; criteria evaluated include association, design, feeling, location, and materials.

“**Landmark**” means a designation, as a result of processes provided in this article, applied by the Commission to an individual property, structure, site or object, which has a historic value or expresses a distinctive character worthy of preservation.

“**Maintenance**” means regular, customary or usual care for the purpose of preserving a property and keeping it in a safe, sanitary and usable condition, without causing any alteration to the distinctive exterior character of the property.

“**Noncontributing**” means a classification applied to a property, site, structure or object within a Historic District or landmark property signifying that it does not contribute to the defining characteristics of the Historic District or landmark.

“**Planning and Zoning Commission**” means the Planning and Zoning Commission of the City of Sedona, Arizona.

**“Preservation”** means the act or process of applying measures to sustain the existing form, integrity and material of a structure, and the existing form and vegetative cover of a site. It may include stabilization work where necessary, as well as ongoing maintenance of the historic materials.

**“Preservation covenant”** means a deed restriction filed with the appropriate county, which identifies the property as a landmark or a contributing property within a Historic District.

**“Reconstruction”** means the act of reproducing by new construction the exact form and detail of a vanished structure or object, or part thereof, as it appeared at a specific period of time.

**“Rehabilitation”** means the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

**“Removal”** means any relocation, in part or whole, of a structure on its site or to another site.

**Renovation.** See **“Rehabilitation.”**

**“Repair”** means any physical change that is not alteration, construction, removal or demolition.

**“Restoration”** means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time, by the removal of later work or by the replacement of missing earlier work.

**“Review criteria”** means the standards, tests, norms or guidelines applied by the Commission during any review process, including but not limited to surveys, designations, or Certificates of Appropriateness.

**“Secretary of the Interior Standards”** means standards developed and published by the office of the United States Secretary of the Interior, as part of the Department of the Interior regulations. They pertain to historic buildings of all materials, construction types, sizes and occupancy, and encompass the interior and exterior.

**“Stabilization”** means the act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property, while maintaining the essential form as it exists at present.

**“Structure”** means anything constructed or erected, the use of which requires a permanent or semi-permanent location on or in the ground, including but not limited to bridges, dams, water distribution systems, buildings, garages, fences, gazebos, advertising signs, antennas, satellite sending or receiving dishes, paved parking or circulation areas, sculpture, and recreational facilities.

#### **1504 Historic Property Register.**

A Historic Property Register is hereby established for the purpose of listing and defining the landmarks and Historic Districts to be designated under the provisions of this article.

This Register may be periodically amended by the Commission and shall be held available for public reference and historical study.

#### **1505 Historic Preservation Commission.**

Pursuant to Ordinance 97-09, there is hereby created a Commission to be known as the Sedona Historic Preservation Commission of the city.

##### **1505.01 Membership.**

A. The Historic Preservation Commission shall be composed of 7 members, 5 of which shall be residents of the city, and up to 2 of which need not be residents of the city; provided, that the City Council finds at the time of their appointment that they have substantial ties within the corporate limits of the city, such as owning real property, owning a business, being employed within the city limits, or based on any other factors deemed relevant by the Council. The members of the Commission shall be appointed by the Mayor and Council.

B. Prospective members should have demonstrated significant interest in and commitment to the field of historic preservation, evidenced either by involvement in a local historic preservation group, current nonconflicting or previous employment or volunteer activity in the field of historic preservation, or other serious interest in the field. To the extent possible, it is desirable that 2 members be current or previous professionals in the areas of architecture, history, planning or archaeology.

C. Immediately prior to assumption of the duties of office, each member shall take and subscribe to the oath of office.

D. All Commission members shall serve without pay, except that members may be reimbursed for actual expenses incurred in connection with their duties, upon authorization.

#### **1505.02 Term of Office.**

A. Membership appointment to the Commission shall be for a period of 3 years. Terms shall be staggered so that no more than 3 members' terms shall expire in any given year. All terms shall begin on December 1 and shall end on November 30 or until a successor is appointed and qualified.

B. In the event of a resignation, removal or death of a member, the Council shall fill the vacancy for the unexpired term.

C. The Council may remove any member of the Commission by a majority of the Council, or as otherwise provided by ordinance or the City Code.

