

# AGENDA

## City of Sedona Planning and Zoning Commission Meeting

5:30 PM

Tuesday, October 4, 2016

### NOTICE:

Pursuant to A.R.S. 38-431.02 notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a public hearing open to the public on Tuesday, October 4, 2016 at 5:30 pm in the City Hall Council Chambers.

### NOTES:

- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least 24 hours in advance.
- Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: [www.SedonaAZ.gov/planning](http://www.SedonaAZ.gov/planning)

### GUIDELINES FOR PUBLIC COMMENT

#### PURPOSE:

- To allow the public to provide input to the Planning and Zoning Commission on a particular subject scheduled on the agenda.
- Please note that this is not a question/answer session.

#### PROCEDURES:

- Fill out a "Comment Card" and deliver it to the Recording Secretary.
- When recognized, use the podium/microphone.
- State your Name and City of Residence
- Limit comments to 3 MINUTES.
- Submit written comments to the Recording Secretary.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL
2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF
3. APPROVAL OF THE FOLLOWING MINUTES:
  - a. September 20, 2016 (R)
4. PUBLIC FORUM: *(This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)*
5. CONSIDERATION OF THE FOLLOWING ITEMS THROUGH PUBLIC HEARING PROCEDURES:
  - a. Discussion/possible action regarding an ordinance and resolution amending Sedona Land Development Code, Section 303, Historic Preservation Commission, and Article 15, Historic Preservation Ordinance, to reexamine the City's preservation philosophy, clarify existing regulations, and establish a process for a Certificate of No Effect to allow for an expedited review process for certain types of alterations, repairs, and maintenance. **Applicant:** City of Sedona **Case Number:** PZ15-00015 (LDC)
  - b. Discussion/possible action regarding the Draft Schnebly CFA Plan. **Applicant:** City of Sedona **Case Number:** PZ16-00010 (CFA)
6. FUTURE MEETING DATES AND AGENDA ITEMS
  - a. Thursday, October 13, 2016; 3:30 pm (Work Session)
  - b. Tuesday, October 18, 2016; 5:30 pm (Public Hearing)
  - c. Thursday, October 27, 2016; 3:30 pm (Work Session)
  - d. Tuesday, November 1, 2016; 5:30 pm (Public Hearing)
7. EXECUTIVE SESSION

If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:

  - a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
  - b. Return to open session. Discussion/possible action on executive session items.
8. ADJOURNMENT



Scan with your mobile device to access meeting documents online

Physical Posting: September 22, 2016 By: DJ

Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: [www.SedonaAZ.gov/planning](http://www.SedonaAZ.gov/planning) or in the Community Development Office, 102 Roadrunner Drive approximately one week in advance of the meeting.

Note that members of the City Council and other City Commissions and Committees may attend the Planning and Zoning Commission meeting. While this is not an official City Council meeting, because of the potential that four or more Council members may be present at one time, public notice is therefore given for this meeting and/or event.

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.

MEETING LOCATION:  
CITY HALL COUNCIL CHAMBERS  
102 ROADRUNNER DR, SEDONA, AZ

## Staff Report

PZ15-00015 (LDC) Historic Preservation  
Ordinance Code Text Amendment



## Community Development Department Development Services

102 Roadrunner Drive Sedona, AZ 86336  
(928) 282-1154 • Fax: (928) 204-7124

**Meeting Dates:** October 4, 2016 (Public Hearing)

**Hearing Body:** Planning and Zoning Commission

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

**Action Requested:** Discussion/possible action regarding an ordinance amending Section 303, Historic Preservation Commission, and Article 15, Historic Preservation Ordinance, Sedona Land Development Code to reexamine the City's preservation philosophy, clarify existing regulations, and establish a process for a Certificate of No Effect to allow for an expedited review process for certain types of alterations, repairs, and maintenance.

**Staff Recommendation:** Recommendation of approval to City Council of the recommended amendments to Section 303, Historic Preservation Commission, and Article 15, Historic Preservation Ordinance, of the Land Development Code.

**Report Prepared By:** Warren Campbell, Assistant Director

### Attachments:

- A. HPC recommended amendments to Land Development Code Section 303, Historic Preservation Commission, and Article 15, Historic Preservation Ordinance.
- B. Draft Minutes and HPC hearing materials from September 19<sup>th</sup> and July 11, 2016.

### Background

Several years ago the City Council directed the Historic Preservation Commission (HPC) and staff to review Article 15, Historic Preservation Ordinance, of the Land Development Code, to reexamine the City's philosophy with regard to historic preservation and recommend changes where appropriate. At the Commission's July 13, 2015, work session, based on HPC direction, staff introduced several proposed amendments to Article 15 which primarily included several minor amendments and the establishment of a process for a Certificate of No Effect to simplify and expedite certain types of alterations, repairs, or maintenance which would have no effect on the historic characteristics of a historic resource. The following objectives were identified for the amendment of Article 15:

- Clarify the regulations.
- Streamline and simplify the process.
- Create a sense of partnership between the property owner and the city within the Historic Landmark process.

Participation in the Landmark Program is voluntary. Staff and the Commission have been seeking to balance the process demands with the desire to participate in the program which ultimately results in the preservation of the past for future generations. On September 19, 2016, the HPC voted unanimously to forward a recommendation of approval to the Planning and Zoning Commission (Attachment A). This recommendation was made after a nine (9) public meetings over the past year and a half. Staff has

attached the draft minutes and hearing materials from the September 19<sup>th</sup> and July 11, 2016, meetings (Attachment B).

### **Proposed Amendments**

As a result of multiple public meetings with the HPC regarding Section 303 (Decision Making and Administrative Bodies; Historic Preservation Commission) and Article 15 (Historic Preservation Commission), pursuant to direction provided, staff has amended the adopted language to address the identified objectives. The proposed amendments meet the identified objectives as follows:

- Clarify the regulations.
  - Removed duplicated text.
  - Corrected grammatical errors.
  - Clarified and reviewed the Purpose of the HPC.
  - Clarified and added multiple definitions.
  - Clarified process for removal of a Landmark designation by including findings.
- Streamline, simplify the process, and create a sense of partnership between the property owner and the city within the Historic Landmark process.
  - Defined Routine Maintenance and Repair and established a process by which no review is required by the HPC or staff. Consultation is recommended.
  - Established a Certificate of No Effect process much like those found in other communities.
    - Allows for a more expedient administrative review with one member of the Commission for applications which will have no “detrimental” effect on the character of the property.

The result is a document containing language proposed to be stricken (shown in strikethrough) and added (shown underlined in red text) to address the desire to create clarity, consistency, and expediency, within the LDC regulations to foster a greater sense of partnership. The more substantive changes as a result of the HPC hearing include the following:

#### **Article 3 (Decision Making and Administrative Bodies), Section 303 (Historic Preservation Commission)**

- **Subsection 303.01 (Duties)** is proposed to be amended to clarify the powers and duties in the performance of duties associated with requirements of Article 15.
- **Subsection 303.02 (Commission’s Time to Act)** is proposed to be amended to eliminate the required time frames for the HPC to act on applications as they are contained within Article 15 .

#### **Article 15 (Historic Preservation Ordinance)**

- **Section 1503 (Definitions)** is proposed to be amended to clarify and add multiple definitions. An addition of note is the definition creation of Routine Maintenance and Repair.
- **Section 1505 (Historic Preservation Commission), Subsection 1505.06 (Powers and Duties)** is proposed to be deleted as the proposed amended Powers and Duties are contained within Section 303.
- **Section 1507 (Historic Landmarks Designation Process), Subsection 1507.07 (Effect of Landmark Designation)** is proposed to include language stating that work falling within the definition of Routine Maintenance and Repair are permissible without review by staff or the HPC.

- **Section 1509 (Certificate of Appropriateness)** is proposed to be amended to include an expedited Certificate of No Effect which would provide for an expedited review process for certain types of work performed on designated landmarks.
- **Section 1512 (Architectural Documentation Prior to Demolition of Historic Buildings)** is a new section which is proposed to be added to establish a requirement for the document of structures not designated as a landmark, but in excess of 50 years in age, which are proposed for demolition to provide a minimal level of documentation for preservation by the community. All sections of Article 15 after the insertion of this new section were renumbered.

#### **Planning and Zoning Commission's Role and Responsibility**

The Planning and Zoning Commission makes recommendations to the City Council regarding changes to the Land Development Code. The Commissioners should review the documents provided and be prepared to take formal action at the October 4th Public Hearing.





***Staff Recommendation***

Based upon general consistency with the Land Development Code, consistency with and conformity to the Sedona Community Plan, Staff recommends approval of the proposed amendments incorporated in PZ15-00015 (LDC) to the Sedona Land Development Code amending Section 303, Historic Preservation Commission, and Article 15, Historic Preservation Ordinance, Sedona Land Development Code to reexamine the City's preservation philosophy, clarify existing regulations, and establish a process for a Certificate of No Effect to allow for an expedited review process for certain types of alterations, repairs, and maintenance.

***Sample Motions for Commission Use***

(Please note that the below motions are offered as samples only and that the Commission may make other motions as appropriate.)

***Recommended Motion for Approval***

I move to recommend that the City Council approve an ordinance approving PZ15-00015 (LDC), amending the Sedona Land Development Code Section 303, Historic Preservation Commission, and Article 15, Historic Preservation Ordinance, Sedona Land Development Code based upon the proposed amendments general consistency with the Land Development Code, consistency with and conformity to the Sedona Community Plan

***Alternative Motion for Denial***

I move to recommend that the City Council not approve an ordinance approving PZ15-00015 (LDC), amending the Sedona Land Development Code Section 303, Historic Preservation Commission, and Article 15, Historic Preservation Ordinance, Sedona Land Development Code based upon the following findings (specify findings).

# ATTACHMENT A

## Index

HPC Recommended Amendments to Section 303, Historic  
Preservation Commission and Article 15, Historic  
Preservation Ordinance



## Proposed Code Text Amendments

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

### 303 Historic Preservation Commission.

303.01 Powers and Duties. ~~The Commission has the following powers and duties: The responsibility of the Commission is to promote the purposes and objectives of Article 15 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 Article 15.
- ~~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.

~~MN~~. 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.

~~NO~~. 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.

~~OP~~. Increase public awareness of the values of historic, cultural, archaeological and architectural preservation, by developing and participating in public education programs and publications.

~~PQ~~. 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). ~~This~~ These ~~reports~~ shall be available for public review.

~~QR~~. Conduct detailed studies and surveys of properties and areas and assess their potential for designation.

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

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

~~TU~~. 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.

