



Meeting Dates:

- July 11, 2016** (Work Session)
- June 13, 2016** (Discussion/Possible Action)
- March 14, 2016** (Work Session)
- February 8, 2016** (Work Session)
- January 11, 2016** (Work Session)
- December 8, 2015** (Work Session)
- October 26, 2015** (Work Session)
- July 13, 2015** (Work Session)

Hearing Body: **Historic Preservation Commission**

Project Number: **PZ15-00015 (LDC)**

Action Requested: Discussion/direction regarding the three items staff was directed to follow-up on in conjunction with the recommendation of approval for the Article 15, Historic Preservation Ordinance, amendments.

Report Prepared By: Warren Campbell, Principal Planner

Attachments:

- A. Materials from the City of Tucson
- B. Proposed Amendments to Land Development Code Article 15, Historic Preservation Ordinance.

Background

On June 13, 2016, the Historic Planning Commission unanimously forwarded a recommendation of approval, with modification, on amendments to Article 15 to the Planning and Environmental Commission. As a part of that motion staff was directed to follow up on three additional items. Those included the following:

- Explore the possibility of recording a document on all landmark properties, making it clear that they are designated and there are regulations to be followed.
- Explore the incorporation of any regulations that are appropriate that would reference some of those done in Tucson, such as the need to have a plan and financing in place prior to demolition of a historic building.
- Explore the inclusion of fines and/or max penalties for violation of Article 15 in Section 1513, Violations and Enforcement.

Follow Ups

Staff has pursued the directed items and has the following responses.

- **Explore the possibility of recording a document on all landmark properties, making it clear that they are designated and there are regulations to be followed.**

There is currently a document recorded against all properties designated as a landmark in the City of Sedona. This document should appear as a part of all title searches and be provided in conjunction with the closing documents associated with any sale of property.

- **Explore the incorporation of any regulations that are appropriate that would reference some of those done in Tucson, such as the need to have a plan and financing in place prior to demolition of a historic building.**

Staff has spoken with the Historic Preservation Officer for the City of Tucson and has learned the following.

- The provisions requiring proof of a viable redevelopment plan and financial means to follow through are provided and reviewed as a part of the process to determine if a property no longer has any viable economic use.
 - These requirements were in place prior to Prop 207 which altered the ability for a municipality to take action on a property which might be considered a detriment to the property value.
- In 2011, recognizing that the city had no ability to prevent demolition it put in place an ordinance requiring that any demo of a property older than 50 years required submittal of information in conjunction with the demo permit. Tucson sought a reasonable approach to preserving some information prior to a property's removal which was defensible as it was added as a simple submittal requirement.
 - Documentation requirement was designed to be simple and able to be performed by a lay person, such as a property owner.
 - Loosely based on the nationally recognized Historic American Building Survey Level 1 requirements.
 - Photos of exterior, interior, and any notable features/details
 - Floor plan drawing with dimensions (will accept pencil sketch)
 - Written narrative include date of construction and any know occupants or events
 - Any available older photos of the property

Staff believes it may be appropriate to include a documentation requirement as a part of Sedona's demolition permit process for surveyed properties and any in excess of 50 years old. Additionally, staff would like to discuss the possibility of leveraging the rezoning process to help protect undocumented resources.

- **Explore the inclusion of fines and/or max penalties for violation of Article 15 in Section 1513, Violations and Enforcement.**

Article 14, Enforcement, of the LDC includes the provisions of max penalties and fines for violation of any provision of the LDC. As the fines apply to all Articles of the Code they are included in their own Article. This allows for the fines, penalties, process, etc. to be centralized so as to not be repeated throughout the code and allows for amendments when necessary in one location within the code. Staff does not believe it is appropriate to make this change to the proposed Article 15 amendments.

Historic Preservation Direction

The Commission is asked to provide feedback and possible direction on the items discussed. If it is felt that the incorporation of some additional language addressing demolition is desired, staff will prepare the public notification to return to the Commission with proposed language to address the comments at a future hearing.

ADOPTED BY THE
MAYOR AND COUNCIL ON

April 13, 2010

ORDINANCE NO. 10776

RELATING TO PLANNING AND ZONING; AMENDING CERTAIN PORTIONS OF THE LAND USE CODE, CHAPTER 23, ARTICLE V, ADMINISTRATION, DIVISION 3, SPECIAL DEVELOPMENT APPLICATIONS, ADDING SECTION 5.3.11, ARCHITECTURAL DOCUMENTATION PRIOR TO DEMOLITION OF HISTORIC BUILDINGS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA AS FOLLOWS:

SECTION 1. The Tucson Code, Chapter 23, Land Use Code, Article V, Division 3, Special Development Applications, is hereby amended to add Section 5.3.11 Architectural Documentation Prior To Demolition Of Historic Buildings, to read as follows:

ARTICLE V. ADMINISTRATION
DIVISION 3. SPECIAL DEVELOPMENT APPLICATIONS

5.3.11 ARCHITECTURAL DOCUMENTATION PRIOR TO DEMOLITION OF HISTORIC BUILDINGS. Applications for permits for the demolition of buildings that are partially or in their entirety fifty (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 Planning and Development Services Department (PDSD).

5.3.11.1 Applicability. These regulations apply when an application for a demolition permit involves the complete or partial demolition of a building that is partially or in its entirety fifty (50) or more years old.

Minor Documentation is required for demolition permit requests for all buildings that are partially or in their entirety fifty (50) or more years old, but are not contributing properties within designated or pending National Register Historic Districts; 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. For buildings that otherwise meet the criteria for Full Documentation, only Minor Documentation is required if the demolition will be limited to an addition that is less than fifty (50) years old.

Full Documentation is required for demolition permit requests for all buildings that are partially or in their entirety fifty (50) or more years old and are contributing properties within designated or pending National Register Historic Districts; or are individually listed on the National Register of Historic Places; or meet the criteria for eligibility for the National Register of Historic Places.

If the building to be completely or partially demolished is located in a Historic Preservation Zone (HPZ) or the Rio Nuevo and Downtown Zone (RND) overlay zone, compliance with the applicable demolition review and approval requirements contained in Section 2.8.8.7 through Section 2.8.8.9 is required in addition to the provisions contained in this section.

5.3.11.2 Review Required. The applicant must submit Minor or Full Architectural Documentation to PDSD for review before issuance of a demolition permit.

5.3.11.3 Application and Review Process.

- A. Prior to the submittal of a demolition permit application, the applicant may meet with PDSD. At that time, PDSD determines whether the application requires Minor or Full Documentation.
- B. At the time of submittal, the applicant must submit two (2) copies of the demolition permit application and all required architectural documentation to PDSD. All new photos must be printed on photographic paper.
- C. If Minor Documentation is required, PDSD reviews and approves the applications for completeness. PDSD determines and informs the applicant that the Minor Documentation is complete, or of any additional

documentation which is required within five (5) working days of the submittal date.