#### **1505.03 Officers.**

A. The members of the HP Commission shall elect from among themselves a Chairperson and a Vice Chairperson. These officers shall serve a 1-year term and until their successors are elected. Officers may serve successive terms, if so chosen by the Commission.

B. The Chairperson shall preside at meetings and exercise the usual rights, duties and prerogatives as the head of similar organizations. The Chairperson shall serve as Commission liaison with the city staff, and shall also be responsible for other duties as described in this article.

C. The Vice Chairperson shall perform the duties of Chairperson in the latter's absence or disability.

D. The members shall fill a vacancy in either office for the unexpired term through a new election.

#### **1505.04 Meetings.**

A. The Commission shall meet a minimum of 4 times per year, and more often if needed.

B. Four members shall constitute a quorum. The affirmative vote of the majority of members present shall be required for passage of any matter before the Commission. Any member may abstain from voting on a matter by declaring a conflict of interest, in which case such member shall step down and take no part in discussions or deliberations on that matter.

#### **1505.05 Rules.**

A. The Commission shall make and publish rules to govern its proceedings, subject to ratification by the City Council. All meetings of the Commission shall be open to the public and noticed as provided by Arizona law.

B. Minutes shall be kept of all meetings. The minutes shall include all issues considered and shall record the individual votes of members on each action item.

**1505.06 Powers and Duties.** The responsibility of the Commission is to promote the purposes and objectives of this article and shall include, but not be limited to, the following:

A. Maintain and periodically update, as needed, a plan for historic preservation.

B. Maintain review criteria to assure fair and impartial evaluation and designation of properties as landmarks and Historic Districts. The Commission shall periodically review these criteria, and make such adjustments or updates as may be required.

C. Maintain criteria to assure fair and impartial review of applications for Certificate of Appropriateness. Such criteria shall be subject to review by the Planning and Zoning Commission and ratification by the City Council.

D. Review properties proposed for designation as landmarks, explain to the owners thereof the potential effects of designation as known to the Commission at that time and make a decision to designate, conditionally designate, or deny designation.

- E. Review property nominations for designation as a Historic District, explain to the owners thereof the potential effects of designation as known to the Commission at that time and make recommendations regarding rezoning to a Historic District to the Planning and Zoning Commission and City Council.
- F. Propose design guidelines appropriate to individual Historic Districts.
- G. Review and approve, conditionally approve or deny applications for a Certificate of Appropriateness.
- H. Maintain the Historic Property Register.
- I. Determine and cause to be created a system of markers for designated properties.
- J. Recognize the owners of designated properties. Issue commendations to owners of historical properties who have rehabilitated their property in an exemplary manner.
- K. When City Council approval is appropriate, make recommendations to the City Council regarding the acquisition of property suitable for preservation. Such acquisition may include the purchase or acceptance of donated property.
- L. Make recommendations to the City Council regarding the utilization of federal, state, city or private funds to promote historic preservation.
- M. Make recommendations to the City Council to accept gifts, grants, funds, contributions, and bequests from individuals and public and private entities, agencies, foundations, trusts, corporations, and other organizations or institutions.
- N. Cooperate with and enlist the assistance of persons, organizations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse, with City Council approval as appropriate.
- O. Increase public awareness of the values of historic, cultural, archaeological and architectural preservation, by developing and participating in public education programs.
- P. Annually prepare written reports of Commission activities; submit such reports to the City Council and the State Historic Preservation Office (SHPO). These reports shall be available for public review.
- Q. Conduct detailed studies and surveys of properties and areas and assess their potential for designation.
- R. Periodically review the Historic Resource Survey and consider the inclusion of any properties, which may have come to meet the requirements herein, and the deletion of any properties which may no longer exist.
- S. Work with and assist departments of the city in matters affecting historic preservation.
- T. Assist property owners, on request, on the restoration, rehabilitation, alteration, decoration, landscaping, or maintenance of any historic property.
- U. Encourage and assist property owners of historic properties on procedures for inclusion on state historic listings and the National Register of Historic Places.
- V. Carry out such other duties as may be determined by the City Council, and present other such recommendations as may be deemed pertinent.

**1505.07 Committees.** Advisory Committees may be created by the Chairperson or by the Commission to study and report on pertinent matters. Such Committees may include citizens who are not members of the Commission, but shall include at least 1 Commission member who shall serve as Chair of the Committee. Committees appointed for a specific task shall dissolve when the task is completed and its report has been presented to the Commission.

