



Sections:

- 1501 Purpose.
- 1502 Relation to Community Plan.
- 1503 Definitions.
- 1504 Historic Property Register.
- 1505 Historic Preservation Commission.
- 1506 Incentives.
- 1507 Historic landmark designation process.
- 1508 Historic District designation.
- 1509 Certificate of appropriateness or certificate of no effect.
- 1510 Maintenance and repair.
- 1511 Economic hardship.
- 1512 Architectural documentation prior to demolition of historic buildings.
- 1513 Appeals.
- 1514 Violations and enforcement.
- 1515 Severability.

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, architectural, 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, architectural, and cultural resources which constitute its heritage, this article is intended to:

1. Identify and preserve the historic resources that represent distinctive elements of Sedona's historic, archaeological, architectural and cultural heritage. Maintain and foster their unique identities and legacies, to help make the community a desirable place to live, work and visit;
2. Promote the use and adaptive reuse of historic resources for the education, pleasure, and welfare of the people of the community;
3. Foster civic pride in the accomplishments of indigenous people, pioneers, artists and others of the past;
4. Protect and enhance Sedona's attractiveness as a destination to visitors and the economic benefit incurred through tourism;
5. Stabilize and improve property values of restored, renovated, rehabilitated and protected historic resources;
6. Provide incentives where appropriate for restoration by owners of landmarks or historic resources;
7. Provide standards for restoration and adaptive reuse of designated historic resources and new construction within Historic Districts.

[Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017)].

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 within the context of this section, 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” signifies optional.

Adaptive Reuse. See “Rehabilitation.”

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

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

“Building” means a structure created to shelter any form of activity, such as a house, cabin, barn, church, hotel, shed 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 human burial, marked or previously marked, and/or 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 public review procedures, certifying that proposed work on a designated historic resource is compatible with the historic character style and building materials of the historic resource, 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.

“Certificate of demolition” means a document issued by the Commission authorizing removal of all or part of a historic resource which is identified as part of a historic landmark or located within a Historic District.

“Certificate of economic hardship” means a document issued by the Commission when a property owner demonstrates that a reasonable rate of return cannot be obtained for an income producing commercial property or that no beneficial use exists for a non-income producing residential property, or that the cost to participate in the City of Sedona’s Historic Preservation Program is financially outside the property owner’s means.

“Certificate of no effect” means a document issued by the Director, following prescribed review procedures, stating that the proposed work on a designated historic resource will have no detrimental effect on the historic character of the resource, and therefore may be completed as specified in the certificate of no effect, and any building permits needed to do the work specified in the certificate of no effect may be issued.

“Chairperson” means the Chair 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, addition, alteration or similar action (excluding demolition) for or of historic resources or of public or private rights-of-way, utilities or other improvements.

“Contributing” means a classification applied to any historic resource signifying that it contributes to the defining characteristics and integrity of the landmark or designated Historic District.

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

“Designated historic resource” means any property, site, building, structure, area, landscaping, or object that 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 that contains historic resources considered to have historic, architectural or cultural value.

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

“Historic resource” means any property, site, building, structure, area, landscaping, or object identified as representing distinctive elements of Sedona’s historic, archaeological, architectural and cultural heritage.

“Historic Resource Survey” means the official Historic Resource Survey book of the city listing and describing historic resources (whether designated or not) which are considered by the Commission to have historic, architectural or cultural value.

“Integrity” means a measure of the authenticity of a historic resource’s identity, evidenced by the survival of physical characteristics that existed during its 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. Evaluation criteria in determining integrity include a historic resource’s association, design, feeling, location, and materials.

“Landmark” means a designation, as a result of processes provided in this article, applied by the Commission to a historic resource, which has historic value or expresses a distinctive character or style worthy of preservation.

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

“Move” means any relocation of a building or structure on its site or to another site.

“National Register of Historic Places” means the official list of historic resources established by the federal government through the National Historic Preservation Act of 1966, and as amended.