- D. If Full Documentation is required, the Historic Preservation Officer (HPO) reviews and approves the applications for completeness, and informs the applicant that Full Documentation is complete or informs the applicant of any additional documentation which is required within five (5) working days of the submittal date.
- E. If PDSD or the HPO determine 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 Tucson Code before a demolition permit will be issued.

5.3.11.4 Minor Documentation Required:

- A. Current photographs of the front, rear and sides of the building to be completely or partially demolished (printed on photographic paper); and
- B. Documentation from the County Assessor's records, the State Historic Preservation Office, or other official government records confirming the year of construction and dates of additions to the building to be demolished. Some of this documentation of construction dates may be available at PDSD.

5.3.11.5 Full Documentation Required.

- A. Floor plans with measured dimensions; and
- B. Photographs of the front, rear and sides of the building to be completely or partially demolished, and 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 in the Development Zone. The Development Zone is defined in Sec. 6.2.4 of the *Land Use Code* (LUC); and
- D. 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

- E. Documentation from the County Assessor's records, the State Historic Preservation Office, or other official government records confirming the year of construction and dates of additions to the building to be demolished. Some of this documentation of construction dates may be available at PDSD; and
- F. A general description of construction materials, such as exterior walls, roofing, windows, porches, and carports of the building to be demolished; and
- G. A list of any important historical events or historically significant persons related to the building to be demolished, if known to the applicant.

5.3.11.6 Documentation Retention. Upon approval of the demolition permit, the HPO shall retain one (1) copy as a record of a lost historic resource and forward one (1) copy to the Tucson-Pima County Historical Commission for their records.

SECTION 2. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately

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effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, April 13, 2010.


MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED BY:

CITY MANAGER

TM/tl
3/24/10



General Information on Demolitions of Historic and Older Structures

There are several requirements involved with permitting demolition of historic and older structures depending on the location, age, and historic status of the subject property.

Properties in Local Historic Preservation Zones (HPZ) or the downtown Rio Nuevo Area (RNA):

Demolitions of contributing and non-contributing structures located in local Historic Preservation Zones (i.e. Armory Park, Barrio Viejo, El Presidio, West University, and Fort Lowell) are subject to a *Full* HPZ review process. This process requires a comprehensive review involving the City of Tucson Historic Preservation Office, the associated Neighborhood Historic Zone Advisory Board, and the Tucson-Pima County Historical Commission Plans Review Subcommittee, and approval by the Mayor and Council. Demolitions in local HPZs require an on-site pre-submittal meeting with the owner / applicant to review plans and to document the status of the structure(s) proposed for demolition. Demolition of a historic structure (listed, or eligible for listing, in the National Register of Historic Places in the downtown RNA requires review by the Tucson-Pima County Historical Commission Plans Review Subcommittee, and approval by the Mayor and Council.

Please note that the owner / applicant may be subject to penalties (refer to UDC 5.8.7 Article 9) if full or partial demolitions occur before the required City of Tucson review process is conducted. For further information regarding the HPZ Review Process, contact Michael Taku at 520-837-4963.

Properties in National Register Historic Districts Outside of Historic Preservation Zones:

Demolitions of contributing historic structures, and non-contributing structures 50 years old or older, located in National Register Historic Districts outside of HPZs are subject to review by Historic Preservation Staff. In both instances, submission of architectural documentation is required before issuance of a demolition permit (see City of Tucson Ordinance No.10776). Contributing historic structures require *Full Architectural Documentation* (refer to checklist). Non-contributing structures 50 years old or older require *Minor Architectural Documentation* (refer to checklist). Demolition permits may be issued after receiving written approval from Historic Preservation Staff. For further information contact Jonathan Mabry at 520-837-6968.

Properties 50 Years of age and Older and Outside of National Register Historic Districts:

Properties 50 years of age or older within Tucson city limits but outside of designated local HPZs and National Register Historic Districts require at least *Minor Architectural Documentation* to be included with the application; structures listed, or eligible for listing, in the National Register of Historic Places require *Full Architectural Documentation* (refer to checklists). For further information contact Jonathan Mabry at 520-837-6968.

PROCESS STEPS:

- 1. Obtain Compliance Review and permit activity number from the Planning and Development Services Department (PDS):**

1st Floor Zoning Compliance Review • 201 N. Stone Avenue, Public Works Bldg • Tucson, AZ 85701

- 2. Office of Integrated Planning, Historic Preservation Program Review and Ward Office Notification:**
Jonathan Mabry – Historic Preservation Officer • jonathan.mabry@tucsonaz.gov • Phone: (520) 837-6968

(NOTE: For fastest review, submit a PDF file with Architectural Documentation by email to jonathan.mabry@tucsonaz.gov)

- 3. Return to PDS to complete the permitting process**

REV. 3/14

Planning & Development Services Department (PDS) - 201 N. Stone Avenue
P.O. Box 27210 - Tucson, AZ 85726-7210

Telephone: (520) 791-5550 - Fax: (520) 791-5852

Website: www.tucsonaz.gov/pds

EMAIL: DSD_ZONING_ADMINISTRATION@TUCSONAZ.GOV



Historic Property Demolition Application

Activity #: _____ Date Submitted: _____

PROPERTY LOCATION INFORMATION

Property Address: _____

Historic District _____

Contributing, individually listed, or eligible / Non-Contributing or ineligible _____

Architect: _____

Builder: _____

Plat Name: _____ Block _____ Lot _____

Pima County Parcel Number/s: _____ Date of Construction: _____

APPLICANT INFORMATION

APPLICANT NAME: _____

ADDRESS: _____

PHONE: () _____ - _____. FAX: () _____ - _____

EMAIL: _____ @ _____

PROPERTY OWNER NAME: _____

PHONE: () _____ - _____. FAX: () _____ - _____

SIGNATURE OF OWNER _____

Date

SIGNATURE OF APPLICANT (if not owner) _____

Date

AREA TO BE DEMOLISHED

SQ. FT. _____ Full / Partial Demolition _____ Primary / Secondary Structure _____

DESCRIPTION OF PROPOSED DEMOLITION (PORTIONS OF STRUCTURE)

REV. 3/14

Planning & Development Services Department (PDSB) - 201 N. Stone Avenue

P.O. Box 27210 - Tucson, AZ 85726-7210

Telephone: (520) 791-5550 - Fax: (520) 791-5852

Website: www.tucsonaz.gov/pdsd

EMAIL: DSD_ZONING_ADMINISTRATION@TUCSONAZ.GOV

City of Tucson Planning & Development Services Department

CHECKLIST FOR DEMOLITION REVIEW APPLICATION

MINOR ARCHITECTURAL DOCUMENTATION:

- A completed Historic Demolition Application (a blank form is attached to this document). Completely fill in all fields on the nomination application form. The Assessor's No. and the complete Legal Description can be found by contacting the Pima County Recorder's Office (<http://www.asr.pima.gov/>)
- Pima County Assessor's Map or Record Card or SHPO Form
- Color labeled photographs showing full exterior views, including all elevations, setting, outbuildings, and details of structural and landscape features, as well as photographs showing the relationship between the building and the nearest adjacent buildings in the Development Zone (high quality photocopies or PDFs acceptable)
- Reproductions (high quality photocopies acceptable) of historical photographs if available
- Written approval from City of Tucson Historic Preservation Office **(IF LOCATED OUTSIDE A LOCAL OR NATIONAL HISTORIC DISTRICT) See Page 5**
- Submit Minor Architectural Documentation (NOTE: For fastest review, submit documentation in PDF format by email to jonathan.mabry@tucsonaz.gov)

FULL ARCHITECTURAL DOCUMENTATION:

- A completed Historic Demolition Application (a blank form is attached to this document). Completely fill in all fields on the nomination application form. The Assessor's No. and the complete Legal Description can be found by contacting the Pima County Recorder's Office (<http://www.asr.pima.gov/>)
- Pima County Assessor's Map or Record Card or SHPO Form
- Context photo (from the street depicting the Development Zone)
- Color labeled photographs showing full exterior views including all elevations, setting, outbuildings, interior views, and details of structural and landscape features (high quality photocopies or PDFs acceptable)
- Reproductions (high quality photocopies or PDFs acceptable) of historical photographs if available
- Any other documentation pertaining to the construction dates of the subject structure if available
- Scaled, dimensioned floor plans

REV. 3/14

Planning & Development Services Department (PDSB) - 201 N. Stone Avenue

P.O. Box 27210 - Tucson, AZ 85726-7210

Telephone: (520) 791-5550 - Fax: (520) 791-5852

Website: www.tucsonaz.gov/pdsb

EMAIL: DSD_ZONING_ADMINISTRATION@TUCSONAZ.GOV

- General description of construction materials (exterior walls, roofing, windows, porches, carports)
- A list of significant events or people associated with the subject structure if known
- Written approval from City of Tucson Historic Preservation Office **(IF LISTED AS A CONTRIBUTING STRUCTURE IN A NATIONAL REGISTER HISTORIC DISTRICT)** See Page 5
- Submit Full Architectural Documentation (NOTE: For fastest review, submit documentation in PDF format by email to jonathan.mabry@tucsonaz.gov)

ADDITIONAL DOCUMENTATION REQUIRED BY PDSB FOR A DEMOLITION PERMIT:

- A dimensioned, scaled demolition plan or survey of the site and the location/placement of all buildings/structures on the site; or, an aerial photograph if there is no existing site plan
- Signed Confirmation of Notice of Demolition at least 15 days prior to the start of demolition

For Zoning and Subdivision review, the Unified Development Code (UDC) applies to this application. If you feel the Land Use Code (LUC) should apply, please consult with Zoning review staff. Applicable timeframes can be provided at your request or found in Administrative Manual Sec. 3-02 or found on our website at <http://cms3.tucsonaz.gov/pdsd>. For information about applications or applicable policies and ordinances, please contact Michael Taku at 837-4963.

By state law, we cannot initiate a discussion with you about your rights and options, but we are happy to answer any questions you might have.

REV. 3/14

Planning & Development Services Department (PDSB) - 201 N. Stone Avenue
P.O. Box 27210 - Tucson, AZ 85726-7210

Telephone: (520) 791-5550 - Fax: (520) 791-5852

Website: www.tucsonaz.gov/pdsd

EMAIL: DSD_ZONING_ADMINISTRATION@TUCSONAZ.GOV



**Office of Integrated Planning (OIP) Historic Preservation Office (HPO)
Review and Approval Form**

The Historic Preservation Office has reviewed the Architectural Documentation for the property located at _____ per Ordinance # 10776.

The type of Architectural Documentation required for demolition at this property is:

- Full Architectural Documentation
- Minor Architectural Documentation

The Applicant has provided all necessary Architectural Documentation required by Ordinance # 10776 and is approved by the Historic Preservation Office.

Additional documentation may be required by the Planning and Development Services Department (PDSD) prior to issuance of a building permit.

Historic Preservation Officer

Signature: _____

Date: _____



**Office of Integrated Planning (OIP) Historic Preservation Office (HPO)
Review and Approval Form**

The Historic Preservation Office has reviewed the Architectural Documentation for the property located at _____ 95 N Park Ave _____ per Ordinance # 10776.

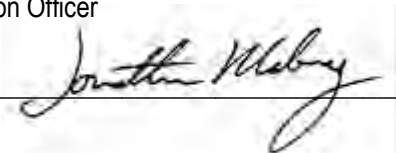
The type of Architectural Documentation required for demolition at this property is:

- Full Architectural Documentation
- Minor Architectural Documentation

The Applicant has provided all necessary Architectural Documentation required by Ordinance # 10776 and is approved by the Historic Preservation Office.

Additional documentation may be required by the Planning and Development Services Department (PDSD) prior to issuance of a building permit.

Historic Preservation Officer

Signature: _____


Date: _____ 6-14-16 _____

REV. 3/14



VIA EMAIL
jonathan.mabry@tucsonaz.gov

May 17, 2016

Mr. Jonathan B. Mabry, Ph.D.
Historic Preservation Officer
CITY OF TUCSON PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
201 N. Stone Avenue, 3rd Floor
Tucson, Arizona 85726-7210

SUBJECT: 95 N. PARK AVENUE, TUCSON, AZ 85719
FULL ARCHITECTURAL DOCUMENTATION FOR DEMOLITION
JN 4262

Dear Mr. Mabry:

As part of the full documentation process required for the proposed demolition of the existing commercial building located at the above referenced address, we hereby submit the following documentation along with historical information of the building and a list of construction materials for your review and acceptance:

- County Assessors Legal Printout and Map
- Dimensioned Floor Plan
- Photographs of the Interior and Exterior of the Building

History of the structure:

This commercial brick building was originally constructed in 1957 and was home to the “Green Dolphin”, a neighborhood bar popular with U of A students from the early 1960’s through 1994 when the bar closed and was changed to NYC a bar and dance club. The building has been vacant for a number of years and has been gutted out with only a partition wall reimagining which separates the south portion of the building with the larger area in the north portion. County and City records show the area in the northern portion as the former bar area and the south portion as the pool table area. The same records show a kitchen in the southwest corner of the building which is no longer there. The current owners are not aware of any significant historical events or persons for this property.