## **1506 Incentives.**

It is the intent of the city to make ownership of a landmark or contributing property within a Historic District as beneficial as possible. In addition to the intangible benefits of owning a property recognized as an important community resource, the Commission may, when applicable and possible, provide such owners with 1 or more of the following:

- A. Recommendation to the Department of Community Development that an alternate or transitional use be considered;

- B. Advice in locating potential sources of financial assistance and tax credits;
- C. Advice in preparing grant applications and potential third party sponsorship;
- D. Technical information and referrals;
- E. Assistance in locating buyers and/or sellers;
- F. Assistance in the formulation of a neighborhood association;
- G. Assistance in obtaining other benefits as may become available;
- H. Waiver of fees. Fees for applications as they pertain to this article may be waived or reduced by the Director upon a request from the property owner, or an authorized agent or by the Commission, if it is determined that such a waiver or reduction of fees would further the intent and purpose of this article.

## **1507 Historic landmark designation process.**

The Commission may designate as a landmark an entire property, an identified portion of a property, or 1 or more individual structures on a property.

**1507.01 Application Submittal and Review Requirements.** An application for a landmark designation shall be submitted by the owner of the subject property or agent and involves the following steps:

- A. Pre-Application Consultation. Prior to the submittal of an application for a landmark designation, the applicant should consult with the Director to explain the application submittal requirements.
- B. Application Submittal Requirements. An application for a landmark designation shall contain at a minimum the following, any of which may be waived by the Director:
  1. Completed application.
  2. Location and description of property.
  3. Filing fee.
  4. Statement or letter of authorization from the property owner, if different from the applicant.
  5. An ownership map of property owners within 300 feet of the exterior boundaries of the subject property as shown on the last assessment of the property. A list of these property owners shall also be provided on mailing labels and keyed to the map showing the location of the identified properties.
  6. A written description of the proposed property. Description should include special aesthetic, cultural, architectural, archaeological or engineering interest or value of a historic nature, including information about the architecture, notable construction features and other information indicating the historical significance of the property. Sketches, drawings, photographs, or other descriptive materials.
  7. A written statement of condition of property and/or structure(s) including any known threats.
  8. Other information as may be requested.
- C. Incomplete Applications. Incomplete applications may be returned to the applicant and not processed until all materials have been submitted. If all the required materials have been submitted, the application shall be considered complete and shall be accepted by the Director. Following acceptance of a complete application, the Director shall conduct a formal review and prepare a comprehensive report which shall be submitted to the Commission and made available to the applicant, media and general public at least 7 days prior to the Commission's public hearing on the landmark application.
- D. Application Acceptance. Upon acceptance of a complete application, no building or demolition permits affecting the proposed landmark shall be issued by the city until the process as described herein has been completed and the Commission has made its decision.

### **1507.02 Notice of Commission Hearing.**

A. Upon receipt of a complete application for a landmark designation, the Chairperson of the Commission shall place it on the agenda for a public hearing within 60 days. Public notice of this hearing shall be given as prescribed by Arizona law. The city shall give notice of the date, time, and place of a public hearing for consideration of a proposed landmark, including general explanation of the matter to be considered and a general description of the area affected at least 15 days before the hearing in the following manner:

1. Publication at least once in a newspaper of general circulation in the city.
2. Posting on the affected property so that the words "Public Hearing" and the date and time of the hearing are visible from a distance of 100 feet. It shall be the responsibility of the applicant to maintain the posting once erected.
3. Notification by first class mail shall be sent to each real property owner as shown on the last assessment of the property within 300 feet of the property to be landmarked.
4. In addition to notice by the means set forth above, the city may give notice of the hearing in a specific case in such other manner as it deems necessary or appropriate.
5. As provided in A.R.S. Section 9-462.04(A)(7), or any successor statute, the failure of any person or entity to receive notice as set forth in the statute or SLDC [400.05](#) shall not constitute grounds for any court to invalidate the actions of the city.

B. Persons with specific issues or concerns regarding a proposed landmark are encouraged to contact the Department of Community Development in writing, by phone or in person prior to the hearing.