“Noncontributing” means a classification applied to any historic resource on a historic landmark site or within a Historic District signifying that it does not contribute to the defining characteristics of the landmark or Historic District.

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

“Preservation” means the act or process of applying practices and measures to sustain the existing form, integrity and material of a historic resource. 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.

“Protected interior” means an interior listed on the City of Sedona Register of Historic Resources that is routinely and customarily open for inspection and is identified as significant at the time of the property’s landmark designation.

“Reconstruction” means the act of reproducing by new construction the exact form and detail of a vanished or severely deteriorated 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 that make an efficient contemporary use possible, while preserving those portions or features of the property that are significant to its historical, architectural and cultural value.

“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 removing later work or by replacing earlier work that is missing or was destroyed.

“Review criteria” means the preservation standards, tests, norms or guidelines applied by the city staff and the Commission during any review process, including but not limited to surveys, designations, certificates of appropriateness, or other decision making process.

“Routine maintenance and repair” means any alteration to a designated historic resource or protected interior that does not conflict with its ongoing eligibility for listing on the City of Sedona Register of Historic Resources including restoration and repair of damage resulting from fire, flood, earthquake, or act of God. Alterations shall be same-for-same with regard to all details, including but not limited to material type, dimension(s), texture, and architectural appearance, in order to be deemed routine maintenance and repair. Alterations to the exterior requiring a building permit shall be in conformance with this definition in order to be considered routine maintenance and repair. Any alteration to a noted contributing factor shall not be considered routine maintenance or repair. Routine maintenance and repair may involve, but is not limited to:

- A. Repair and/or replacement of any exterior wall material;
- B. Repair or replacement of roof cladding materials;
- C. Repair and/or replacement of a protected interior;
- D. Repointing of masonry joints;
- E. Replacement of window or door glazing except for glazing identified as a contributing feature at the time of the property’s designation;
- F. The removal, maintenance, and/or installation of landscape materials except those identified as significant to the property’s history at the time of the property’s designation;
- G. The application of vapor-permeable paint or stain finishes to wall cladding materials provided that the finish does not change the existing texture of the material or a color identified as a contributing feature at the time of the property’s designation;
- H. Any other work determined by the Director of Community and Development to constitute “routine maintenance and repair.”

“Secretary of the Interior Standards” means preservation 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 resources 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, walls, gazebos, advertising signs, antennas, satellite sending or receiving dishes, paved parking or circulation areas, sculpture, and recreational facilities.

[Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017)].

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 and made available for public reference and historical study. The document can be found on the City’s website, at the Community Development office, and at the Sedona Public Library.

[Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017)].

1505 Historic Preservation Commission.

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

1505.01 Membership.

A. The Historic Preservation Commission shall be composed of 7 members, 5 of whom shall be residents of the city, and up to 2 who 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 activities and 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 demonstrated serious interest in the field. To the extent possible, it is desirable that at least 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 by a majority vote may remove any member of the Commission as otherwise provided by ordinance or the City Code.

1505.03 Officers.

A. The members of the 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 execute their duties as set forth in the City of Sedona Commission Handbook and this article. The Chairperson shall serve as Commission liaison with the city staff.

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 adhere to the rules, policies, and procedures as outlined in the City of Sedona Commission Handbook. 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.

[Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017)].

1506 Incentives.

It is the City of Sedona's intent 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 historic resource with community importance, 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 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. Advice in routine or emergency technical information and referrals;
- E. Advice in the formulation of a neighborhood preservation or historic district;
- F. Advice in obtaining other benefits as may become available;
- G. 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, purpose and enactment of this article.

[Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017)].

1507 Historic landmark designation process.

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

1507.01 Application Submittal and Review Requirements.

An application for a landmark designation shall be submitted by the owner of the subject property or authorized agent and involves the following steps:

A. Preapplication Consultation. Prior to the submittal of an application for a landmark designation, the applicant should consult with the Director regarding 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, such as its association with notable people or events, all indicating the historical significance of the property. Supporting sketches, drawings, current and historic photographs, or other descriptive materials are desirable.
7. A written statement and photographs 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.