Construction Materials List:

Exterior- Brick with Stucco
 Wood Doors and Recessed Window Frames
 Aluminum Windows with Wrought Iron on some of the Windows
 Flat Built-Up Roof

Mr. Jonathan Mabry, Ph.D.
May 17, 2016
Page 2 of 2

Interior- Wood Framing and Wood Joists
 Lath and Plaster Interior Finish
 Hardwood and Concrete Floors

Please let us know if the information provided is acceptable or if you need further information or documentation.

Sincerely,

RICK ENGINEERING COMPANY, INC.

A handwritten signature in black ink, appearing to read 'Dan Castro', with a long horizontal stroke extending to the right.

Dan Castro
Senior Project Planner

DC:sj F:\4262_STANDARD_AT_TUCSON\ADMIN\4262_MABRY_LTR_95 N PARK AVE_051616.DOC

Attachments



Historic Property Demolition Application

Activity #: T16BU00868 Date Submitted: 5/31/16

PROPERTY LOCATION INFORMATION

Property Address: 95 N. Park Avenue

Historic District Pie Allen Historic District

Contributing, individually listed, or eligible / Non-Contributing or ineligible Contributing

Architect: _____

Builder: _____

Plat Name: _____ Block _____ Lot _____

Pima County Parcel Number/s: 124-07-1200 Date of Construction: 1957

APPLICANT INFORMATION

APPLICANT NAME: LCD Acquisitions, LLC c/o Wes Rogers

ADDRESS: 455 Epps Bridge Parkway, Ste 201, Athens, GA 30606

PHONE: (706) 543 - 1910 FAX: (706) 543 - 1909

EMAIL: Jason.Doorbos @ LandmarkProperties.com

PROPERTY OWNER NAME: Arizona Territorial Lands, LLC

PHONE: (520) 623 - 4091 FAX: (520) 623 - 4145

SIGNATURE OF OWNER _____ Date _____

SIGNATURE OF APPLICANT (if not owner) [Signature] 5/27/16 Date _____

AREA TO BE DEMOLISHED

SQ. FT. 4,500 Full / Partial Demolition Full Primary / Secondary Structure Primary

DESCRIPTION OF PROPOSED DEMOLITION (PORTIONS OF STRUCTURE)

Remove Entire Building

REV. 3/14

Planning & Development Services Department (PDS) - 201 N. Stone Avenue
P.O. Box 27210 - Tucson, AZ 85726-7210
Telephone: (520) 791-5550 - Fax: (520) 791-5852
Website: www.tucsonaz.gov/pds
EMAIL: DSD_ZONING_ADMINISTRATION@TUCSONAZ.GOV

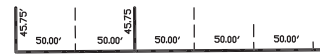
ASSESSOR'S RECORD MAP

124-07

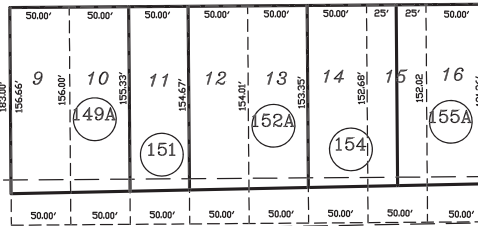
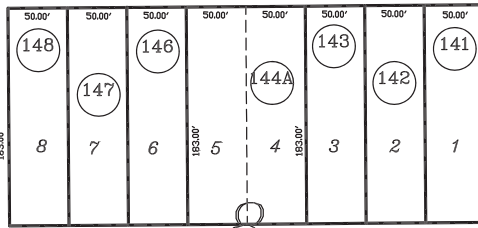
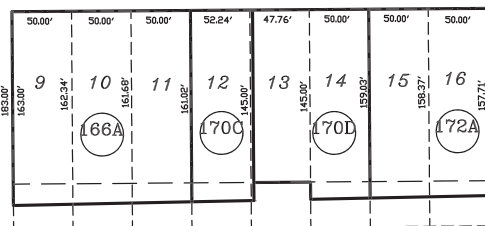
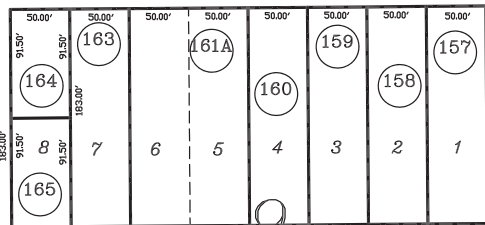
RIECKERS ADDITION TENTH STREET



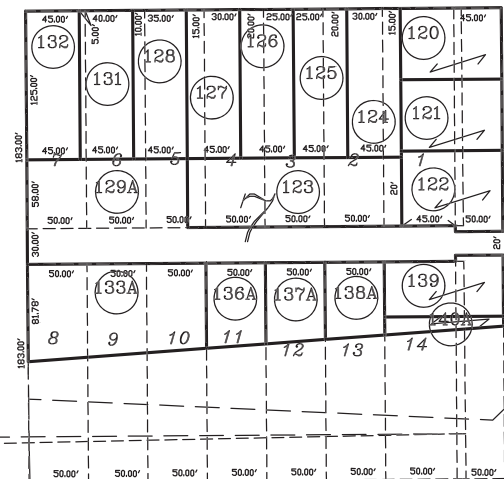
DETAIL 2



(RESUB 01/002 M&P)



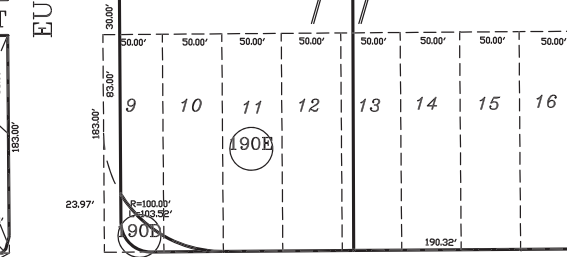
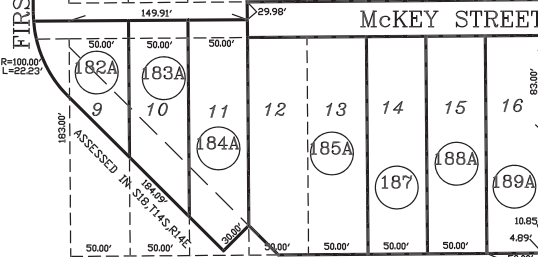
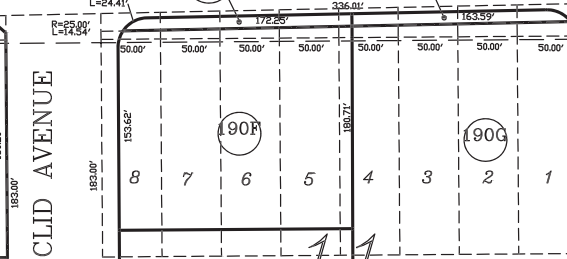
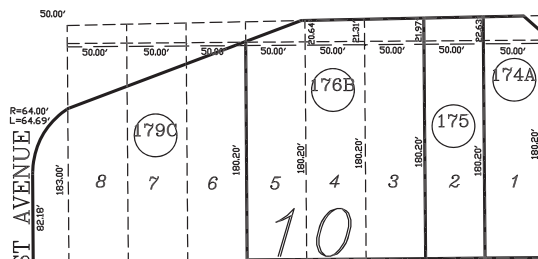
TENTH STREET