### ~~303.02 Commission's Time to Act.~~

~~A. Upon receipt of a complete application, or initiation by the Historic Preservation Commission, after discussion with the property owner, for the designation of a landmark or Historic District, the Chairperson of the HP Commission shall place it on the agenda for a public hearing within 60 days to consider the designation. The Chairperson shall cause notice to be delivered in person or sent by certified mail to the owner(s) of the property announcing the hearing, not later than 15 days preceding said hearing.~~

~~B. Upon receipt of a complete application for a Certificate of Appropriateness, the Chairperson of the HP Commission shall place it on the agenda for a public hearing within 30 days.~~

**Article 15**  
**HISTORIC PRESERVATION ORDINANCE**

Sections:

- 1501 Purpose.
- 1502 Relation to Community Plan.
- 1503 Definitions.
- 1504 Historic Property Register.
- 1505 Historic Preservation Commission.
- 1506 Incentives.
- 1507 Historic landmark designation process.
- 1508 Historic District designation.
- 1509 Certificate of Appropriateness or Certificate of No Effect.
- 1510 Maintenance and repair.
- 1511 Economic hardship.
- 1512 Architectural Documentation Prior to Demolition of Historic Buildings
- 151~~2~~3 Appeals.
- 151~~3~~3 Violations and enforcement.
- 151~~4~~5 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 any 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 ~~an 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 ~~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:~~

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

- ~~B. Maintain review criteria to assure fair and impartial evaluation and designation of properties as landmarks and Historic Districts. The Commission shall periodically review these criteria, and make such adjustments or updates as may be required.~~
- ~~C. Maintain criteria to assure fair and impartial review of applications for Certificate of Appropriateness. Such criteria shall be subject to review by the Planning and Zoning Commission and ratification by the City Council.~~
- ~~D. Review properties proposed for designation as landmarks, explain to the owners thereof the potential effects of designation as known to the Commission at that time and make a decision to designate, conditionally designate, or deny designation.~~
- ~~E. Review property nominations for designation as a Historic District, explain to the owners thereof the potential effects of designation as known to the Commission at that time, and make recommendations regarding rezoning to a Historic District to the Planning and Zoning Commission and City Council.~~
- ~~F. Propose design guidelines appropriate to individual Historic Districts.~~
- ~~G. Review and approve, conditionally approve or deny applications for a Certificate of Appropriateness.~~
- ~~H. Maintain the Historic Property Register.~~
- ~~I. Determine and cause to be created a system of markers for designated properties.~~
- ~~J. Recognize the owners of designated properties; issue commendations to owners of historical properties who have rehabilitated their property in an exemplary manner.~~
- ~~K. When City Council approval is appropriate, make recommendations to the City Council regarding the acquisition of property suitable for preservation. Such acquisition may include the purchase or acceptance of donated property.~~
- ~~L. Make recommendations to the City Council regarding the utilization of federal, state, city or private funds to promote historic preservation.~~
- ~~M. Make recommendations to the City Council to accept gifts, grants, funds, contributions, and bequests from individuals and public and private entities, agencies, foundations, trusts, corporations, and other organizations or institutions.~~
- ~~N. Cooperate with and enlist the assistance of persons, organizations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse, with City Council approval as appropriate.~~
- ~~O. Increase public awareness of the values of historic, cultural, archaeological and architectural preservation, by developing and participating in public education programs.~~
- ~~P. Annually prepare written reports of Commission activities; submit such reports to the City Council and the State Historic Preservation Office (SHPO). These reports shall be available for public review.~~
- ~~Q. Conduct detailed studies and surveys of properties and areas and assess their potential for designation.~~
- ~~R. Periodically review the Historic Resource Survey and consider the inclusion of any properties, which may have come to meet the requirements herein, and the deletion of any properties which may no longer exist.~~

~~S. Work with and assist departments of the city in matters affecting historic preservation~~

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

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

~~V. Carry out such other duties as may be determined by the City Council, and present other such recommendations as may be deemed pertinent.~~

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

## **1506 Incentives.**

It is the 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;~~

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

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

~~H. G.~~ Waiver of fees. Fees for applications as they pertain to this article may be waived or reduced by the Director upon a request from the property owner, or an authorized agent or by the Commission, if it is determined that such a waiver or reduction of fees would further the intent, ~~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.

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

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

C. The applicant shall bear the burden of proof for all findings required for approval of a Certificate of 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 Architectural Documentation Prior to Demolition of Historic Buildings.**

Applications for permits for the demolition of buildings that are in part (original structure with later additions) or in their entirety 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 Community Development Department.

1512.01 Applicability. These regulations apply to all demolition permit requests involving buildings that are in part or in their entirety fifty (50) or more years old, but are not individually listed on the National Register of Historic Places; and do not meet the eligibility criteria for the National Register of Historic Places or Designation as a Landmark in Sedona. Documentation is not required if the demolition will be limited to an addition that is less than fifty (50) years old, for an accessory buildings such as sheds, and mobile or manufactured homes regardless of age.

1512.02 Review Required. The applicant must submit documentation in conjunction with a demolition permit application submittal. The documentation will be reviewed and found complete pursuant to this Article prior to issuance of a demolition permit.

1512.03 Application and Review Process.

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

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

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

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

1512.04 Documentation Required:

A. Current photographs of the front, rear and sides of the building to be completely or partially demolished; and

B. Copies of old photographs of the building to be completely or partially demolished (taken at least 20 years prior to the demolition application), if in the possession of the applicant; and

C. A list of any important historical events or historically significant persons related to the building to be demolished, if known to the applicant.

1512.05 Documentation Optional:

A. Floor plans with measured dimensions; and

B. Photographs of all interior rooms; and

C. A 'context photograph' illustrating the relationship between the building to be completely or partially



demolished and the nearest adjacent buildings; and

D. A general description of construction materials, such as exterior walls, roofing, windows, porches, and carports of the building to be demolished; and

1512.06 Documentation Retention.

Upon approval of the demolition permit, the Director shall retain the architectural documentation as a record of a lost historic resource.

**15123 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.

**15134 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.

**15145 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.



# ATTACHMENT B

## Index

Draft Minutes dated September 19, 2016

HPC Meeting Materials dated September 19, 2016

Draft Minutes dated July 11, 2016

HPC Meeting Materials dated July 11, 2016

**DRAFT**  
**Summary Minutes (in part)**  
**City of Sedona**  
**Historic Preservation Commission Meeting**  
**Vultee Conference Room, 102 Roadrunner Drive, Building 106, Sedona, Arizona**  
**Monday, September 19, 2016 – 4:00 p.m.**

4. **Discussion/possible action regarding an ordinance and resolutions amending the Sedona Historic Preservation Commission Operating Rules and Procedures, Sedona Land Development Code, Section 303, Historic Preservation Commission, and Article 15, Historic Preservation Ordinance, to reexamine the City's preservation philosophy, clarify existing regulations, and establish a process for a Certificate of No Effect to allow for an expedited review process for certain types of alterations, repairs, and maintenance.**

**Presentation, Warren Campbell:** Warren indicated that we are at the conclusion of this process if everyone feels it is appropriate to forward a recommendation to the Planning & Zoning Commission today. The specific changes made since the last meeting, which included wanting to incorporate what we heard at the Historic Preservation Conference and, in revisiting this, we came across a few other areas that we should be amending in Section 303 that has some redundancy in it and the Operating Rules and Procedures for the HPC.

Warren stated that there are five bullet points that basically highlight changes to the Operating Rules, to reflect some of the changes we wanted to make to the schedule. It had been written that we would meet monthly, and we had talked about trimming that down, so he worked on some language to trim it to fewer meetings. We also looked at amending the duties and found in Section 303 that we had been working on the duties as listed in 1505.06, but they were duplicated in Section 303.01, and the other Boards and Commissions have their duties in Section 303, so we felt that it was better to amend the duties, as we had been talking about in 1505.06, in Section 303.01, and then remove them from Section 1505.06, so they weren't redundant. What we discovered is just what we always fear; we were working on them in one area and weren't aware that they were duplicated in another area as well, and we were massaging one and not the other, so we are getting rid of some of that redundancy. We additionally moved some of the statements about the Commission's time to act out of Section 303 and into Section 1509, because it already talked about our timing and how we will address applications, so again, it eliminates some redundancy.

Warren then explained that one change that was not discussed was that the City Attorney asked us to remove some added language. We had added "misconduct" in Section 1505.02, Term of Office, as one reason to remove a member from the Board. That language is in other documents that talk about how and under what circumstances the City Council can remove somebody, and the City Attorney left it was better to leave it in that realm of regulations.

We then added some language about architectural documentation prior to demolition of historic buildings that are 50 years of age or older, and that is for buildings that are not designated landmarks. Designated landmarks have a much more extensive process, and they have to prove that there is no longer any economic viability to restore or reuse them before they can be demolished. This language just talks about giving us some photos and a little write-up for any building 50 years and older that is not a designated landmark. It is meant to be simple, so people don't balk at doing it, but at least we get some record before it is gone.

Going through the actual documents, Warren referenced Section 303 of the Land Development Code, which identifies the Historic Preservation Commission. This section describes the powers and duties of the HPC, and they are the exact same as in Article 15. We had been massaging them in Article 15, but not in Section 303, so all of those changes were moved to Section 303 and

deleted from Article 15. The text is highlighted in yellow to identify the changes made since the last meeting.

Warren stated that Vice Chair Jarmusch suggested changing Section 303.01.L from, "When City Council approval is *appropriate* . . ." to "When City Council approval is *required* . . .", and we can discuss that later. He removed Section 303.02, because it occurs in Article 15 as to how fast and how we will react to applications submitted, and we then get into Article 15 with the new section added to do the Tucson process that we heard about, which they designed to be very simple and we agreed we should do the same. Anybody can go out and take photographs and type up any history they know about the property and that is pretty much the minimum requirement. If they have more, they can give us more and that would be great. It is meant to get something on file for posterity's sake.

Warren noted that there were no new changes to the definitions and Section 1505.06 was stricken, because it was moved into Section 303. The next highlighted area is the process for documentation where he added Section 1512, Architectural Documentation Prior to Demolition of Historic Buildings", which includes all of the proposed regulations. Basically, current photographs of the front, rear and sides of the building to be completely or partially demolished are required. They may be demolishing part of the building that has been added over time, but we are concerned about the parts that are 50 years and older. Any older photographs would be great as well as any written history of historic events that occurred there that are known by the applicant. We also ask for some optional information, such as any floorplans with measurements and dimensions, photographs of interior rooms and context photography, etc., and we will keep a copy in our files.

Warren then referenced the HPC Operating Rules and Procedures and read the proposed text as follows:

"The HPC shall hold a public hearing a minimum of four (4) times per calendar year. Dates for public hearings shall be noticed according to all legal noticing requirements. Meetings should typically occur on the second Monday of the selected months, commencing at 4:00 p.m. in a meeting room at Sedona City Hall. Any meeting may be rescheduled by the Chair or by a majority vote of the members providing that legal noticing requirements are met."

Warren explained that the City Attorney also requested that in all HPC meetings, Robert's Rules of Order shall be observed, to the extent practical . . ."

*Note: Commissioner Segner arrived at 4:13 p.m.*

Chair Unger indicated that they left the Mondays in there so they can all have that sort of tickler, in case there are meetings on those Mondays. We will probably have plenty of warning, but people should have that on their calendar, because if we just start this thing floating, the possibility of not having those dates open could be possible. We will leave this as a marker for the months we meet, but realistically, we don't need to meet more than four times as we have discussed in the past, but we will leave that marker there so we know those are possible meeting dates.

The Chair then asked if there were any questions and explained for Commissioner Segner that for the future we are talking about recognizing some buildings that are not landmarked, and we do have some on record as being worthy of recognition. It can be knocked down if it is not landmarked, so we are asking people who are thinking of destroying those buildings to give us some information, so we may lose it physically, but not historically.

Warren asked that if anyone was going to make a motion to please include or don't include Vice Chair Jarmusch's recommendation. Chair Unger indicated that it makes sense; it is a difference in the strength of the word. Warren Campbell explained that it just came in, so he didn't have time to critically think about it and he will have the attorney re-read it before going to Planning & Zoning, so he doesn't see any harm. Commissioner Segner noted that Planning & Zoning can change it if they

want, so go with the stronger and if they want, they can make it less. Chair Unger noted that it is sort of odd to put “appropriate” there anyway; however, Audree asked to give a little different perspective in that there may be times where it is not required for the Commission to provide information up the chain, so she would keep it more flexible. By putting “required”, you are tying your hands and saying only when it is required and many times what you do is not required.

Chair Unger noted that Audree is looking at it from the other standpoint, and Audree explained that she is looking to give the Commission as much flexibility as possible, and she doesn’t want to tie the Commission’s hands any more than we need to, so if something needs to go forward that is just your thoughts, then . . . The Chair then stated that gives us more opportunity to step-in, so her consideration would be to leave it. She then asked if anyone else had an opinion and Commissioner Segner stated that he guessed so. Chair Unger stated that “appropriate” would be left, because Audree had a really valid point. She then added that taking everything out of Article 15 and putting it in Section 303 and leaving it in one place, and then in Article 15 doing what it did works for her; that is an appropriate thing to do.

The Chair then called for a motion for approval or denial.

***MOTION: Commissioner Holmes moved to forward a recommendation of approval regarding PZ15-00015 to the Planning & Zoning Commission to approve a resolution and an ordinance amending the Sedona Historic Preservation Commission Operating Rules and Procedures, Sedona Land Development Code Section 303, Historic Preservation Commission, and Article 15, Historical Preservation Ordinance, which reexamine the City’s preservation philosophy, clarify existing regulations, and establish a process for a Certificate of No Effect to allow for an expedited review process for certain types of alterations, repairs and maintenance. Commissioner Grams seconded the motion.***

***VOTE: Motion carried six (6) for and zero (0) opposed. Vice Chair Jarmusch was excused.***



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**Meeting Dates:**                    **September 19, 2016** (Discussion/Possible Action)  
   **July 11, 2016** (Discussion/Possible Action)  
   **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/possible action regarding an ordinance and resolutions amending the Sedona Historic Preservation Commission Operating Rules and Procedures, Sedona Land Development Code, Section 303, Historic Preservation Commission, and Article 15, Historic Preservation Ordinance, to reexamine the City’s preservation philosophy, clarify existing regulations, and establish a process for a Certificate of No Effect to allow for an expedited review process for certain types of alterations, repairs, and maintenance.