D. Application Review. 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.

E. 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 item shall be placed on the Commission's 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 property assessment as located 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 historic resource 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 local, state or national history; or
- B. Association with the lives of persons significant in our local, state or national past; or
- C. Embodiment of distinctive characteristics of a type, period or method of construction, or representing the work of a master architect, artist, engineer or craftsman, or high artistic value or representing a significant and distinguishable entity which individual components may lack distinctiveness; or
- D. Information important in the understanding of the pre-history or history of our community or region.

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 Restriction on Refiling.

If the Commission denies an application, the Commission may refuse to accept another application for the same or substantially same request on the same property or any part of it within a year of the date the original application was filed on the 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.

A. The Commission shall consider and make findings for removal of landmark status and removal from the City of Sedona's Historic Resource Register. The removal of any designated historic resource shall be granted only if the Commission finds that the historic resource no longer conforms to any of the findings as set forth in subsection 1507.03 of this section or any 1 or more of the following:

1. That the historic resource has been destroyed or demolished by natural disaster, accident or fire,
2. That the historic resource has diminished historic significance or value upon a showing of clear and convincing evidence, including that this diminution is not the result of deterioration by neglect or work performed without a permit,
3. That the historic resource cannot be restored, rehabilitated, stabilized or renovated for any use permitted in the zone in which it is located without causing an economic hardship disproportionate to the historic value of the property substantiated by clear and convincing evidence. Proof of economic hardship shall require a showing that the cost of stabilization of the historic fabric of the property exceeds the appraised value as determined by a qualified appraiser of the historic improvements on the site.

B. If the removal of landmark designation from the National Register is initiated by the Commission, the Commission must prove the grounds for removal of a landmark designation meet the criteria for removing properties from the National Register as set forth by the United States Department of the Interior.

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, certificate of no effect or other applicable approvals.

C. No person shall make any material change in the exterior appearance of any landmark or contributing factor, such as its color, materials, light fixtures, signs, sidewalks, fences, walls, landscaping, steps, paving or other elements which affect the appearance of the historic resource without first obtaining a certificate of appropriateness, certificate of no effect or other applicable approvals.

D. No person shall make any material change in the appearance of a protected interior, without first obtaining a certificate of appropriateness, certificate of no effect or other applicable approvals.

E. No person shall carry out any demolition, in whole or part, on any landmark, without first obtaining a certificate of demolition approval from the Commission.

F. Each property designated as a landmark shall be maintained to ensure weather resistance and a secured condition, faithful to its historic character.

G. Nothing in this article shall be construed to prevent routine maintenance and repair, as defined herein. Any exterior alteration, restoration, renovation, reconstruction in compliance with the definition of routine repair and maintenance as contained herein shall be permissible without application and review. Property owners and/or their representatives are encouraged to consult with staff prior to any work being performed to discuss its scope and compliance with the definition of routine maintenance and repair; however, consultation is not required.

[Ord. 2009-15, 10-13-2009; Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017)].

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 in 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 subject area may initiate a request to rezone to a Historic District.

1508.01 Application Submittal and Review.

- A. Preapplication Consultation. A preapplication 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 of notable people, events or the area's development, etc.
 - 2. Identification of prospective contributing properties and how they each meet 1 or more of the Historic District criteria. District boundaries should be continuous, but noncontinuous boundaries may be considered on a case-by-case basis.
 - 3. Current and historic sketches, photographs or architectural drawings.
 - 4. Written description and photographs of exterior condition of all structures.
 - 5. Explanation and photographs if applicable 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, landscape or property within an area that is included in a Historic District rezoning application will be evaluated and may be designated a historic district if it is determined to possess integrity of location, design, settings, materials, workmanship, feeling and association; and be 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 local, state or national history.
- B. Association with the lives of persons significant in our local, state or national past.
- C. Embodiment of distinctive characteristics of a type, period or method of construction, or representing the work of a master architect, artist, engineer or craftsman, or high artistic value, or representative of a significant and distinguishable property or person whose individual components may lack distinctions.
- D. Information important in the understanding of the pre-history or history of the community or region.