PARK AVENUE

BROADWAY BOULEVARD

BROADWAY BOULEVARD



FIRST AVENUE

EUCLID AVENUE

TYNDALL AVENUE

McKEY STREET

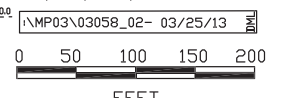
BROADWAY BOULEVARD

TWELFTH STREET

TWELFTH STREET

CITY HEIGHTS
PAGE 102 M&P

SEE BOOK 03 PAGE 058 M&P
SEE BOOK 03 PAGE 127 M&P
(BLOCKS 1, 6 & 7, ONLY)
2012-1
SEE BOOK 06 PAGE 047 M&P (RDW)
S07, S08, T14S, R14E



CCS

Book-Map-Parcel: 124-07-1200

[Oblique Image](#)

Tax Year:

Tax Area: [0150](#)

Property Address:

Street No	Street Direction	Street Name	Location
95	N	PARK AV	Tucson

Taxpayer Information:

ARIZONA TERRITORIAL LANDS LLC
373 S MEYER AVE
TUCSON AZ

Property Description:

BUELLS N60' LOT 9 BLK 43 & RIECKERS N60'
E51.2' LOT 1 BLK 7

85701- 2231

Valuation Data:

Valuation Year	Legal Class	Assessment Ratio	Land FCV	Imp FCV	Total FCV	Limited Value	Limited Assessed
2016	Vacant/Ag/Golf (2)	15.0	\$40,800	\$7,961	\$48,761	\$48,761	\$7,314
2017	Vacant/Ag/Golf (2)	15.0	\$40,800	\$7,792	\$48,592	\$48,592	\$7,289

Property Information:

Section: 7
Town: 14.0
Range: 14.0E
Map & Plat: 3/127
Block: 007
Tract:
Rule B District: 2
Land Measure: 5100.00F
Group Code:
Census Tract: 800
[Use Code:](#) 0920 (SALVAGE COMMERCIAL)
File Id: 1
Date of Last Change: 9/8/2006

Commercial Characteristics:

Property Appraiser: Kevin Bower Phone: (520)724-7403

Commercial Summary

Interface	Total Sq Ft	Cost Value	CCS Override	Market Override
Y	4,500	\$7,792	\$0	\$0

Commercial Detail

SEQ-SECT	Construct Year	Model/Grd	IPR	Sq Ft	RCN	RCNLD	Model Description
001-001	1957	111/9	0000000	4,500	\$377,918	\$7,105	RETAIL STORE
002-001	1980	290/3	0000000	0	\$1,888	\$687	PARKING LOT

Valuation Area:

Condo Market: 100
DOR Market: 31
MFR Neighborhood: CB_Millville
SFR Neighborhood: 01009001
SFR District: 14

Supervisor District:

(5) RICHARD ELIAS

Recording Information:

Sequence No.	Docket	Page	Date Recorded	Type
20061550672	12866	2664	8/11/2006	QUIT CLAIM DEED
20061550673	12866	2669	8/11/2006	WARRANTY DEED
20022491507	11955	7821	12/27/2002	WARRANTY DEED
0	2809	345	8/16/1966	

Petition Information:

Tax Year	Owner's Estimate	Petition	SBOE
2011	\$99,022		
2008	\$82,000		
2005	\$63,000		
2004	\$60,000		
2002	\$70,000		

Parcel Note: Click to see/expand 5 note(s)

10-124-07-120

1963
013-050043-0009
~~061-20-07-001~~ 0150-57

MAGEE ROY M & ALMA MARIE JT/RS
80-S STONE AVE
TUCSON ARIZ



AREA CODE			
0150			
SPECIAL DISTRICT			
BASIS	CODE	UNITS	

RIECKERS N 60' OF E 51.2' OF L 1 &
BUELLS ADDN N 60' OF L 9 B1K43

95 N. PARK

ANNUAL ASSESSMENT					SUMMARY OF VALUES				
	Change	Land	Improvements	Total	Property	Class	Appraised Value	%	Assessed Value
19 71		\$ 8720	\$ 17490	\$	Land	20-50 20	8720		
19 72	7/16/72: 233Y3		9266	ENV 7me			8720		
19 75	LAND REVALUED	5865		GS			5865		
19 75	8/11		19024						
19 80	LV	8798			Buildings and Improvements	20	17498		
19 81	LV	15300					20205		
19 89	PETT	67850	17850	50000			19024		
19 2001	PETT	109000	NC	51150					
19 2002	PETT	70000	17850	52150					
					TOTAL VALUE	30/30			

Off Site Improvements	Utilities	Zoning B-2-A	Neighborhood
Paved Street	City Water	Single Family	Improving
Black Topped Street	Well	Two Family	Static
Gravelled Street	Sewer	Multi Family	Declining
Unimproved	Septic Tank	Business	Blighted
Public Walks	Natural Gas	Commercial	
Curbs and Gutters	Cesspool	Industrial	
Alley	L. P. Gas		
No Alley	Electricity		
Topography	LEVEL		

DATE OF APPRAISAL 7-17-65-RJH
MEASURED BY 7-17-65-RJH
LISTED BY 7-17-65-RJH
PRICED BY RJH
REVIEWED BY DATE
POSTED BY DATE

LAND VALUE CALCULATION				
Regular Lot Size		Irregular Lot Size		
x		x	x	x
91-60		x	x	x
85 x 60		x	x	x
x		x	x	x
Front Foot or Sq. Foot	Unit Value	Depth, Corner, Other Table	Factor	Value
5460	1.71			9336
5100	1.71			8721
5100	1.15			5865
	3.00			15,300
				8798
				5865

L/V REVALUED FOR 1981 by MA
REMARKS
061-20-07-001
GREEN DOLPHIN BARE
VACANT BLDE.
Grade 1 7-2-68 Etc
L/V REVALUED FOR 1975 by K-L-9-20-74
5/1/75 FC, NC - Thomas
5/3/76 FC, NC - Taylor
8/13/76 " " FERNANDEZ
COMB W/ 013-50-43-009
L/V REVALUED FOR 1980 by RB