**Staff Recommendation:**        Recommendation of approval

**Report Prepared By:**            Warren Campbell, Principal Planner

**Attachments:**

- A. Proposed Amendments to Land Development Code Section 303, Historic Preservation Commission, and, Article 15, Historic Preservation Ordinance.
- B. Proposed Amendments to the Sedona HPC Operating Rules and Procedures.

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**Background**

Several years ago the City Council directed the Historic Preservation Commission (HPC) and staff to review Article 15, Historic Preservation Ordinance, of the Land Development Code, to reexamine the City’s philosophy with regard to historic preservation and recommend changes where appropriate. The following objectives were identified for the amendment of Article 15:

- Clarify the regulations.
- Streamline and simplify the process.
- Create a sense of partnership between the property owner and the city within the Historic Landmark process.

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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.

On July 11, 2016, the HPC and staff discussed its findings on the three elements identified above. The result of that discussion was direction for staff to return to the Commission at a future date with additional proposed amendments to Article 15 reflecting the discussion, primarily the desire to include requirements to document properties over 50 years in age prior to demolition.

### **Proposed Amendments**

Participation in the Landmark Program is voluntary and as a result, staff and the Commission have been seeking to balance the process demands with the desire to participate in the program. All of which ultimately results in the preservation of the past for future generations.

Staff has incorporated several additional amendments since the July 11<sup>th</sup> hearing as directed. All additional text revisions are highlighted in yellow in the attached documents to differentiate them from the previous version. The entirety of the proposed text amendments are shown in red text and red strikethrough. Please find the draft amendments to Section 303, Article 15, and the Operating Rules and Procedures attached (Attachments A & B) to this memorandum. Notable changes include the following:

- Proposed amendments to the HPC Operating Rules and Procedures to reflect changes to the meeting schedule as discussed on July 11.
- Amended the duties found in Section 303.01, Duties, to reflect changes previously suggested in Section 1505.06, Powers and Duties. Proposed deletion of Section 1505.06 as the duties were redundant and the listed duties for all other boards are contained within Article 3, Decision Making and Administrative Bodies.
- Propose deletion of Section 303.02A & B, Commission's Time to Act, as these requirements appear in the amended Sections 1509.1, Application Submittal and Review Procedure, and 1509.02, Notice of Public Hearing for Certificate of Appropriateness.
- Removed the proposed additional text, "misconduct", from 1505.02, Term of Office, at the direction of the City Attorney. The reasons by which the Council can remove an appointed individual are found within the Council's operating rules and procedures.
- Proposed the addition of Section 1512, Architectural Documentation Prior to Demolition of Historic Buildings, to establish a process for documenting buildings 50 years of age or older prior to demolition.

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### **Historic Preservation Commission's Role and Responsibility**

The HPC makes recommendations to the Planning and Zoning Commission regarding changes to Article 15 of the Land Development Code. The Commissioners should review the documents provided and be prepared to take formal action at the June 13<sup>th</sup> Public Hearing.

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**Recommendation and Motions**  
PZ15-00015 (LDC) Historic Preservation  
Ordinance Code Text Amendment



**Community Development Department  
Development Services**  
102 Roadrunner Drive Sedona, AZ 86336  
(928) 282-1154 • Fax: (928) 204-7124

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***Staff Recommendation***

Staff recommends forwarding a recommendation of approval on the proposed amendments incorporated in PZ15-00015 (LDC) to the Planning and Zoning Commission. Those amendments include proposed language changes and additions to the Sedona Historic Preservation Commission Operating Rules and Procedures, Sedona Land Development Code Section 303, Historic Preservation Commission, and Article 15, Historic Preservation Ordinance.

***Sample Motions for Commission Use***

(Please note that the below motions are offered as samples only and that the Commission may make other motions as appropriate.)

***Recommended Motion for Approval***

I move to forward a recommendation of approval regarding PZ15-00015 (LDC) to the Planning and Zoning Commission to approve a resolution and an ordinance, amending the Sedona Historic Preservation Commission Operating Rules and Procedures, Sedona Land Development Code Section 303, Historic Preservation Commission, and Article 15, Historic Preservation Ordinance which reexamine the City's preservation philosophy, clarify existing regulations, and establish a process for a Certificate of No Effect to allow for an expedited review process for certain types of alterations, repairs, and maintenance.

***Alternative Motion for Denial***

I move to forward a recommendation of denial regarding PZ15-00015 (LDC) to the Planning and Zoning Commission to deny a resolution and an ordinance, amending the Sedona Historic Preservation Commission Operating Rules and Procedures, Sedona Land Development Code Section 303, Historic Preservation Commission, and Article 15, Historic Preservation Ordinance, which reexamine the City's preservation philosophy, clarify existing regulations, and establish a process for a Certificate of No Effect to allow for an expedited review process for certain types of alterations, repairs, and maintenance.





## Proposed Code Text Amendments

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

### 303 Historic Preservation Commission.

303.01 Powers and Duties. ~~The Commission has the following powers and duties: The responsibility of the Commission is to promote the purposes and objectives of Article 15 and shall include, but not be limited to, the following duties:~~

- A. Maintain and ~~periodically~~ periodically update, as needed, a ~~work program plan~~ 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 Article 15.
- ~~H~~I. Maintain and periodically update the Historic Property Register.
- ~~I~~J. ~~Determine and cause to be created a system of~~ Issue historic resource identification markers for designated properties.
- ~~J~~K. Recognize the owners of designated properties; ~~issue commendations to owners of historical properties who have rehabilitated their property in an exemplary manner.~~
- ~~K~~L. 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~~M. Make recommendations to the City Council regarding the utilization of federal, state, city or private funds to promote historic preservation.

~~MN~~. 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.

~~NO~~. 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.

~~OP~~. Increase public awareness of the values of historic, cultural, archaeological and architectural preservation, by developing and participating in public education programs and publications.

~~PO~~. 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). ~~This~~ These reports shall be available for public review.

~~QR~~. 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.

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

~~TU~~. 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.

### ~~303.02 Commission's Time to Act~~

~~A. Upon receipt of a complete application, or initiation by the Historic Preservation Commission, after discussion with the property owner, for the designation of a landmark or Historic District, the Chairperson of the HP Commission shall place it on the agenda for a public hearing within 60 days to consider the designation. The Chairperson shall cause notice to be delivered in person or sent by certified mail to the owner(s) of the property announcing the hearing, not later than 15 days preceding said hearing.~~

~~B. Upon receipt of a complete application for a Certificate of Appropriateness, the Chairperson of the HP Commission shall place it on the agenda for a public hearing within 30 days.~~

**Article 15  
HISTORIC PRESERVATION ORDINANCE**

Sections:

- 1501 Purpose.
- 1502 Relation to Community Plan.
- 1503 Definitions.
- 1504 Historic Property Register.
- 1505 Historic Preservation Commission.
- 1506 Incentives.
- 1507 Historic landmark designation process.
- 1508 Historic District designation.
- 1509 Certificate of Appropriateness or Certificate of No Effect.
- 1510 Maintenance and repair.
- 1511 Economic hardship.
- 1512 Architectural Documentation Prior to Demolition of Historic Buildings
- 151~~2~~3 Appeals.
- 151~~3~~3 Violations and enforcement.
- 151~~4~~5 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 any 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 ~~an 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 ~~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:~~

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



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

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

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

E. Review property nominations for designation as a Historic District, explain to the owners thereof the potential effects of designation as known to the Commission at that time, and make recommendations regarding rezoning to a Historic District to the Planning and Zoning Commission and City Council.

F. Propose design guidelines appropriate to individual Historic Districts.

G. Review and approve, conditionally approve or deny applications for a Certificate of Appropriateness.

H. Maintain the Historic Property Register.

I. Determine and cause to be created a system of markers for designated properties.

J. Recognize the owners of designated properties; issue commendations to owners of historical properties who have rehabilitated their property in an exemplary manner.

K. When City Council approval is appropriate, make recommendations to the City Council regarding the acquisition of property suitable for preservation. Such acquisition may include the purchase or acceptance of donated property.

L. Make recommendations to the City Council regarding the utilization of federal, state, city or private funds to promote historic preservation.

M. Make recommendations to the City Council to accept gifts, grants, funds, contributions, and bequests from individuals and public and private entities, agencies, foundations, trusts, corporations, and other organizations or institutions.

N. Cooperate with and enlist the assistance of persons, organizations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse, with City Council approval as appropriate.

O. Increase public awareness of the values of historic, cultural, archaeological and architectural preservation, by developing and participating in public education programs.

P. Annually prepare written reports of Commission activities; submit such reports to the City Council and the State Historic Preservation Office (SHPO). These reports shall be available for public review.

Q. Conduct detailed studies and surveys of properties and areas and assess their potential for designation.

R. Periodically review the Historic Resource Survey and consider the inclusion of any properties, which may have come to meet the requirements herein, and the deletion of any properties which may no longer exist.

~~S. Work with and assist departments of the city in matters affecting historic preservation~~

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

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

~~V. Carry out such other duties as may be determined by the City Council, and present other such recommendations as may be deemed pertinent.~~

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

## 1506 Incentives.

It is the 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;~~

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

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

~~H. G.~~ Waiver of fees. Fees for applications as they pertain to this article may be waived or reduced by the Director upon a request from the property owner, or an authorized agent or by the Commission, if it is determined that such a waiver or reduction of fees would further the intent, ~~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.

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

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

C. The applicant shall bear the burden of proof for all findings required for approval of a Certificate of 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 Architectural Documentation Prior to Demolition of Historic Buildings.**

Applications for permits for the demolition of buildings that are in part (original structure with later additions) or in their entirety 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 Community Development Department.

1512.01 Applicability. These regulations apply to all demolition permit requests involving buildings that are in part or in their entirety fifty (50) or more years old, but are not individually listed on the National Register of Historic Places; and do not meet the eligibility criteria for the National Register of Historic Places or Designation as a Landmark in Sedona. Documentation is not required if the demolition will be limited to an addition that is less than fifty (50) years old, for an accessory buildings such as sheds, and mobile or manufactured homes regardless of age.

1512.02 Review Required. The applicant must submit documentation in conjunction with a demolition permit application submittal. The documentation will be reviewed and found complete pursuant to this Article prior to issuance of a demolition permit.

1512.03 Application and Review Process.

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

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

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

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

1512.04 Documentation Required:

A. Current photographs of the front, rear and sides of the building to be completely or partially demolished; and

B. Copies of old photographs of the building to be completely or partially demolished (taken at least 20 years prior to the demolition application), if in the possession of the applicant; and

C. A list of any important historical events or historically significant persons related to the building to be demolished, if known to the applicant.

1512.05 Documentation Optional:

A. Floor plans with measured dimensions; and

B. Photographs of all interior rooms; and

C. A 'context photograph' illustrating the relationship between the building to be completely or partially demolished and the nearest adjacent buildings; and

D. A general description of construction materials, such as exterior walls, roofing, windows, porches, and carports of the building to be demolished; and

#### 1512.06 Documentation Retention.

Upon approval of the demolition permit, the Director shall retain the architectural documentation as a record of a lost historic resource.

#### **15123 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.

#### **15134 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 rR~~ 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.

#### **15145 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.

# Sedona Historic Preservation Commission

## Operating Rules and Procedures

Be it resolved that pursuant to City of Sedona Ordinance 97-09, the Historic Preservation Commission of the City of Sedona (hereinafter called HPC) adopts the following Operating Rules and Procedures (hereinafter called “these Rules”) as its bylaws to govern its conduct and function.

### **Articles 1: Conformance to Law**

All actions of HPC and its Members shall be in conformance to the laws of the State of Arizona and the City of Sedona. Any conflict which may arise between provisions of these Rules and State or City laws shall be resolved in favor of the State or City law.