1508.04 Adoption of Historic District.

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

1. A map showing the proposed boundaries of the Historic District and identifying all properties within the boundaries, including classification as contributing or noncontributing.
2. An explanation of the significance of the proposed district and description of the cultural and architectural resources within the proposed boundaries.
3. A set of findings documenting the recommendation of the Commission.
4. Proposed design guidelines for applying the criteria for review of certificate of appropriateness or certificate of no effect to the nominated Historic District.
5. The recommendations of the 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 properties 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 or certificate of no effect as set forth in this article.

C. No person shall make any material change in the exterior appearance of a designated property, its color, materials, light fixtures, signs, sidewalks, fences, walls, steps, paving or other elements which affect the appearance of the property without first obtaining a certificate of appropriateness or certificate of no effect as set forth in this article.

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.

[Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017)].

1509 Certificate of appropriateness or certificate of no effect.

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, that will alter the historic appearance or character of the exterior or that of the 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.

Requests for exterior improvements, including alterations, restoration, renovation, reconstruction, or new construction for exterior work on landmarks that are deemed to be of “no effect” by the Chairperson and Director may be eligible for a certificate of no effect, which can be issued administratively. If a building permit is sought from the city without a certificate of appropriateness or certificate of no effect, the issuance of the permit shall be deferred until after a certificate of appropriateness or certificate of no effect is issued for the subject property.

1509.01 Application Submittal and Review Procedure.

An application for certificate of appropriateness or certificate of no effect shall be submitted by the owner of the subject property or agent and involves the following steps:

A. Preapplication Consultation. Prior to the submittal of an application for a certificate of appropriateness or certificate of no effect, the applicant should consult with the Director regarding the application submittal requirements.

B. Application Submittal Requirements. An application for a certificate of appropriateness or certificate of no effect 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 and photographs of the landmarked structures depicting a street view, in order to establish a context for the proposed work.
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 or certificate of no effect, 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. The Director shall, upon receipt of a complete application, determine whether the proposed changes qualify for a certificate of appropriateness or certificate of no effect.

If an application qualifies for a certificate of no effect, the Director shall contact the Chairperson to review the application and confirm qualification of the application. If an application is found to qualify for a certificate of no effect the Director shall issue a certificate of no effect within 7 working days of receipt of the complete application.

If the Director determines that the proposed changes would require a certificate of appropriateness, the application shall be forwarded to the Commission for review as prescribed herein.

1509.02 Notice of Public Hearing for Certificate of Appropriateness.

A. Within 20 days of the receipt of a complete application for a certificate of appropriateness, the item shall be scheduled for a public hearing on a future agenda with the applicant being notified of the meeting date, time, and location. 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 property assessment as located 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 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 for Certificate of Appropriateness.

A. It is the intent of this article to ensure, insofar as possible, that a historic resource designated as a landmark within an Historic District shall be in harmony with and complementary to the architectural and historical character of the historic resource 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 materials and 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; and
5. Any proposed new construction shall be distinguishable from the historic architecture.

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 Restoration or 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 Director and approval of the change at an administrative level, if that change is determined to be of no significant impact on the original proposed work set forth in the application. If the change is determined to have a significant impact on the original proposed work, the Director shall schedule a public hearing before the Commission in the same manner as the original certificate of appropriateness consideration.

E. A certificate of appropriateness expires 6 months from the date of issuance unless work is started within that time. A certificate of no effect 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 or certificate of no effect, the certificate of appropriateness or certificate of no effect shall be revoked.

G. The certificate of appropriateness or certificate of no effect 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, firm, corporation, or other entity shall demolish a landmark or contributing property within a Historic District or cause or allow 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 demolition 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 economic 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. 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.
 - c. 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
 - d. 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 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, or notify contractors and manufacturers, 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.

[Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017)].

1510 Maintenance and repair.

Each historic resource designated as a landmark, and historic resources designated as contributing properties within a Historic District, shall be properly maintained in weather resistant, secure condition and faithful to its historic appearance and character.

Nothing in this article shall be construed to prevent normal maintenance and repair of any exterior feature of any historic resource designated as a landmark or contributing property within a Historic District, which does not involve change in design, material, color or exterior 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.

All exterior maintenance and repair not deemed to be routine maintenance and repair as defined herein requires an application for determination of a certificate of appropriateness or certificate of no effect. Repairs that involve change in exterior appearance may be determined by the Director and Chairperson to have no significant impact on historic appearance and character, and thereby qualify for a certificate of no effect.

[Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017)].

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 appearance and character in its present condition nor 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 or tenants; 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.

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 Architectural documentation prior to demolition of historic buildings.

Applications for permits for the demolition of buildings that are in part (original structure with later additions) or in their entirety 50 or more years old must include architectural documentation to provide a permanent record of buildings of historical significance before their loss. Demolition applications are available from the Community Development Department.

1512.01 Applicability.

These regulations apply to all demolition permit requests involving buildings that are in part or in their entirety 50 or more years old, but are not individually listed on the National Register of Historic Places; and do not meet the eligibility criteria for the National Register of Historic Places or Designation as a Landmark in Sedona. Documentation is not required if the demolition will be limited to an addition that is less than 50 years old, for accessory buildings such as sheds, and mobile or manufactured homes regardless of age.

1512.02 Review Required.

The applicant must submit documentation in conjunction with a demolition permit application submittal. The documentation will be reviewed and found complete pursuant to this article prior to issuance of a demolition permit.

1512.03 Application and Review Process.

A. Prior to the submittal of a demolition permit application, the applicant may meet with the Director. At that time, the Director will determine whether the application requires documentation.

B. At the time of submittal, the applicant must submit the demolition permit application and all required architectural documentation to the Community Development Department.

C. The Director shall review the submitted architectural documentation and approve the materials for completeness. The Director determines and informs the applicant that the required architectural documentation is complete, or of any additional documentation which is required, within 5 working days of the submittal date.

D. If the Director determines that the required architectural documentation is complete, then a demolition permit application may be processed. The applicant must demonstrate compliance with all provisions of the LDC before a demolition permit will be issued.

1512.04 Documentation Required.

- A. Current photographs of the front, rear and sides of the building to be completely or partially demolished; and
- B. Copies of old photographs of the building to be completely or partially demolished (taken at least 20 years prior to the demolition application), if in the possession of the applicant; and
- C. A list of any important historical events or historically significant persons related to the building to be demolished, if known to the applicant.

1512.05 Documentation Optional.

- A. Floor plans with measured dimensions; and
- B. Photographs of all interior rooms; and
- C. A “context photograph” illustrating the relationship between the building to be completely or partially demolished and the nearest adjacent buildings; and
- D. A general description of construction materials, such as exterior walls, roofing, windows, porches, and carports of the building to be demolished.

1512.06 Documentation Retention.

Upon approval of the demolition permit, the Director shall retain the architectural documentation as a record of a lost historic resource. [Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017)].

1513 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 a written notice of appeal and any applicable fee as may be adopted with the City Clerk. 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.

[Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017). Formerly 1512].

1514 Violations and enforcement.

All work performed pursuant to a certificate of appropriateness or certificate of no effect under this article shall conform to requirements thereof. Compliance shall be confirmed by inspections made by the Building Inspector, Director and the Commission Chairperson or designee. Requirements of the certificate of appropriateness or certificate of no effect, 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 subject to code enforcement action. 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, firm, corporation or other entity 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.

[Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017). Formerly 1513].

1515 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.

[Ord. 2017-01 § 1, 1-10-2017 (Res. 2017-02 (Exh. A), 1-10-2017). Formerly 1514].