**1507.03 Landmark Designation Criteria.** The Commission shall evaluate each structure, site, building or property within an area that is included in an application and may designate it as a landmark if it is determined to possess integrity of location, design, setting, materials, workmanship, feeling and association; and, being at least 50 years old or having achieved significance within the past 50 years if the property is of exceptional importance; and exhibits 1 or more of the following:

- A. Association with events that have made significant contributions to the broad patterns of our history; or
- B. Association with the lives of persons significant in our past; or
- C. Embodiment of distinctive characteristics of a type, period or method of construction, or representing the work of a master, or high artistic values or representing a significant and distinguishable entity whose components may lack individual distinctiveness; or
- D. Information important in the understanding of the pre-history or history of our community.

### **1507.04 Commission Public Hearing and Designation.**

A. The Commission shall hold at least 1 public hearing on each landmark application. At the public hearing, the Commission shall review the proposal with consideration given to the review criteria. Approval, conditional approval or denial of a landmark application shall be based on the findings of the Commission as they relate to the criteria.

B. The Commission's decision shall be final unless appealed to the City Council as provided for in this article. A recommendation for approval may be subject to conditions as the Commission deems applicable.

**1507.05 One-Year Bar on Refiling.** If the Commission denies an application, the Commission may refuse to accept another application for the same or substantially the same landmark on the same property or any part of it within a year of the date the original application was filed on the same property or a portion of it.

**1507.06 Removal of Landmark.** The procedure to remove a landmark status to a property shall be the same as the procedure to designate. However, in the case of removal of a landmark designation, the Commission may initiate the application.

### **1507.07 Effect of Landmark Designation.**

- A. Upon approval of a landmark designation, the affected property shall be included in the Historic Property Register and on any other applicable documents as appropriate for its preservation.
- B. No person shall carry out any exterior alteration, restoration, renovation, reconstruction, new construction, demolition or removal, in whole or in part, on any landmark, without first obtaining a Certificate of Appropriateness from the Commission.
- C. No person shall make any material change in the exterior appearance of any landmark, its color, materials, light fixtures, signs, sidewalks, fences, steps, paving or other elements which affect the appearance of the property without first obtaining a Certificate of Appropriateness.
- D. Each property designated as a landmark shall be maintained in good condition and faithful to its historic character.
- E. Nothing in this article shall be construed to prevent normal maintenance and repair, which does not involve change in the exterior design, material, color or appearance. [Ord. 2009-15, 10-13-2009].

### **1508 Historic District designation.**

- A. A rezoning approval is required in order to receive a Historic District designation. The rezoning process to receive a Historic District designation is set forth in Article [4](#) SLDC, Review Procedures.
- B. The Historic District is an overlay zone which designated properties retain the uses of and are subject to the regulations of the underlying zoning. The underlying zoning, which relates primarily to land use and density, continues to be administered by the Planning and Zoning Commission. The Historic Preservation Commission administers the regulations as they relate to the Historic District designation. In the case where historic preservation and zoning regulations conflict, the Historic Preservation Ordinance takes precedence.
- C. The Commission, the Planning and Zoning Commission, City Council, a property owner or agent of property owner of the area subject to the request may initiate a request to rezone to a Historic District.

#### **1508.01 Application Submittal and Review.**

- A. Pre-Application Consultation. A pre-application consultation with the Director is required in order for the Director to explain the rezoning review process and application submittal requirements.
- B. Application Submittal Requirements. In addition to the submittal requirements set forth in SLDC [400](#), all Historic District rezoning applications shall include the following:
  - 1. Written description of the proposed Historic District. Description should include approximate construction dates, special aesthetic features, cultural, architectural, archaeological or engineering interest or value of a historic nature, including information about the architecture, notable construction features, and other information indicating the historical significance.
  - 2. Identification of prospective contributing properties and how they each meet 1 or more of the Historic District criteria.
  - 3. Current sketches, photographs or drawings.
  - 4. Statement of condition of all structures.
  - 5. Explanation of any known threats to any property or structures involved.

**1508.02 Notice of Public Hearing.** Notice of the Commission's public hearing shall be the same as set forth in SLDC [400](#).

**1508.03 Historic District Designation Criteria.** Each structure, site, building or property within an area that is included in a Historic District rezoning application will be evaluated using the following criteria to determine if it has historical or other cultural significance or integrity, and is suitable for preservation:

- A. Association with events that have made significant contributions to the broad patterns of our history.