### **Article 2: Membership, Terms and Officers**

The selection of members of HPC (hereinafter called Members), their terms and duties, and the officers of HPC, shall be as prescribed in Article 15 of Ordinance 97-09, as it may be amended.

### **Article 3: Legal Counsel**

The HPC may request advice of the City Attorney regarding points of law, and shall act in accordance with that advice. Advice of counsel shall be recorded in the minutes when applicable.

### **Article 4: Other advisors**

The HPC may request any department head, officer of the City, or any consultant retained by the City, to attend any HPC meeting when needed, and to render such advice as may be requested.

### **Article 5: Meetings**

5.1 The HPC shall hold a public hearing a minimum of four (4) times per calendar year. Dates for public hearings shall be noticed according to all legal noticing requirements. Meetings should typically occur on the second Monday of the selected months, commencing at 4:00 pm in a meeting room at Sedona City Hall. Any meeting may be rescheduled by the Chair or by a majority vote of Members providing that legal noticing requirements are met.

~~Regular meetings of HPC shall be held on the second Monday of each month commencing at 4:00 p.m. in a meeting room at Sedona City Hall. If the normal date for such meetings falls on a holiday or a majority of the Members cannot meet, the meeting may be rescheduled. Any meeting may be rescheduled by the Chair or by a majority vote of Members providing that legal noticing requirements are met.~~

5.2 Special meetings may be called by the Chair or by a majority vote of Members, subject to legal requirements. The reason for calling the special meeting shall be stated at the time of the notification.

5.3 At all HPC meetings, Roberts' Rules of Order (revised) shall be observed, to the extent practical, except where they may conflict with other provisions of these Rules, or with any City ordinance or Arizona statute.

5.4 The HPC may hold work-study sessions, which shall be open to the public but at which the public shall not participate unless specifically requested by the Chair. No formal vote or commitment shall be made at such sessions.

5.5 Any meeting may be recessed and resumed with less than 24 hours notice, if proper notice was given for the original session and if, prior to recessing, notice is publicly given as to the resumption of the meeting pursuant to law.

5.6 At any meeting, the record shall show the names of those present, excused or absent.

5.7 The HPC may approve, conditionally approve, deny or continue any item on its agenda.

#### **Article 6: Procedure for Meeting and Public-Hearing**

Meetings and Public Hearings shall be guided by the following format:

1. Staff presentation and recommendation.
2. Questions to staff by Commission.
3. Applicant presentation.
4. Questions to applicant by Commission.
5. Public hearing is opened. Open to questions or comments from public about proposal.
6. Public hearing is closed.
7. Commission deliberation (with additional questions of staff and/or the applicant if necessary).
8. Commission action/decision.
  - a Discussion of agenda item by Commission.
  - b Vote on motion.

#### **Article 7: Quorum and Voting**

7.1 A minimum of four Members shall constitute a quorum of the HPC for all meetings and work sessions. If a quorum cannot be obtained, the names of Members present shall be recorded and the meeting shall be rescheduled.

7.2 Any vote may be taken by a voice vote or a show of hands. If the vote is not unanimous, the record shall show how each Member voted.

7.3 A Member may abstain from voting by simply stating his/her reason.



7.4 HPC actions shall be subject to the provisions of Ordinance 97-09 as may be amended.

### **Article 8: Agenda**

The Chair shall prepare the agenda for each meeting. Any Member, staff, Council member may request items to be agendaized. The general public may have items placed on the agenda only through a Commission I member. The Chair shall determine priorities of items requested. The agenda for each meeting shall be posted as required by law.

### **Article 9: Public Comment**

9.1 Each regular HPC meeting agenda shall provide a time for public comment. During this “Public Forum” item, anyone may address the HPC on any subject which is not on the agenda, when recognized by the Chair. Each person will be limited to three minutes.

9.2 To speak on specific agenda items at other times during the meeting, one shall fill out a City-supplied sign-up form. The form shall include the proposed speaker’s name, address, phone number, the agenda item he wishes to address, and the name of the group (if any) he represents. This form must be in possession of the Chair. Individuals representing only themselves will be limited to three minutes. A designated representative of a group may have a maximum of five minutes, so long as no other person representing that group will speak. The Chair may waive the time limits if the agenda schedule will allow or if the information presented is of specific interest to the HPC.

9.3 Persons shall be called to the rostrum in the order that their sign-up sheets are received.

9.4 All remarks shall be addressed to the HPC as a body, and not to any Member or other individual.

9.5 No person, other than HPC Members and the person having the floor, shall be permitted to enter into any discussion, either directly or through HPC Members. No questions shall be asked of Members except through the Chair.

### **Article 10: Conduct of Members**

10.1 Conflict of Interest: HPC Members shall abide by the provisions of Arizona Revised Statutes 38-501 to 38-511. When a Member determines that he has a conflict of interest, he shall declare such conflict, refrain from discussion or voting on the matter, and step down from dais until completion of the item.

10.2 Ex-parte contacts:

- a) Whenever any party, individual or person involved with a proposal or item initiates contact with Member regarding proposals or requests, the Member shall refer that party to the Chair.

- b) Whenever an external contact persists in offering or soliciting information regarding proposals or requests, the Member shall report the information, identity of the source, and date of the contact to the HPC for inclusion in its official records.

10.3 HPC Members shall not appear to speak before the City Council on HPC matters unless explicitly invited by the Council or directed to do so by the Chair or by a majority of Members.

10.4 No Member shall represent an applicant or appellant before the HPC or the Council on matters related to HPC business.

### **Article 11: Instruments of HPC action**

The instruments by which the HPC shall officially report its work shall include:

11.1 Official notice and agenda of meetings as provided in these Rules and required by law.

11.2 Minutes of meetings as provided in in the City Code.

11.3 Resolutions passed on agenda items.

11.4 Commission reports prepared by the Chair, staff or designated committee chair.

11.5 Other instruments as may be provided in Ordinance 97-09 as may be amended.

### **Article 12: Amendments**

These Rules may be amended at any regular or special meeting by affirmative vote of four or more Members, subject to ratification by the City Council.

### **Article 13: Severability**

These Rules are declared to be severable. If any article or portion thereof is for any reason held to be legally invalid, such holding shall not affect the validity of remaining portions.

**ADOPTED AND APPROVED** by the Historic Preservation Commission on ~~October~~  
20, 2008 DATE

**RATIFIED** by Resolution of the City Council on ~~December 9, 2008~~ DATE

**DRAFT**  
**Summary Minutes (in part)**  
**City of Sedona**  
**Historic Preservation Commission Meeting**  
**Vultee Conference Room, 102 Roadrunner Drive, Building 106, Sedona, Arizona**  
**Monday, July 11, 2016 – 4:00 p.m.**

**4. Discussion/direction on Article 15 Amendments**

Warren Campbell explained that we all thought this was put to bed last time, but based on the three items he was asked to research, one of the items caused him to talk with the counterpart, Mabry, out of Tucson, and he included some of the stuff they discussed in the packet, but it raised the question that staff believes what we have in the packet is probably appropriate to put into our Article 15, and if the Commission agrees, he would like that direction, and then he will notice the Article 15 Amendments again and let the Commission take action on some proposed language to include that, so we can all make sure we have language we like before going to P&Z.

Warren stated that one item to follow-up on was the possibility of recording a document on all landmarked properties to make it clear that they are designated and that there are regulations to be followed in a Title Report, and that already happens, so everyone should be aware of what they are buying.

Vice Chair Jarmusch asked to see a copy of that and Warren indicated he could email one to them. The Vice Chair explained that she wanted to know if it says that the property is subject to regulations.

Warren then indicated that the next item was to incorporate some of the language that Mr. Mabry discussed regarding some of their documentation requirements, including proof of funding and financing for some properties, to follow through on a project if you take a project down. What he found was included in the memo, and they do have something that was included before Prop 207, which is part of their determination as to whether or not it is still a viable property, in that before you demo, you have to provide all of that documentation about what you are going to do and what will be financed, etc. While that piece might not be something we could put in place here, there is a piece that they put in place in 2011 that staff thinks would be quite appropriate to include, and it would be very helpful in a situation like Mr. Baney's where he wanted to demo the house, and thankfully allowed us to document, etc., but he didn't have to do that. Their regulation from 2011 is shown in the copy of the ordinance dated April 13, 2010 that says if you have a property that is 50 years or older, as a part of any demolition permit that our Building Department would see, you have to provide either Proof of Minor Documentation or Full Documentation, and those are described in detail.

Warren explained that essentially it is a process by which you write up a narrative, take some photographs, and for minor, there are more extensive requirements with a checklist shown on pages 3 and 4 of the ordinance, and they also are shown with the actual application that has a full checklist. If it is a full architectural documentation, there are things like writing up a history of it, who lived there and what it was used for, etc. Tucson adopted this in 2011, because it became clear to them that they can't prohibit demolition of a property that is owned by somebody, especially if that property is not designated, like the Baney house that had been surveyed, but not designated.

Warren indicated that Tucson's legal counsel said this is fine and we are working with our legal counsel to see if they agree that it would become an additional submittal requirement like others you have to do, and they wanted to make it as simple as they could, so a layperson could do it and it wouldn't seem like a financial burden that needed a professional, so if you were a homeowner and tearing down a property, you could sketch out the floorplan, and it didn't have to be per scale per se, photographs and a written narrative. There is an example of a full documentation by Rick Engineering to provide some historic documentation of the property before it is gone. If there are

some special features about a house, include some really detailed photographs of them, etc., so it is not lost in time.

Commissioner Segner asked where that record would go and Warren indicated that he had the impression that they put it into their files. Audree added that we would attach it to the Springbrook parcel file. The Commissioner then asked if somebody could find it 20 years later, and Audree explained that everything we do is map-based, so you go to a parcel number; we all connect to that, so you can pull up any notes, attachments, etc.

Warren Campbell noted that the final Article 15 that was adopted at the last hearing was attached, and staff thinks there is validity to adding this, and this is the best time to do that. For the most part, it may be a copy and paste in the proper place in Article 15, and then we would bring it back before the Commission. If you agree, you just need to say that you want staff to do that.

Vice Chair Jarmusch asked about adding a plan for recycling building materials; however, Commissioner Segner stated that we can't force them to do it. The Vice Chair noted that we can't force them to do any of this. Commissioner Segner then commented that a plan means that they are going to recycle it, and Vice Chair Jarmusch pointed out that we ask for a plan for redevelopment. Commissioner Segner explained that if you say give us a plan to recycle it and they say they aren't going to recycle it . . . Warren Campbell suggested making it a checklist item and it could be optional, but it would put them on notice that it would be a great thing if they did it. Commissioner Holmes indicated it could be a like a suggestion.

The Vice Chair indicated that she is not sure how the Tucson review process works, but she would like to know how ours would work. It doesn't say that this comes to the Commission. Warren indicated that in Tucson it all goes to their HPO, which is John Mabry. Commissioner Segner then noted that the Commission would have no oversight or say. The Vice Chair then asked if it wouldn't be smart if the Commission was informed just like the survey notifies the Commission of potential . . . , Audree Juhlin stated that staff could be responsible for, like we did with the Baney property, saying that we have a situation occurring, but policies don't need to be included in the ordinance.

Commissioner Segner gave an example of a guy who is going to tear it down in two weeks and, for us to be notified, it would have to be on the agenda and we would have a meeting in six weeks. Audree then explained that it would just be an informational notice that we have a property and they are going to submit for a demo. Warren Campbell pointed out that as in the case with Baney, by the time more than just Brynn was aware, it was coming down as we talked. This would allow us to do what we did with Mr. Baney's house, but he didn't have to and this would allow us to get that information, and they would have to do it instead of us paying Nancy Burgess a couple thousand dollars to do this for us, so it at least preserves something for posterity sake.

Chair Unger added that we would at least have a history of it and that is what we are driving for, because unless we landmark it, we don't have the authority to stop anything. Warren noted that this also would be for every house that is 50 years or older, so it could be one we have never surveyed. Commissioner Segner indicated that what is good about this is it won't save a house from coming down, but he had a house and paid a firm to do a study, and they went back to the '20s in county records and put a whole kit together about the house as to who built it, who owned it, etc., so by putting that information in the public record, it is there and somebody can look it up if they want to. Audree Juhlin noted that if it is open-ended, Harmony is at that age, so every mobile home in this area could be subject to this too.