10-124-07-120

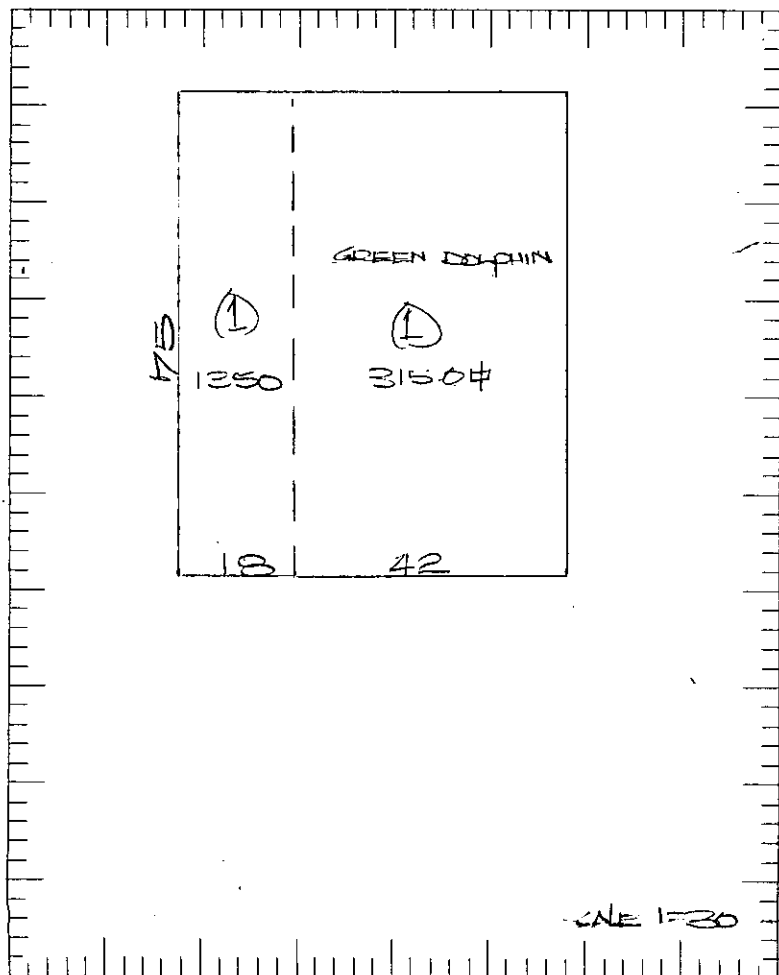
2/1/66

1-12-77

MAIN BUILDING DESCRIPTION

Bldg. No. 2

TYPE and USE		QUALITY OF CONST		FLOORS						HEATING and COOLING			
Comm. Stores	<input checked="" type="checkbox"/> Medical	Grade	7	B	1	2	3	4	5	6	Hot Water	Oil Unit Htrs.	
Super Market	Office Bldgs.	3	Good	Concrete							Low Pr. Steam	Radiant	
Apartments	Banks-S & L			Earth							Hi Pr. Steam	Flr. Furnace	
Motel	Pre-Fab	2	Fair	Hardwood							Forced Warm Air	Wall Furnace	
Serv. Stations		1	Minimum	Single Fl.							Grav. Warm Air	Stove	
Misc. Structures				Wood Joist							Gas Unit Htrs.		
Warehouses				Steel Joist									
FOUNDATION		DOORS		CEILING FINISH						PLUMBING 2			
Concrete Walls		Stock		Rein. Concrete							3-Fixture Bath	Drkg. Fountain	
Conc. Blk. Walls		Spec.		Terrazzo							2-Fixture Bath	Sink	
Brick Walls		WINDOWS		Tile							Lavatory	Laundry Tub	
Stone Walls		Kind		Resilient Tile							Water Closet	Hot Water Heater	
STRUCTURAL		Wood Sash		INTERIOR FINISH ON EXTERIOR WALLS						ELECTRIC WIRING		OTHER BUILDING ITEMS	
Fire Proof Const.		Steel Sash		SoI							Conduit	Sprinkler Syst.	
Reinf. Conc. Beams & Col's		Alum. Sash		Pine							Flexible Conduit		
Steel Beam's & Col's.		ROOF		Hardwood							Knob & Tube		
Timber Beams & Col's.		Design		Lath and Plaster							Sheathed Cable		
Steel Trusses		Flat <input checked="" type="checkbox"/> Hip <input type="checkbox"/> Sawtooth <input type="checkbox"/>		Dry Wall							Power Wiring	Vaults	
EXTERIOR WALLS		Shed <input type="checkbox"/> Gambrel <input type="checkbox"/> Arched <input type="checkbox"/>		Unfin. Int.							Fixtures: Fluor. <input checked="" type="checkbox"/> Inc. <input type="checkbox"/>		
A Wd Frame—Wd Sdg.		Gable <input type="checkbox"/> Monitor <input type="checkbox"/>		PARTITIONS						REMARKS:			
B Wd Frame—Stucco		Framing		Lath and Plas.									
C Block—8"		Wood Joist		Acoustical Tile									
D Block—8" Stuccoed		Steel Joist		STORE FRONTS									
E Block—8" Painted		Wood Truss:		Kind	Grade	Sq. Ft.							
F Block—12"		Steel Truss.		Wood Set									
G Comm Brick 2-c		Steel Beams		Met. Set									
H Face Brick—4" Bkg.		Conc. Slab		BUILDING ELEVATORS									
I Face Brick—8" Bkg.		Deck		No.	Cap.	F.P.M.	Flrs.						
J Reinf conc "		Wood		Kind of Metal									
P Comm Brick 3-c		Pre. Cast Conc.		Grade: A—High; B—Good;									
T Frame Brick Ven		Poured Conc.		C—Medium; D—Fair									
Special Facings		Steel		E—Low Cost									
Describe:		Roofing		DEPRECIATION AND OBSOLESCENCE									
		Built Up		A. Age (Normal Depreciation)	25%								
		Metal		B. Physical Condition †	%								
		Tar & Gravel		C. Modernization (Minus)	%								
		Comp. Roll		D. Tot. Phys. Depreciation	%								
		Comp. Sh'gle		E. Net Physical Condition	%								
		Wood Sh'gle		F. Func. Depreciation	%								
		Tile		G. Economic Depreciation	%								
		Asbestos		H. Tot. Spec. Obsolescence	%								