- B. Association with the lives of persons significant in our past.
- C. Embodiment of distinctive characteristics of a type, period or method of construction, or representing the work of a master, or high artistic values or representing a significant and distinguishable entity whose components may lack individual distinctions.
- D. Yielding information important in the understanding of the pre-history or history of the community.
- E. Being at least 50 years old, or having achieved significance within the past 50 years if the property is of exceptional importance.
- F. Possessing integrity of location, design, setting, materials, workmanship, feeling or association.

**1508.04 Adoption of Historic District.**

A. Action by the Historic Preservation Commission. Upon completing its public hearing on the Historic District application, the Historic Preservation Commission shall transmit its recommendation to the Planning and Zoning Commission. The Historic Preservation Commission’s recommendation shall include the following:

1. A map showing the proposed boundaries of the Historic District and identifying all structures within the boundaries, including classification as contributing or noncontributing.
2. An explanation of the significance of the proposed district and description of the cultural resources within the proposed boundaries.
3. A set of findings documenting the recommendation of the Historic Preservation Commission.
4. Proposed design guidelines for applying the criteria for review of Certificate of Appropriateness to the nominated Historic District.
5. The recommendations of the Historic Preservation Commission may include reasonable additional conditions and/or modifications to the proposed district property boundaries as deemed necessary to promote the purpose of the district.

B. Action by the Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public hearing to consider the Historic Preservation Commission’s recommendations. Following conclusion of its public hearing, the Planning and Zoning Commission shall transmit its recommendation to the City Council.

C. Action by the City Council. Following conclusion of its public hearing, the Council may approve the Historic District as recommended or in a modified form, stipulating those conditions it deems necessary to carry out the purpose of this district and this Code.

D. Approval and Adoption. The supporting statements, design guidelines and documents submitted with the application for a Historic District shall be approved and adopted by the Council and included in the ordinance establishing the Historic District.

**1508.05 Effect of Historic District Designation.**

A. Upon approval of a Historic District designation by the City Council, the affected property(ies) shall be included in the Historic Property Register and on any other applicable documents as appropriate for its preservation. The City’s Zoning Map shall be updated to reflect the new zoning district boundaries. The city’s parcel information database shall be updated to include those properties identified within the Historic District as contributing and noncontributing.

B. No person shall carry out any exterior alteration, restoration, renovation, reconstruction, new construction, demolition or removal, in whole or in part, without first obtaining a Certificate of Appropriateness from the Commission.

C. No person shall make any material change in the exterior appearance of a designated property, its color, materials, light fixtures, signs, sidewalks, fences, steps, paving or other elements which affect the appearance of the property without first obtaining a Certificate of Appropriateness.

D. Each property designated as a contributing property shall be maintained in good condition and faithful to its historic character.

E. Nothing in this article shall be construed to prevent normal maintenance and repair which does not involve change in exterior design, material, color or appearance.

F. In addition to any other required review and/or approval, any proposed construction within a Historic District shall also be subject to Commission review according to any design guidelines which may have been applied to that district and other applicable criteria.

## **1509 Certificate of Appropriateness.**

A Certificate of Appropriateness is required before commencing any exterior improvements or development, including alteration, restoration, renovation, reconstruction, new construction, demolition or removal, in whole or in part, of any landmark or property located within a Historic District, whether or not the work will require a building permit. Building permits for exterior work on landmarks or properties within Historic Districts cannot be issued without first obtaining a Certificate of Appropriateness. If a building permit is sought from the city without a Certificate of Appropriateness, the issuance of the permit shall be deferred until after a Certificate of Appropriateness is issued by the Historic Preservation Commission.

**1509.01 Application Submittal and Review Procedure.** An application for Certificate of Appropriateness shall be submitted by the owner of the subject property or agent and involves the following steps:

A. Pre-Application Consultation. Prior to the submittal of an application for a Certificate of Appropriateness, the applicant should consult with the Director to explain the application submittal requirements.

B. Application Submittal Requirements. An application for a Certificate of Appropriateness shall contain at a minimum the following, any of which may be waived by the Director:

1. Completed application.
2. Location and description of property with photographs of areas affected by proposed project.
3. Filing fee.
4. A letter of intent describing the overall project specifically addressing architectural style, its compatibility within its context area, building materials, colors, exterior lighting, signage and landscaping if applicable.
5. Site Plan identifying all existing and proposed structures.
6. Scaled illustrations showing all existing and proposed site improvements and conditions, landscaping, signage and building elevations.
7. Samples of all proposed exterior paints or stains and colors and samples of roof and other exterior materials to be used, with an explanation on how they relate to existing colors and materials.
8. If the proposal includes signs or lettering, a scale drawing showing dimensions, lettering, colors, materials and any illumination.
9. Any additional information which the Commission may require to visualize the proposed work.