Warren Campbell asked if there should be some sort of an exemption for manufactured or mobile homes and Commissioner Segner stated yes, and then indicated that they are not really mobile homes; they were brought in and dropped down. Commissioner Holmes noted that they are manufactured homes. Commissioner Segner then indicated that all of a sudden we could open up a can of worms, so just keep it simple. All they are going to do is draw a little thing; otherwise, what defines a mobile home, etc., so just leave it. Commissioner Holmes commented that it should be a historic district there.

Vice Chair Jarmusch then pointed out that in one paragraph it says any property in excess of 50 years old, but as you stated, it is 50 years or older, and Warren explained that it would be written like it is in the ordinance. The Vice Chair also pointed out the reference on the first page to the Historic Planning Commission under background, and she thinks it should say the Historic Preservation Commission. She then asked if the Planning & Zoning Commission had changed its name to Planning & Environmental, and Warren stated no. The Vice Chair then asked about the word "leveraging" and how it would work when staff feels it may be appropriate in the last paragraph of point #2. Warren explained that talks about how it plays into the rezoning process, and the thought was that there may be added language to say that if the redevelopment of a site is going to need a rezoning, maybe you don't get the demo right away. Maybe they have to hold off until we have a full conversation. Commissioner Segner stated that in other words, instead of knocking down a house, because he is going to build a hotel, he would have to wait until he has his hotel approved; however, Warren added or as part of that review process.

Chair Unger indicated that it means that the property is not zoned for what they want to use if for, and we then have the leverage to say that if you want it done, then you need to . . . Commissioner Segner interrupted to say that they go through the same process. A guy is going to say he wants a tear down permit. You knock down the building before you even start the process, so they don't hit the radar and hold you up. If all you have to do is get a permit, stamp this thing and go do it, who is going to say you can't do it, because you haven't filed yet? Warren Campbell explained it was just a thought on paper that if you send staff back to do this, we will explore whether or not . . . Audree added that these are concepts. If this is something the Commission is interested in, staff will explore more to find out if there is a way we can do this.

Chair Unger stated that she thinks it is worth a shot; the reality is that we don't want to spend a lot of staff's time doing that, but it is worth the thought. This has been something we have thought about a long time, because we want to make sure there is something in there to . . ., and it's leverage for people to actually make a little different decision, and that is what staff is trying to come up with here. Obviously, if they have decided to knock it down, the only thing this will really be able to allow us to do is to go in and take photographs and get a record of what it is. The rest is probably a little theoretical. Warren agreed and stated that staff is hopeful that Legal will go along with our belief that we can do it for the same reasons as Tucson's lawyer. It is just another submittal requirement and it is not onerous; therefore, do it. Basically, Mr. Mabry told him how they convinced theirs to do it without much fanfare. Commissioner Segner stated that he doesn't have any problem if staff can get it in there. Warren acknowledged that it is right in how does it play out in a situation when someone buys a property and has something older than 50 years on it or maybe it is something that has been surveyed, because we will have to work through those details, but maybe they don't know what they want to do 20 years from now, so let staff think about it.

Chair Unger asked if a vote is needed and Audree indicated just direction. Commissioner Segner stated do your thing, and Warren said if they all agree, he will work on it and determine when it is ready to bring back to the Commission. The Chair stated it is better to do it now, and there was consensus among the Commissioners.

Audree distributed a copy of the document that is recorded with the county once the Commission takes action to landmark a property, and it pretty much says no person shall do anything without approval. Chair Unger stated that is good and Vice Chair Jarmusch thanked Audree and thanked Warren for all of his work. Warren apologized for not having all of this before, but explained that the conference opened up a new world of insight. Commissioner Segner stated that cutting and pasting is much better than writing and Audree agreed. The Commissioner then noted that if somebody else has figured it out, let's look at it. The Chair added that she is sure Tucson tested it legally, and she doesn't know if anybody remembers in the 1960's or early '70's, when they knocked down most of the barrios in Tucson, so they are so aware of this and sensitive, because of that. A bunch of the real barrios that were built in the early 1800's were knocked down.

Commissioner Holmes asked if that is the area that was used to rebuild downtown and the Chair stated yes.

Warren Campbell mentioned that he hadn't realized how much history Tucson has. They have all of these districts, etc., and Mr. Mabry stated that he reviews one these minor or major documentations at least once a week. They take down something that is at least 50 years old at least once a week in terms of their review. Commissioner Segner commented that in 50 years this Commission will be saying can you image that they let them knock down those trailers in Harmony Hills. Commissioner Holmes stated that is right; it should be a historical district. Chair Unger thanked Warren for all of his work; it is making it better and we only want to do this once, so we all appreciate it very much.



**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.

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**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.**

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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.



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**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):**

1<sup>st</sup> 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](mailto: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](http://www.tucsonaz.gov/pds)

EMAIL: [DSD\\_ZONING\\_ADMINISTRATION@TUCSONAZ.GOV](mailto:DSD_ZONING_ADMINISTRATION@TUCSONAZ.GOV)





## Historic Property Demolition Application

Activity #: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

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### 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: \_\_\_\_\_

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### APPLICANT INFORMATION

APPLICANT NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: (     ) \_\_\_\_\_ - \_\_\_\_\_. FAX: (     ) \_\_\_\_\_ - \_\_\_\_\_

EMAIL: \_\_\_\_\_ @ \_\_\_\_\_

PROPERTY OWNER NAME: \_\_\_\_\_

PHONE: (     ) \_\_\_\_\_ - \_\_\_\_\_. FAX: (     ) \_\_\_\_\_ - \_\_\_\_\_

SIGNATURE OF OWNER \_\_\_\_\_

Date

SIGNATURE OF APPLICANT (if not owner) \_\_\_\_\_

Date

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### AREA TO BE DEMOLISHED

SQ. FT. \_\_\_\_\_ Full / Partial Demolition \_\_\_\_\_ Primary / Secondary Structure \_\_\_\_\_

### DESCRIPTION OF PROPOSED DEMOLITION (PORTIONS OF STRUCTURE)

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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](http://www.tucsonaz.gov/pds)

EMAIL: [DSD\\_ZONING\\_ADMINISTRATION@TUCSONAZ.GOV](mailto: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](mailto: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](http://www.tucsonaz.gov/pdsb)

EMAIL: [DSD\\_ZONING\\_ADMINISTRATION@TUCSONAZ.GOV](mailto: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](http://www.tucsonaz.gov/pdsd)  
EMAIL: [DSD\\_ZONING\\_ADMINISTRATION@TUCSONAZ.GOV](mailto: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.

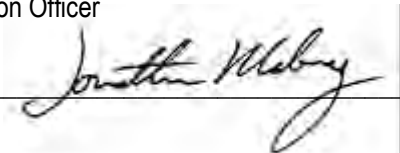
The type of Architectural Documentation required for demolition at this property is:

- 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 \_\_\_\_\_



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, 3<sup>rd</sup> 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

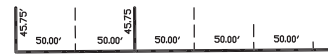
REV. 3/14

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  
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EMAIL: [DSD\\_ZONING\\_ADMINISTRATION@TUCSONAZ.GOV](mailto:DSD_ZONING_ADMINISTRATION@TUCSONAZ.GOV)

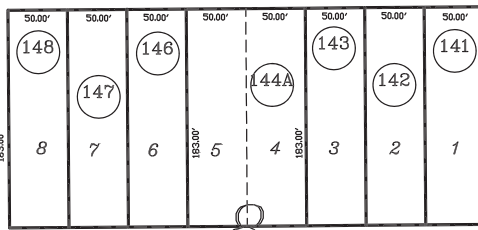
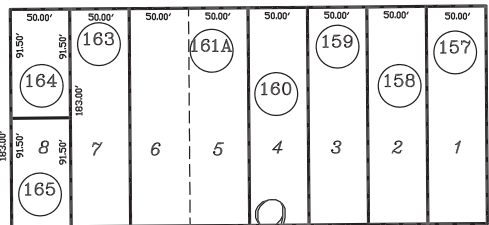
# ASSESSOR'S RECORD MAP

124-07

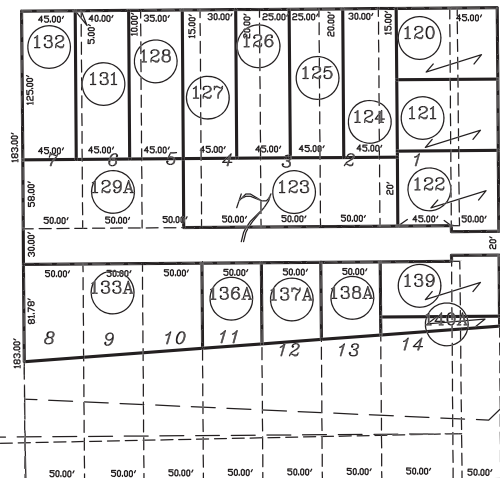
## RIECKERS ADDITION TENTH STREET



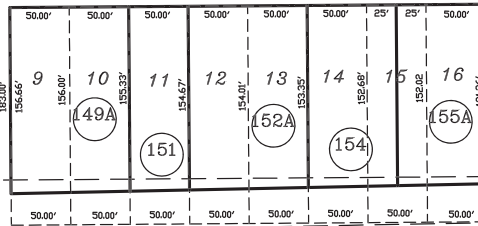
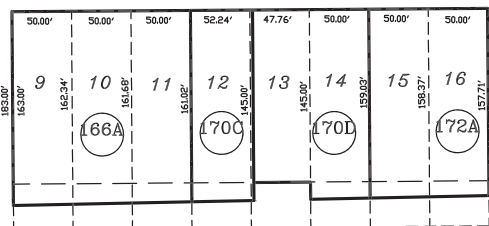
(RESUB 01/002 M&P)



### TENTH STREET

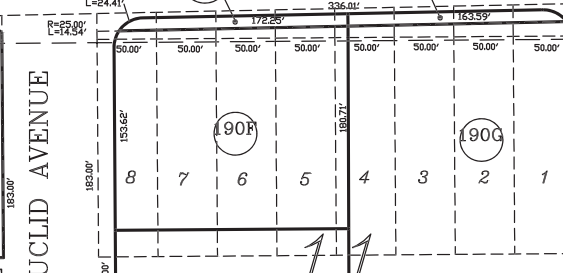
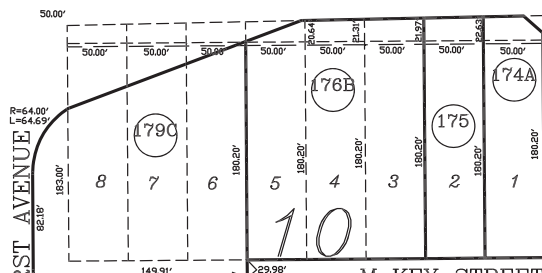


PARK AVENUE

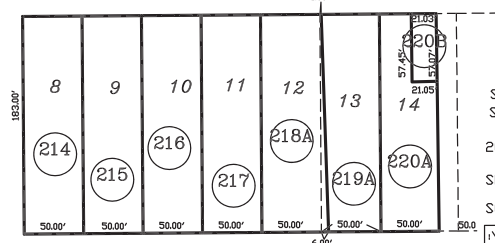
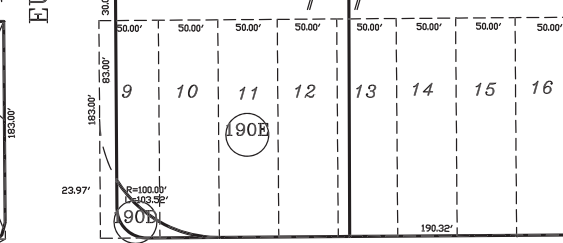
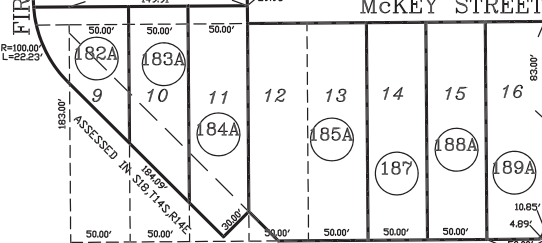
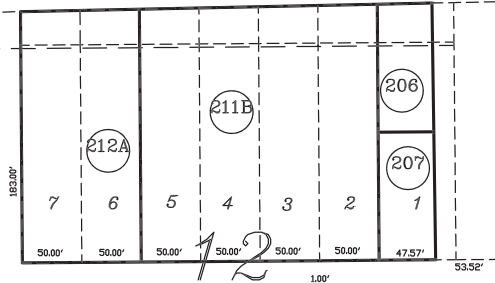