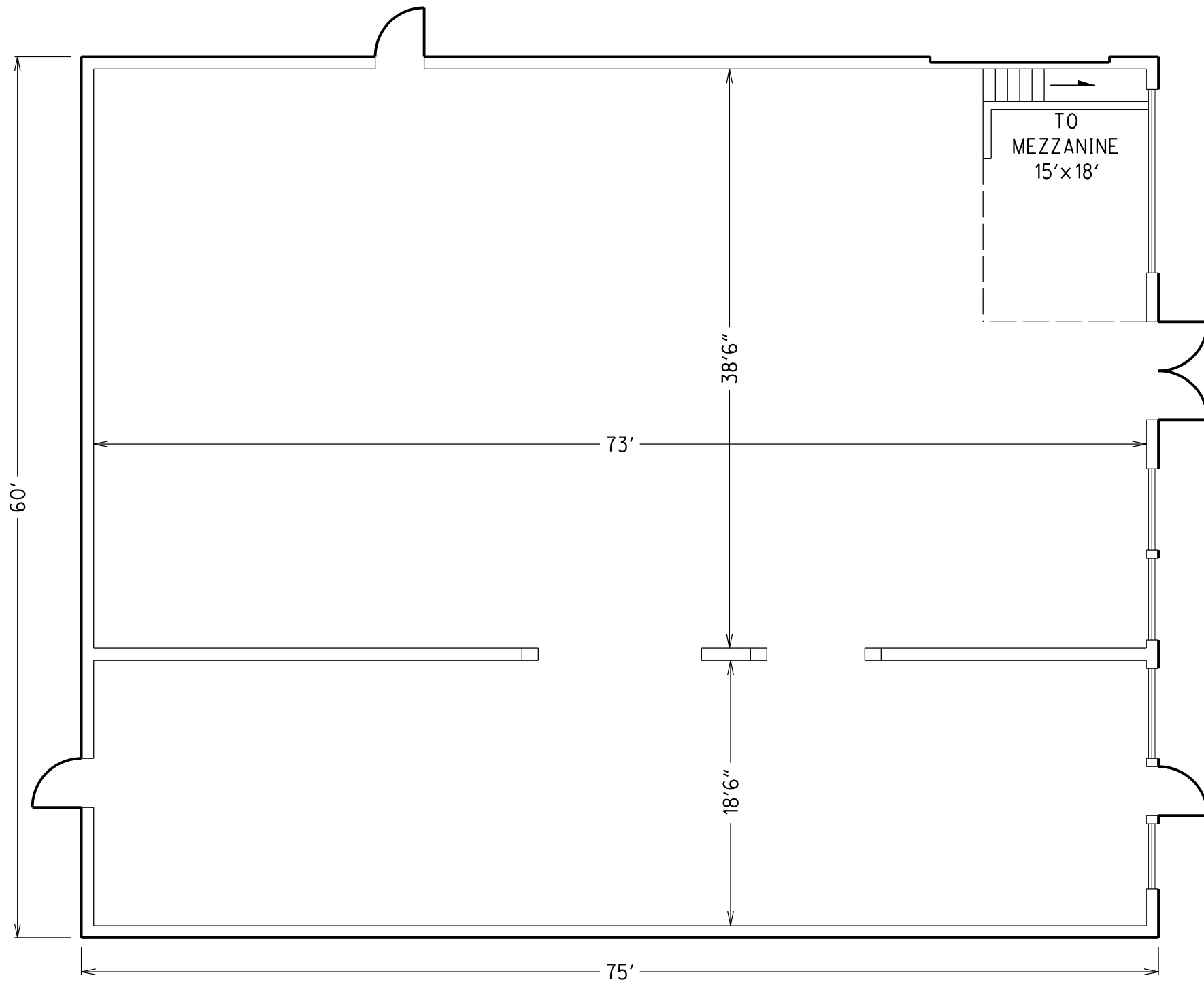


DATE OF CONSTRUCTION		REPLACEMENT COST AND FINAL VALUE MAIN BUILDING			
Date	1950	BASE COST			
Age	15				
Source	TEENANT (EST)	Item	Area or Quantity	Unit Cost	Total
Major Alternation or Add.:		3G14	270"	26.57	7173
Date	Age	5F	160"	1.05	168
Remarks:		6A	4500"	0.77	3465
		7A1	1350"	0.47	634
		7B1	3150"	0.82	2583
Effective Age:	15	8D1	4500"	1.10	4950
DEPRECIATION AND OBSOLESCENCE		9B6	4500"	0.60	2700
A. Age (Normal Depreciation)	25%	10	12' x 12' tiles		1650
B. Physical Condition †	%				
C. Modernization (Minus)	%				
D. Tot. Phys. Depreciation	%				
E. Net Physical Condition	%				
F. Func. Depreciation	%				
G. Economic Depreciation	%				
H. Tot. Spec. Obsolescence	%				
I. Net Condition					
J. Total Depreciation	25				
		REPLACEMENT COST		23323	
		LESS 25% DEPRECIATION		5830	
		NET VALUE		17493	
		NET VALUE OTHER IMPS.			
		TOTAL VALUE OF IMPS.		\$ 17493	

742 TRND = 23323 x .3973 = 9266.

10TH STREET

ALLEY



PARK AVENUE

1ST FLOOR, FLOOR PLAN



3945 EAST FORT LOWELL ROAD - SUITE 111
 TUCSON, AZ 85712
 520-795-1000
 (FAX) 520-322-6956

HISTORIC DEMOLITION EXHIBIT
95 N. PARK AVENUE

PAGE 1 OF 1
 DATE: 05/11/16

Looking Southwest from Intersection of Park Avenue and 10th Street



East Elevation



North Elevation



North Elevation (close up)



North Elevation (Close-Up)



North Elevation (west side doors)



West Elevation



West Elevation (close up)



Facing South Building Wall



Facing Northeast Towards Partition Wall



Facing East toward Front Door



Facing West toward Back Door



Facing East toward Double Front Doors



Facing East toward Staircase to Mezzanine



Facing West Building Wall



Facing South toward Partition Wall



Facing North Building Wall through Partition Wall



Facing Northwest toward North Building Wall



Facing Northeast toward North Building Wall





Proposed Code Text Amendments

Text proposed to be stricken is shown in ~~red strikethrough~~. Text proposed to be added is shown in red underline.

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 Appeals.
- 1513 Violations and enforcement.
- 1514 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 properties, which that represent distinctive elements of Sedona's historic, archaeological, architectural and cultural heritage. Maintain and foster their unique identities and legacies, ~~which in turn helps to help to~~ make the community a desirable place to live, work and visit;
2. Promote the use and adaptive reuse of historic ~~properties resources~~ for the education, pleasure, and welfare of the people of the city 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; ~~support and stimulus to the economy thereby provided;~~

5. Stabilize and improve property values of restored, renovated, rehabilitated and protected sites historic resources;
6. Provide incentives where appropriate for restoration by owners of landmarks or historic properties resources;
7. Provide standards for restoration and adaptive reuse of designated properties historic resources 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~~ 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**” ~~is permissive~~ signifies optional.