C. Acceptance of Application. Upon receipt of an application for a Certificate of Appropriateness, the Director shall complete a preliminary review within 2 working days to ensure that all the required materials have been submitted. Incomplete applications may be returned to the applicant and not processed until all materials have been submitted. If all the required materials have been submitted, the application shall be considered complete and shall be accepted by the Director.

## **1509.02 Notice of Public Hearing.**

A. Upon receipt of a complete application for a Certificate of Appropriateness, the Chairperson of the Commission shall place it on the agenda for a public hearing within 30 days. Public notice of this hearing shall be given as prescribed by Arizona law. The city shall give notice of the date, time and place of a public hearing for

consideration of a Certificate of Appropriateness, including a general explanation of the matter to be considered and a general description of the area affected at least 15 days before the hearing in the following manner:

1. Publication at least once in a newspaper of general circulation in the city.
2. Posting on the affected property so that the words "Public Hearing" and the date and time of the hearing are visible from a distance of 100 feet. It shall be the responsibility of the applicant to maintain the posting once erected.
3. Notification by first class mail shall be sent to each real property owner as shown on the last assessment of the property within 300 feet of the subject property.

B. Following acceptance of a complete application, the Director shall conduct a formal review and prepare a comprehensive report, which shall be submitted to the Commission and made available to the applicant, media and general public 7 calendar days prior to the Commission's public hearing. Commission members shall make every effort to inspect the property prior to the hearing.

C. At the hearing, concerned persons may present testimony and/or documentary evidence which will become part of the record of the hearing and the deliberations of the Commission.

### **1509.03 Commission Review and Decision.**

A. It is the intent of this article to ensure, insofar as possible, that properties designated as a landmark or a property within an Historic District shall be in harmony with the architectural and historical character of the property or district.

B. When reviewing an application for a Certificate of Appropriateness, the Commission may approve, conditionally approve or deny a Certificate of Appropriateness based on the following:

1. The proposed work does not detrimentally alter, destroy or adversely affect any architectural or landscape feature; and
2. The proposed work will be compatible with the relevant historic, cultural, educational or architectural qualities characteristic of the structure or district and shall include but not be limited to elements of size, scale, massing, proportions, orientation, surface textures and patterns, details and embellishments and the relationship of these elements to one another; and
3. The proposed work conforms with review guidelines and/or other applicable criteria; and
4. The exterior of any new improvement, building or structure in a designated Historic District or upon a landmarked site will not adversely affect and will be compatible with the external appearance of existing designated buildings and structures on the site or within a Historic District.

#### **C. Review Guidelines and Criteria.**

1. The Commission may utilize the following documents and criteria as guidelines when considering an application for a Certificate of Appropriateness:

- a. Approved design guidelines for a designated Historic District.
- b. Secretary of the Interior's Standards for Rehabilitation.
- c. Secretary of the Interior's Preservation Briefs and other information developed by U.S. Department of the Interior Park Service, Arizona Historic Preservation Office, National Trust for Historic Preservation, National Alliance of Preservation Commissions, Association of Preservation Technology, and the Old House Journal.
- d. Any other guidelines as adopted by the city.

D. No change shall be made in the approved plans of a project after issuance of a Certificate of Appropriateness without resubmittal to the Commission and approval of the change in the same manner as provided.

E. A Certificate of Appropriateness expires 6 months from the date of issuance unless work is started within that time.

F. If work exceeds that specified in the Certificate of Appropriateness, the Certificate of Appropriateness shall be revoked.

G. The Certificate of Appropriateness required by this article shall be in addition to any other permit(s) or review required for the proposed project.

#### **1509.04 Demolition of Historic Landmark or a Contributing Property within a Historic District.**

A. No person shall demolish a landmark or contributing property within a Historic District or cause or permit such demolition to be done, nor shall any permit for such demolition be issued, unless the demolition is approved by the Commission and a Certificate of Appropriateness is issued.