### BROADWAY BOULEVARD

### BROADWAY BOULEVARD



TYNDALL AVENUE



### TWELFTH STREET

### TWELFTH STREET

CCS

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

NMP03\03058\_02- 03/25/13



CITY HEIGHTS  
PAGE 102 M&P

City  
County  
Assessor



Book-Map-Parcel: 124-07-1200 [Oblique Image](#) Tax Year: Tax Area: [0150](#)

**Property Address:**

<b>Street No</b>	<b>Street Direction</b>	<b>Street Name</b>	<b>Location</b>
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**

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

**Commercial Detail**

SEQ-SECT	Construct Year	Model/Grd	IPR	Sq Ft	RCN	RCNLD	Model Description
<a href="#">001-001</a>	1957	111/9	0000000	4,500	\$377,918	\$7,105	RETAIL STORE
<a href="#">002-001</a>	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)

10-124-67-120

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 5300

Change	Land	Improvements	Total	Property	Class	Appraised Value	%	Assessed Value
	\$ 8720	\$ 17490		Land	20-50 20	8720		
19 75 LAND REVALUED	5865		6785			5865		
19 75 811		19024	19024	Buildings and Improvements	20	17498		
19 81 LV	15300		15300			15300		
19 89 PETT	17850	50000	67850			19024		
19 2001 PETT	109000	51150	160150					
19 2002 PETITION	70000	52150	122150					
				TOTAL VALUE	30/30			

SERVICES AND AREA

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
5460	1.71		9336
5100	1.71		8721
5100	1.15		5865
	3.00		15,300
			8721
			5865

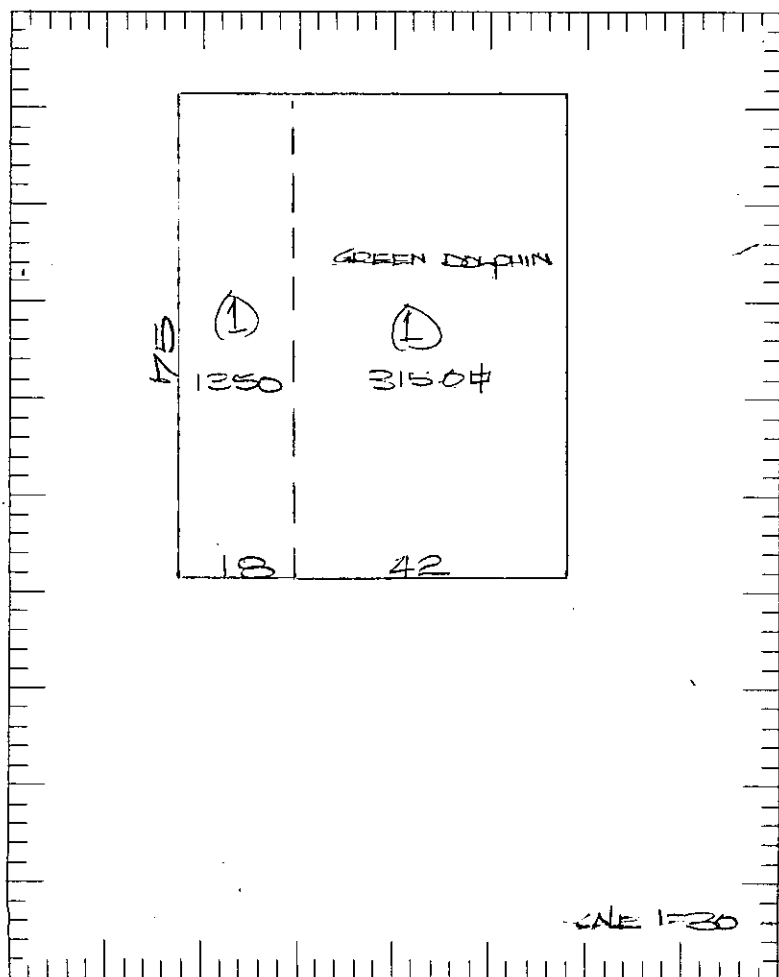
L/V REVALUED FOR 1981 by MA  
 REMARKS  
 061-20-07-001  
 GREEN DOLPHIN BARE  
 VACANT BLDE.  
 Grade 1 7-2-68 Etc  
 L/V REVALUED FOR 1975 by K-L-9-20-74  
 5/1/75 FC, NC - Thomas  
 5/3/76 FC, NC - Taylor  
 8/13/76 " " FERNANDEZ  
 COMB W/ 013-50-43-009  
 L/V REVALUED FOR 1980 by RB  
 1-12-77

10-124-67-120

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								
<b>FOUNDATION</b>		<b>DOORS</b>		<b>INTERIOR FINISH ON EXTERIOR WALLS</b>						<b>PLUMBING 2</b>		
Concrete Walls	7	Stock	1	Rein. Concrete							3-Fixture Bath	Drkg. Fountain
Conc. Blk. Walls		Spec.		Terrazzo							2-Fixture Bath	Sink
Brick Walls		<b>WINDOWS</b>		Tile							Water Closet	Laundry Tub
Stone Walls		Kind		Resilient Tile							Urinal	Hot Water Heater
<b>STRUCTURAL</b>		Wood Sash	1	SoI							Bath Tub	Garbage Diposal
Fire Proof Const.		Steel Sash		Pine							Shower Stall	Dish Washer
Reinf. Conc. Beams & Col's		Alum. Sash		Hardwood							<b>ELECTRIC WIRING</b>	
Steel Beam's & Col's.		<b>ROOF</b>		Lath and Plaster							Conduit	OTHER BUILDING ITEMS
Timber Beams & Col's.		Design		Dry Wall							Flexible Conduit	Sprinkler Syst.
Steel Trusses		Flat <input checked="" type="checkbox"/> Hip <input type="checkbox"/> Sawtooth <input type="checkbox"/>		Unfin. Int.							Knob & Tube	
<b>EXTERIOR WALLS</b>		Shed <input type="checkbox"/> Gambrel <input type="checkbox"/> Arched <input type="checkbox"/>		<b>CEILING FINISH</b>						<b>REMARKS:</b>		
A Wd Frame—Wd Sdg.		Gable <input type="checkbox"/> Monitor <input type="checkbox"/>		Lath and Plas.							Sheathed Cable	
B Wd Frame—Stucco		<b>FRAMING</b>		Acoustical Tile							Power Wiring	Vaults
C Block—8"		Wood Joist	1	<b>PARTITIONS</b>						Fixtures: Fluor. <input checked="" type="checkbox"/> Inc. <input type="checkbox"/>		
D Block—8" Stuccoed		Steel Joist		L. & P. on Wd. Stds.								
E Block—8" Painted		Wood Truss:		Dry Wall on Wd. Stds.								
F Block—12"		Steel Truss.		Tile or C. B.								
G Comm Brick 2-c		Steel Beams		<b>STORE FRONTS</b>								
H Face Brick—4" Bkg.		Conc. Slab		Kind	Grade	Sq. Ft.						
I Face Brick—8" Bkg.		Deck	1	Wood Set								
J Reinf conc "		Wood		Met. Set								
P Comm Brick 3-c		Pre. Cast Conc.		<b>BUILDING ELEVATORS</b>								
T Frame Brick Ven		Poured Conc.		No.	Cap.	F.P.M.	Flrs.					
Special Facings		Steel		Kind of Metal								
Describe:		Roofing		Grade: A—High; B—Good;								
		Built Up	1	C—Medium; D—Fair								
		Metal		E—Low Cost								
		Tar & Gravel		<b>DEPRECIATION AND OBSOLESCENCE</b>								
		Comp. Roll	1	A. Age (Normal Depreciation)	25%							
		Comp. Sh'gle		B. Physical Condition †	%							
		Wood Sh'gle		C. Modernization (Minus)	%							
		Tile		D. Tot. Phys. Depreciation	%							
		Asbestos		E. Net Physical Condition	%							
				F. Func. Depreciation	%							
				G. Economic Depreciation	%							
				H. Tot. Spec. Obsolescence	%							
				I. Net Condition								
				J. Total Depreciation	25							

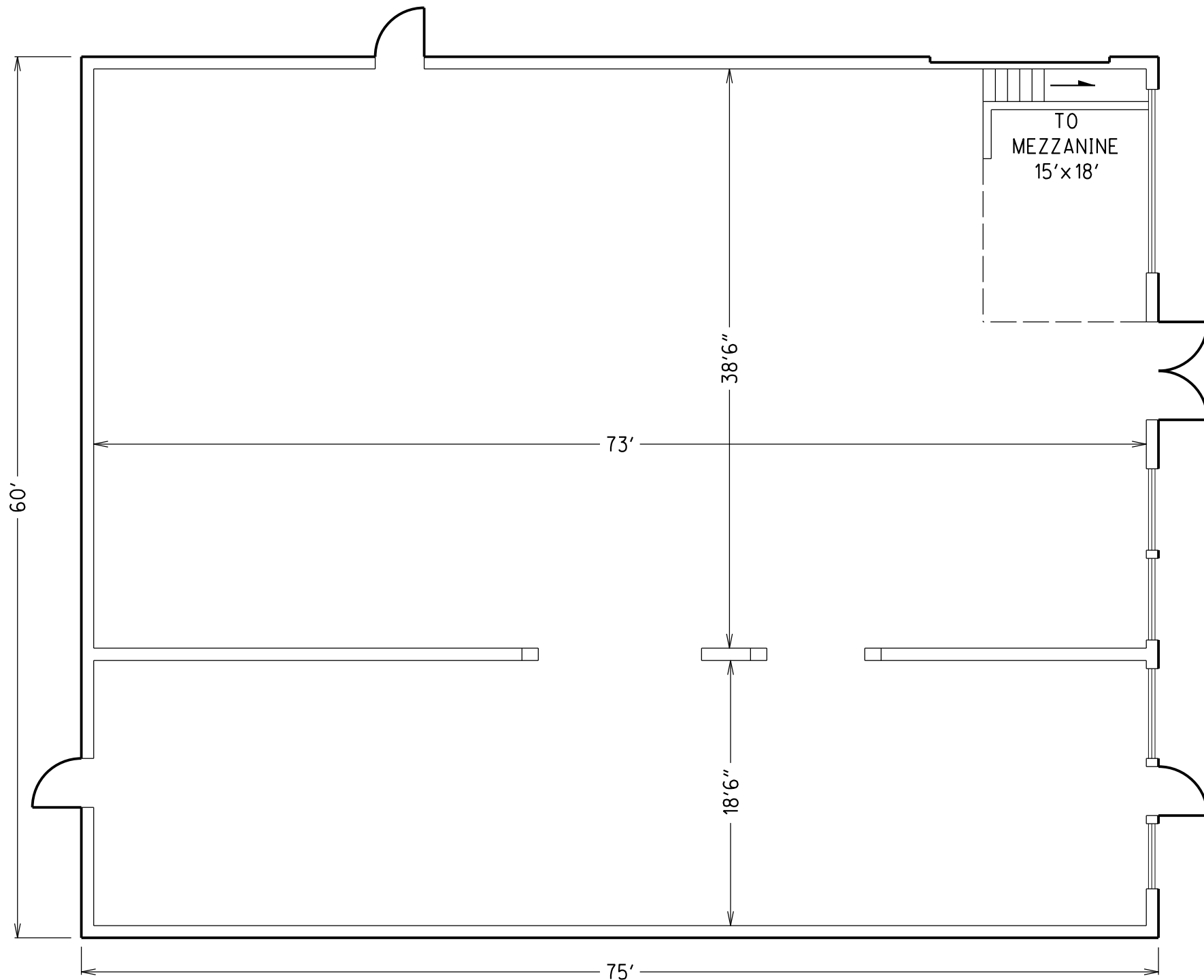


DATE OF CONSTRUCTION		REPLACEMENT COST AND FINAL VALUE MAIN BUILDING			
Date	1950	BASE COST			
Age	15				
Source	TEANANT (EST)	Item	Area or Quantity	Unit Cost	Total
Major Alternation or Add.:		3G14	270"	26.57	7173
Date	Age	5F	160#	1.05	168
Remarks:		6A	4500#	0.77	3465
		7A1	1350#	0.47	634
		7B1	3150#	0.82	2583
Effective Age:	15	8D1	4500#	1.10	4950
<b>DEPRECIATION AND OBSOLESCENCE</b>		9B6	4500#	0.60	2700
A. Age (Normal Depreciation)	25%	10	12#	1.38	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 10<sup>th</sup> 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.