“Adaptive reuse” see “Rehabilitation”.

“**Alteration**” means any aesthetic, architectural, ~~mechanical or~~ structural or mechanical change to the exterior surface of any significant part of a designated historic resource property, 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 property historic resource is compatible with the historic character style and building materials of the property 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.

~~“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”~~ **“Chairperson”** means the Chair~~man~~ 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 sites, structures, or of public or private rights-of-way, utilities or other improvements.

“Contributing” means a classification applied to a ny historic resource building site, structure, or object within a Historic District or landmark property signifying that it contributes to the defining characteristics and integrity of the Landmark or Designated Historic District ~~or landmark~~.

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

“Designated ~~property~~ Historic Resource” means ny property, site, building, structure, area, landscaping, or object property which 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 which that contains ~~properties, structures, sites or objects~~ historic resources ~~which are~~ 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 books of the city ~~as produced by the Commission~~, listing and describing ~~properties, structures, sites or objects~~ 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 property’s historic identity, evidenced by the survival of physical characteristics that existed during ~~the property’s 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; ~~criteria evaluated include~~ Evaluation criteria in determining integrity include a historic resource’s 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 a ~~n individual property, structure, site or object~~ historic resource, which has a 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 property 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 ~~of the property~~.

“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 property, site, structure or object a historic Landmark site or within a Historic District ~~or landmark property~~ signifying that it does not contribute to the defining characteristics of the Landmark or 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 practices and measures to sustain the existing form, integrity and material of a ~~structure historic resource, 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.

“Protected Interior” means a property 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 ~~which makes possible that make~~ an efficient contemporary use possible, while preserving those portions or features of the property ~~which that~~ are significant to its historical, architectural and cultural ~~values-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 the removal of~~ by removing later work or by ~~the replacement of missing~~ 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, ~~or~~ 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 buildings 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.

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.

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 ~~of the city~~.

1505.01 Membership.

A. The Historic Preservation Commission shall be composed of 7 members, 5 of ~~which~~ whom shall be residents of the city, and up to 2 ~~of which~~ 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 ~~other~~ 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 for misconduct ~~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 execute ~~exercise the usual rights, their~~ duties ~~and prerogatives as the head of similar organizations as set forth in the City of Sedona Commission Handbook and this article.~~ 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~~ 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.

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 duties:

A. Maintain and periodically update, as needed, a work program 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 and Certificate of No Effect. 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 of 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, Certificate of Demolition and Certificate of Economic Hardship.

H. Conduct public hearings and render decisions on major alterations as set forth in this article.

~~H~~. Maintain and periodically update the Historic Property Register.

~~I. Determine and cause to be created a system of~~ Issue historic resource identification 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~~ and publications.

~~P. Annually prepare a written~~ reports report of Commission activities and; submit it 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.~~

~~RS. Periodically r~~Review the Historic Resource Survey and consider the inclusion of any properties, ~~which that~~ may have come to meet the requirements herein, and the deletion of any properties ~~which that~~ may no longer exist or have been irreversibly altered to the detriment of their historic character and integrity.

~~SI.~~ Work with and assist departments of the city in matters affecting historic preservation and related publicity.

~~FU.~~ Assist property owners, on request, on the restoration, rehabilitation, alteration, decoration, landscaping, or maintenance of any historic property resource.

~~UV.~~ Encourage and assist property owners of historic properties on procedures for inclusion on state historic listings and the National Register of Historic Places.

~~VW.~~ 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 City of Sedona's 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 historic resource with community importance ~~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. Advice in routine or emergency technical information and referrals;

~~E. Assistance in locating buyers and/or sellers;~~

~~FE. Assistance-Advice~~ in the formulation of a neighborhood preservation or historic district association;

~~GF. Assistance-Advice~~ in obtaining other benefits as may become available;

~~HG.~~ 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 and enactment 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 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. Pre-Application Consultation. Prior to the submittal of an application for a landmark designation, the applicant should consult with the Director ~~to explain~~ 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.

~~D.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 Commission~~ 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 calendar 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 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 historic resource 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 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 ~~values~~ value or representing a significant and distinguishable entity ~~whose~~ which individual components may lack ~~individual~~ 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 ~~Bar~~ Restriction on Refiling. If the Commission denies an application, the Commission may refuse to accept another application for the same or substantially ~~the~~ same landmark request on the same property or any part of it within a year of the date the original application was filed on the ~~same~~ 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.

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 this article and as identified below:

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 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, ~~from the Commission.~~ 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 property historic resource without first obtaining a Certificate of Appropriateness, Certificate of No Effect or other applicable approvals.

D. No person shall carryout any demolition, in whole or part, on any landmark, without first obtaining a Certificate of Demolition approval from the Commission.

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

~~F~~E. Nothing in this article shall be construed to prevent ~~normal~~ routine maintenance and repair, as defined herein. ~~which does not involve change in the exterior design, material, color or appearance.~~ 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].

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 ~~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 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 non-continuous boundaries may be considered on a case-by-case basis.
 3. Current and historic sketches, photographs or architectural drawings.
 4. Written description and photographs ~~Statement~~ 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 ~~using the following criteria to determine if it has historical or other cultural significance or integrity, and is suitable for preservation 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 ~~values~~ value, or representative ing of a significant and distinguishable property or person entity whose individual components may lack ~~individual~~ distinctions.
- D. ~~Yielding i~~ Information important in the understanding of the pre-history or history of the community or region.
- ~~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 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 ~~Historic Preservation~~ 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 ~~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~~(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 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.

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 ~~by the Historic Preservation Commission~~ 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. Pre-Application 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 ~~to explain~~ 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 ~~Upon~~ receipt of a complete application for a Certificate of Appropriateness, the ~~Chairperson of the Commission item~~ shall ~~be scheduled place it for a public hearing on a the future agenda for a public hearing within 30 days 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 ~~of the property 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 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 for Certificate of Appropriateness.

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

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 ~~Commission-Director~~ and approval of the change ~~in the same manner as provided 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 ~~permit 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 ~~Appropriateness-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. ~~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.

~~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

~~de~~. 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 ~~DemolitionAppropriateness 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, ~~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.

1510 Maintenance and repair.

Each property historic resource designated as a landmark, and properties historic resources designated as contributing properties within a Historic District, shall be properly maintained in good 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 structure historic resource designated as a landmark or contributing property within a Historic District, which does not involve change in design, material, color or outward 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.

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 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 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.

1513 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 ~~his~~ designee. ~~Certain r~~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 ~~brought to the City Attorneys~~ 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.

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.