B. A landmark or contributing property may be demolished if:

1. The Chief Building Official has determined that an imminent safety hazard exists and that demolition of the structure is the only feasible means to secure the public safety; or

2. The Commission finds, after review, that maintenance, use and/or alteration of the designated property in accordance with the requirements of this article would cause immediate and substantial hardship on the property owner(s) because rehabilitation in a manner which preserves the historic integrity of the resource:

a. Is infeasible from a technical, mechanical, or structural standpoint; and/or

b. i. Would leave the property with no reasonable economic value because it would require an unreasonable expenditure taking into account such factors as current market value, permitted uses of the property, and the cost of compliance with applicable local, state and federal requirements.

ii. Costs necessitated by the neglect or failure of the current owner(s) to maintain the property need not be considered in making this finding; or

c. The Commission finds that the demolition of a contributing property would not have a substantial adverse impact on the historic significance or integrity of a Historic District.

C. The applicant shall bear the burden of proof for all findings required for approval of a Certificate of Appropriateness for demolition.

D. If demolition is approved, the property owner(s) may be required to publish notice at least 10 days prior to the scheduled demolition date, in a newspaper of general circulation, of the availability of materials for salvage. Upon request, the Commission may make this information available to persons who may be interested in contacting the owner(s) to arrange for possible salvage of historic building materials.

#### **1510 Maintenance and repair.**

Each property designated as a landmark, and properties designated as contributing properties within a Historic District, shall be maintained in good condition and faithful to its historic character.

Nothing in this article shall be construed to prevent normal maintenance and repair of any exterior feature of any structure designated as a landmark or contributing property within a Historic District, which does not involve change in design, material, color or outward appearance. The Commission shall not consider the interior arrangements or alterations to the interior of a building, unless designation specifically includes the interior or a portion thereof.

#### **1511 Economic hardship.**

An application for demolition or removal of a landmark or property within a Historic District may, if appropriate, be accompanied by a request for relief from economic hardship.

Before granting such request, the Commission shall study the historic or cultural value of the property and shall review options including incentives to the owner for restoration or recommendation to Council that the city purchase the property.

Separate standards and application requirements may be established by the city for granting economic hardship relief for income-producing properties and for non-income-producing properties.

A. Investment or Income-Producing Properties. Economic hardship relief may be granted if the applicant satisfactorily demonstrates that a reasonable rate of return cannot be obtained from a property which retains features which contribute to its distinctive character in its present condition nor if rehabilitated, either by the current owner or a potential buyer.

B. Non-Income-Producing Properties. Economic hardship relief may be granted if the applicant satisfactorily demonstrates that the property has no reasonable use as a single-family dwelling or for institutional use in its present condition or if rehabilitated, either by the current owner or a potential buyer. Economic hardship relief shall not be granted due to any of the following circumstances: willful destructive acts committed or caused by the owner; purchase of the property for substantially more than its fair market value; failure to perform normal maintenance and repair; or failure to diligently solicit and retain tenants or provide normal tenant improvements.

### **1512 Appeals.**

Any person or group of persons aggrieved by a decision of the Commission may appeal to the City Council within 10 working days of the Commission's action, by filing with the City Clerk written notice of appeal and any applicable fee as may be adopted. The Council shall render a decision to sustain, conditionally overrule or overrule the Commission decision. The Council may choose to hold a public hearing if deemed appropriate.

### **1513 Violations and enforcement.**

All work performed pursuant to a Certificate of Appropriateness under this article shall conform to requirements thereof. Compliance shall be confirmed by inspections made by the Building Inspector and the Commission Chairperson or his designee. Certain requirements of the Certificate, such as signs, lighting, landscaping and site development, shall be reviewed for compliance.

Any action regarding a violation of any provision of this article shall be brought to the City Attorney. Any person, firm, corporation or other entity found to be in violation of any provision of this article shall be guilty of a Class 1 misdemeanor, punishable in accordance with Article 14 SLDC.

Any person who causes unauthorized demolition, alteration, construction, or permits degradation or disrepair of a designated property as defined in this article may be required to restore the property and site to its condition prior to the violation. The civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.

### **1514 Severability.**

This article and its sections are hereby declared to be severable. If any section, subsection, clause, word or phrase of this article is held to be void, unlawful or unconstitutional, such holdings shall not affect the validity of the remainder of this article or of the Land Development Code.