~~JK~~. Recognize the owners of designated properties; ~~issue~~ commendations to owners of historical properties who have rehabilitated their property in an exemplary manner.

~~KL~~. 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.

~~LM~~. Make recommendations to the City Council regarding the utilization of federal, state, city or private funds to promote historic preservation.

~~MN~~. 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.

~~NO~~. 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.

~~OP~~. Increase public awareness of the values of historic, cultural, archaeological and architectural preservation, by developing and participating in public education programs and publications.

~~PQ~~. 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.

~~QR~~. 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.

~~HV.~~ 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 ~~iesy(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.

**End of Previous Agenda Item**

**Beginning of Next Agenda Item**



**Meeting Dates:** September 29, 2016 Work Session  
October 4, 2016 Public Hearing

**Hearing Body:** Planning and Zoning Commission

**Action Requested:** Recommendation to City Council regarding the Draft Schnebly Community Focus Area Plan

**Staff Recommendation:** Recommend the Draft Plan to City Council

**Project Summary:** The Schnebly Community Focus Area (CFA) Plan addresses the neighborhoods along Schnebly Hill Road north of the roundabout at SR 179 and Schnebly Hill Road. Staff is requesting a recommendation from the Planning and Zoning Commission to City Council regarding the Draft Schnebly Community Focus Area Plan.

**Report Prepared By:** Cynthia Lovely, Senior Planner

<b>Attachments:</b>	<b>Page</b>
1. Draft Schnebly Community Focus Area Plan .....	7
2. Proposed Amendment.....	34
3. Public Comments .....	36

**BACKGROUND:**

The Sedona Community Plan introduces Community Focus Areas “where the City will play a proactive planning role to implement the community’s vision. With participation from property owners, neighbors, and stakeholders, the City will develop a Specific Plan...” (Community Plan, page 34). CFA Plans are supplemental to the Community Plan and are intended to guide future development of a specific area. The basis of a CFA Plan is the Community Plan’s vision and goals as well as the “Community Expectations” for each CFA.

The Schnebly CFA is a unique area of the city with potential for future development due to the amount of undeveloped land in close proximity to the Uptown commercial area, Oak Creek, and the National Forest. A draft of the Schnebly Community Focus Area Plan (Draft Plan) is attached, and dated “8/1/16 Working Draft.”

Description of the Area

The Schnebly CFA is located along a half mile stretch of Schnebly Hill Road north of the S.R. 179 roundabout. The road continues into the National Forest which makes up the eastern boundary of the CFA. Beyond the city limits is the Huckaby Trailhead, then the road turns to dirt which limits traffic to high clearance and recreational vehicles. The CFA’s western boundary is Oak Creek with large sycamore trees that are more noticeable than the creek itself. The creek setting is an attractive feature but also a



limiting factor for development as the floodplain is 300 to 800 feet wide along this stretch of the creek. The CFA is 91 acres with large tracts of vacant land and 41 single family homes. Other uses include Sedona's only RV campground with 84 RV sites, the Creative Life Center which often hosts seminars, and an office building on the north side of the SR 179 roundabout.

### History of Previous Planning

Most of the area is currently zoned residential, which is a carry-over of county zoning prior to city incorporation. The area has been addressed by the following previous plans and planning projects.

1993: The area was included in the Uptown Creek Area planning project.

1998: The 1998 Sedona Community Plan designated the area as the "Schnebly Hill Transitional Area" and listed criteria for development/redevelopment and recommended uses (allowing for an expansion of uses in addition to residential).

2002: The 2002 Community Plan changed the future land use designation to "Special Planning Area" and listed community needs and benefits which are similar to the CFA Plan's vision, such as *"Preserve/create large parcels and lower densities relative to existing zoning to retain the distinctive historic ranch-style character of the area and to reduce traffic impacts to Schnebly Hill Road."*

2004: A portion of the area was addressed in the Heart of Sedona planning project

2012: The Citizens Steering Committee for the Community Plan facilitated a planning workshop that developed a proposal for this area.

2013: The Community Plan designates this as a "Planned Area" on the Future Land Use Map. The 2012 proposal for this area is Appendix B: "Schnebly Hill Neighborhood Vision" which was intended to serve as an example for future CFA planning.

### Planning Process

The planning process for the Schnebly CFA began at the request of several area property owners concerned about the potential for development to drastically alter the character of the area. They approached the City Manager's office and requested that this CFA be considered a higher priority because some planning had already been done (such as the 2013 Community Plan's Appendix B) and they would provide assistance with the planning process.

A stakeholder group was convened in June 2015, which was made up of the owners of 14 properties representative of the area's four zoning districts. There have been four meetings with an average of 12 people in attendance. In addition to the stakeholder meetings, there was a neighborhood meeting to review the Draft Plan on August 25, 2016.

The approach taken to drafting the plan was to consider previous planning and stakeholder suggestions, the features unique to this area, as well as what would be most appropriate for this area in the context of the city as a whole. Traffic impacts of different land uses were a significant consideration, not just on the neighborhood, but also impacts to the already congested SR 179. As an example, small-scale lodging may be more appropriate than residential because of its close proximity to tourist destinations. On the other hand, high-density or senior housing may be more appropriate in West Sedona closer to resident services such as groceries, offices, pharmacies, hardware stores, etc.

### Key Elements of this CFA Plan

Due to its unique qualities and location this has been considered a special planning area since the 1998

Community Plan designated the area as suitable for a mix of land uses. The 2002 and 2013 Community Plans also recognized the value of retaining the distinctive character of the area, which is tied to the history of Sedona. The community began with settlement along the banks of Oak Creek, and this was the site of the main creek crossing at the junction of two major roads. The views from Schnebly Hill Road were probably similar to what you can see today, with orchard trees and fields, tourist cabins, and ranch style homes.

This CFA Plan provides a more detailed direction than the previous planning efforts, and defines the area's desired character, design, and suitable land uses. Without the CFA Plan and incentives to implement the proposed strategies, development will most likely result in higher density residential subdivisions because that is the current zoning and easiest option for a landowner to pursue.

One of the key issues addressed throughout the Draft Plan is Oak Creek, with several strategies that "*Protect Oak Creek and its riparian habitat*," one of the Community Plan goals. Oak Creek is also a significant feature that defines the character of the area. It is proposed as an open space greenway that may feature a creek walk, which is listed as a major outcome of the Community Plan. Portions of the proposed open space will also include a network of trails that provide off-street routes for bicycles and pedestrians.

Another key issue is the development potential of the area, which is covered on page 9 to 11 of the Draft Plan. The fact that a large portion of the area is either undeveloped or under-developed provides a unique opportunity to accomplish the goals of both the Community Plan and CFA Plan. Achieving some of the goals, such as preserving Oak Creek as open space is more likely to happen with more innovative development that may be better accomplished with flexible standards that encourage clustering of development in order to set aside open space. If future development proceeds under the single-family residential zoning on multiple parcels it may not be feasible to obtain contiguous open space, connected paths, and shared driveways. Older developments in Sedona are an example of where there was little coordination and opportunities for connected streets, shared driveways, or trails are no longer feasible. In anticipation of the future development in this area, and to provide landowners and developers an incentive over current zoning, a new zoning district is being proposed for this CFA.

#### Proposed New District

The challenge to implementing this CFA Plan is that the single-family residential zoning is not consistent with the vision of the area as outlined in the CFA Plan. The current zoning would lead to a much higher density of housing, and thus the loss of open space and greater impacts to Oak Creek. Given the fact that a CFA Plan is a guiding document and not regulatory, the challenge is to encourage future development that is consistent with the vision.

To provide an alternative to the existing zoning the Draft Plan proposes a new zoning district specific to this area that will allow for uses other than single-family residential – the Oak Creek Heritage District. This would expand the options available to a landowner that may be considering development or redevelopment of their property. The land uses allowed in the new district would be limited to a density, scale, and style appropriate to the CFA which is not possible with the city's existing zoning districts. The Planned Development District is an existing district that could accommodate some of the needs; however it would be applied in isolation and could vary with each individual project. The new district would set uniform design and development guidelines tailored to the unique aspects of the

area, which would be consistent for all new projects in the district regardless of the size or type of project.

The proposed new district would be optional, available to any landowners interested in rezoning their property. The Community Development Department would offer assistance with the rezoning process as another incentive to encourage implementation of the CFA Plan. Without providing the opportunity for alternate land uses and the City's help with the process, the simple and quick route for development may be to subdivide into numerous residential lots. Standard housing developments, especially when each lot is built by separate landowners at different times can make it difficult if not impossible to secure trails, preserve open space, and retain the desired character of the area.

### Comments on the Draft Plan

The following is a summary of the comments and concerns about the Draft Plan. The comments were made primarily by area residents and came from: the August 25, 2016 meeting, emails, phone calls, and individual meetings.

- **New District**

There is a concern from residents that they expected adjacent properties to be residential and that the new district could allow for a less desirable use. Others thought that the proposed district's permitted uses are too limiting and could restrict the options for development. There was also a question as to how the new district would benefit existing homeowners. Another concern was that the city would be rezoning all properties to the new zoning district.

Several people commented on the proposed multi-family housing: what would be the allowed density; and that it does not fit the area unless very site specific. Another comment is that it is overly restrictive to limit multi-family and commercial to within 500 feet of the roundabout and that commercial should be allowed up to the Creative Life Center.

- **RV Campground**

There is a concern about the potential expansion of RV camping. Concerns included: the potential to negatively affect property values of residential lots; future high end land uses may not want to overlook an RV park or RV storage; the need for screening or another land use buffer between residences and the RVs; the potential for sewage overflow from RVs into Oak Creek; and that there should not be any RVs.

- **Design Guidelines**

Not all agreed with the proposed design guidelines: *"The old homestead architecture you want is not aesthetically pleasing,"* in reference to the poor condition of some of the historic buildings; the proposed guidelines would not permit contemporary architecture; the proposed materials such as rock is cost prohibitive. There was also reference to the city's existing regulations about design and that it should be sufficient to ensure tasteful designs and thus guidelines specific to this CFA are unnecessary.

- **Trails**

The Draft Plan proposes several trails through the area. Concerns about the proposed trails: trail users may stray off a proposed path and onto private property; there are already people trespassing onto private property to access the creek; there could be conflicts if pedestrians and bicycles are using the

same trail; the creek walk should be on both sides of the creek and there should be two footbridges.

- Oak Creek

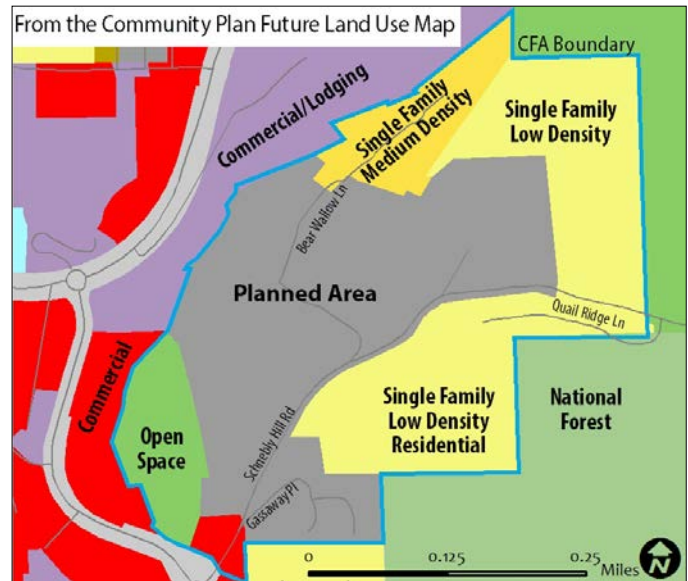
There was a comment in support of clustering development and designating building footprints in order to not develop on the creek and preserve open space. On the contrary, another comment was that development should be pushed into the floodplain in order to preserve the open land and views along Schnebly Hill Road. There was also a comment that locating all structures out of the floodway was too restrictive and that federal regulations should be adequate.

Summary

To address neighborhood concerns about potential changes from residential to another land use, the Draft Plan could be modified to limit the new district to what is designated as “Planned Area” on the Community Plan’s Future Land Use Map (as shown on the map to the right and on Exhibit B).

To address concerns about RV camping throughout the CFA, RV camping could be limited to the same Planned Area or limited to the current RV Park’s parcel boundaries.

To maintain consistency with the other permitted land uses under the proposed new zone district, the multi-family residential description can include a density of 12 units/acre (page 21 of the Draft Plan).



Meeting Expectations

September 29, 2016 Work Session:

The purpose of the work session is to provide the Commission with a detailed review of the Draft Plan, answer questions, and allow for discussion among Commissioners and staff. Staff will lead a review of the Draft Plan page by page, allowing for questions and discussion on each page as needed.

October 4, 2016 Public Hearing:

The purpose of the hearing will be to provide the Commission and public with an overview of the Draft Plan, allow for public comments and Commission discussion. The Commission may choose to take an action at the public hearing by making a decision to forward a recommendation to City Council, or postpone any decision and request that staff revise the draft or provide more information, or to continue the discussion at another meeting.



***Staff Recommendation***

Staff recommends changing the Draft Plan to limit the proposed new zone district to the Planned Area, amending page 20 and 21 of the Draft Plan as shown on Attachment 2. This modification will resolve concerns about potential land use changes to existing residential areas that are designated as single family residential on the Community Plan's Future Land Use Map.

***Sample Motions for Commission Use***

Please note that the sample motions below are offered as samples only and that the Commission may make other motions as appropriate.

***Recommended Motion of Support***

I move to recommend the adoption of PZ16-00010(CFA), the Schnebly Community Focus Area Draft Plan of August 1, 2016 to City Council with the amendment to page 20 and 21 as shown on Attachment 2 that limits the new Oak Creek Heritage District to the Planned Area as designated in the Community Plan Future Land Use Map.

***Alternative Motion***

I move to not recommend PZ16-00010(CFA), the Schnebly Community Focus Area Draft Plan of August 1, 2016 to City Council.



8/1/16 Working Draft

# Draft

## Schnebly Community Focus Area Plan

### CFA Vision

This distinctly different area of Sedona is set apart from the bustling tourist district as a quiet, natural setting reminiscent of its agricultural heritage. Oak Creek and the surrounding National Forest are the defining features that dominate the landscape. The built environment blends into the landscape, hidden by trees or hillsides, with materials, colors, and styles that reflect the area's natural and cultural history. The area has a mix of residents and visitors within easy access of both the tourist district and natural areas.



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**Acknowledgments**

*Thank you to the Stakeholders Group, Staff, Commission, Council (details to be added in final draft)*

**Note:**

References to existing conditions are as of 2016. Relevant sections of the Sedona Community Plan may be listed on each page.

## INTRODUCTION

This Community Focus Area (CFA) Plan is an addendum to the Sedona Community Plan and serves as a guide for future development of this area. The intent is to address issues that are specific to this geographic area in more detail than the City-wide Sedona Community Plan. This unique Sedona neighborhood is located across Oak Creek from the bustling tourist district of Uptown. Driving up Schnebly Hill Road from State Route 179, the shops and galleries are quickly left behind as you pass through a sparsely developed area that soon transitions to the National Forest. There are only 41 houses within this 91 acre area, most of which are hidden in the hills or set back from the road. Sedona's only RV Park is here, hidden in the trees along Oak Creek, with 84 camping sites. Visible above the trees is the glass spire of the Creative Life Center, a draw for visitors and residents to its seminars and programs.

This area is bound to see significant growth and change in the future as only 56% of the lots in this area have been developed. The area is currently zoned single-family residential, and future growth would result in far more houses than today, changing the area from its open, rural character to a typical residential area. The intent of this CFA Plan is to guide future growth in a manner that will retain the unique character of the area.

### Community Expectations

The Sedona Community Plan listed the following expectations for this CFA:

- *“Retain large parcels and rural character.*
- *Support agriculture as a key character element.*
- *Support non-residential uses (e.g., bed and breakfast, neighborhood cafe) if tied to the preservation of large land areas and generates less traffic than medium-density residential.*
- *Retain similarly affordable housing currently provided in existing mobile home/RV park.*
- *Protect riparian environment along Oak Creek.*
- *Evaluate potential for environmentally sensitive public creek access.*
- *Preserve historic resources (Gassaway House).”*

- Sedona Community Plan p. 45

### Existing Conditions

CFA Planning Area: 91 acres

Current Land Use:

- 75 lots, 44% of the lots are undeveloped
- 41 houses on 30 acres
- 1 office building, 1 religious institution, and 1 RV Park (84 sites)

Zoning:

- The majority of the CFA is either zoned RS-10b (40 acres) or RS-18b (44 acres):
  - RS-10b permits Single Family Residential with a minimum lot size of 10,000 square feet and a maximum of 4 dwelling units per acre
  - RS-18b permits Single Family Residential with a minimum lot size of 18,000 square feet and a maximum of 2 dwelling units per acre
- Other Zoning: Commercial (C-1): 2 lots; Transitional (T-12): 1 lot; Planned Residential Development (PRD): Red Rock Creek subdivision

Subdivisions:

- Red Rock Creek subdivision on Gassaway Place (The Gassaway House Historic Landmark and 9 undeveloped lots)
- The Gem subdivision on Quail Ridge Lane (8 lots, 1 undeveloped)

Streets:

- 1 public street (Schnebly Hill Road) maintained by the City of Sedona
- 4 private streets

Natural Resources:

- Oak Creek and its riparian area of large sycamore trees separates this area from Uptown
- Bear Wallow Canyon drains into Oak Creek, starting at the Mogollon Rim and running parallel to Schnebly Hill Road until entering Oak Creek next to the RV Park
- The north and east side of the CFA is characterized by steep hillsides and canyons

## History of the Area

Oak Creek was the original attraction for settlers to the Sedona area with its flow of water year-round. The first homesteaders settled along the creek in the 1880s with the new community forming at the base of the canyon. In 1902 “Sedona” was created when the community’s first post office was established. The core of the community was concentrated near the intersections of Ranger Road and Schnebly Hill Road where a bridge eventually crossed Oak Creek.

While this area grew into what is now known as Uptown Sedona with hotels, shops, and houses, the area along Schnebly Hill Road remained agricultural. The Farley family had the original homestead on the creek, and with their daughter’s marriage to W.C. Steele in 1924, the Farleys and Steeles owned most of the land along Schnebly Hill Road.

In the 1950s the land shifted away from agricultural as the Farleys and Steeles began to split and sell property. In 1952 Schnebly Hill Road was established officially as a county highway. It was in 1954 that the one platted subdivision built in the area was created (The Gem subdivision on Quail Ridge Dr.).

Development was not influenced by zoning until 1969, at which point most of the area was zoned residential by Coconino County. When the City of Sedona was incorporated in 1988, the residential zoning was carried forward. Despite the zoning and proximity to Uptown, development of the area has been minimal compared to the surrounding area.

### Highlights in the History of the Area

- 1896 Flagstaff residents petition for a new wagon road to Jerome (to become the Schnebly Hill Road)
- 1902 Schnebly Hill Road constructed
- 1907 Farley homestead patented on Oak Creek
- 1924 Minnie Farley marries W.C. Steele
- 1925 Farley cabin built (now City Historic Landmark)
- c. 1927 Sedona and T.C. Schnebly House built
- 1930s Steele cabins built (now in the Rancho Sedona RV Park)
- 1932 Farley house built (now City Historic Landmark)
- c. 1937 Gassaway House constructed (now City Historic Landmark)
- 1950s Schnebly Hill Road designated county highway, Steele Trailer Court established (now Rancho Sedona RV Park)
- 1954 The Gem subdivision platted (Quail Ridge neighborhood)
- 1969 Coconino County designates zoning of area as residential
- 1982 Church established at 333 Schnebly Hill Rd by the Aquarian Educational Group (site of Creative Life Center)
- 1988 City of Sedona incorporated
- 2000 Creative Life Center established



## Planning Area Boundary

The Community Plan established the general planning area for this CFA. The specific boundary (shown here in blue) encompasses 91 acres of private land north of the State Route 179 roundabout at Schnebly Hill Road and bounded by Oak Creek on the west and National Forest to the east.

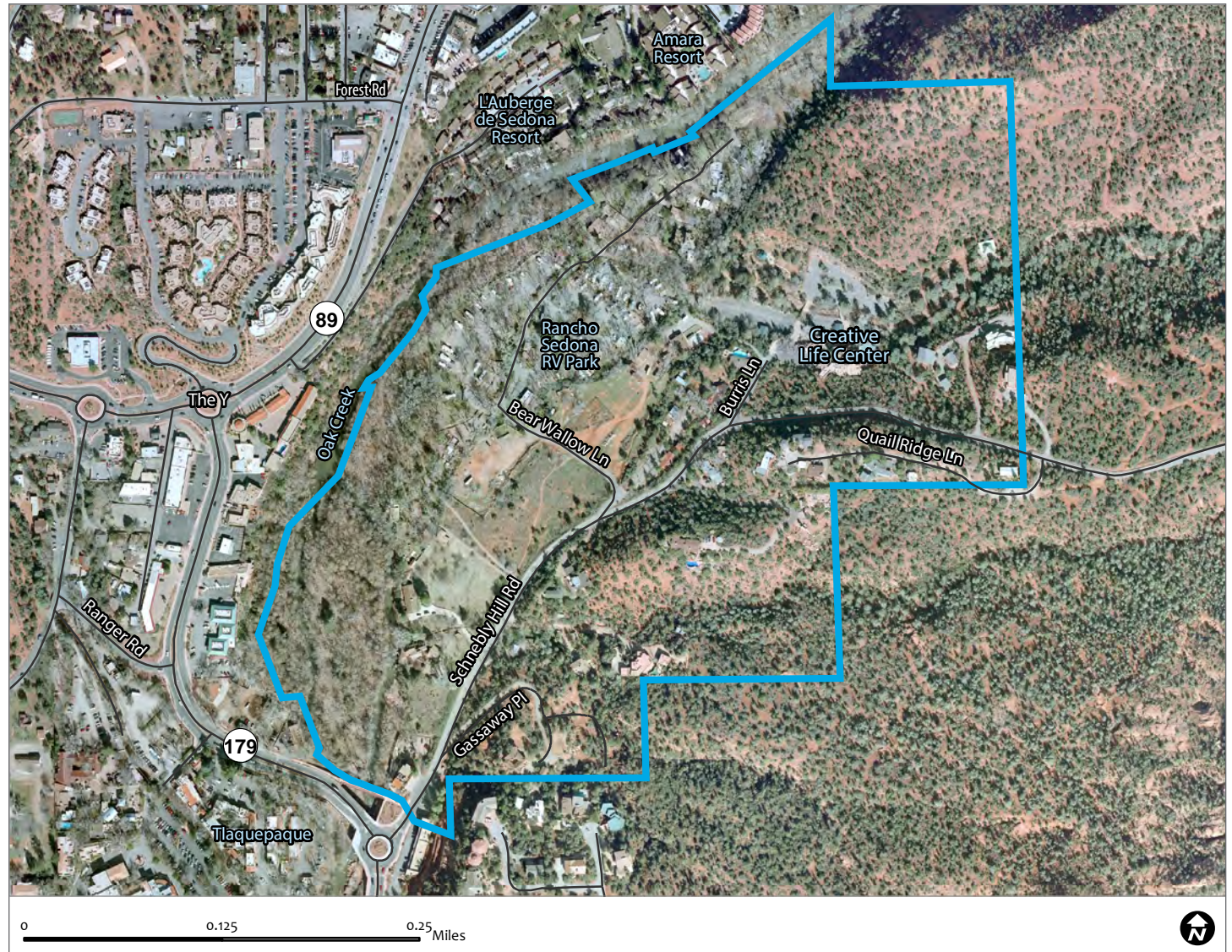


Figure 1. CFA Planning Area Boundary



## KEY ISSUES

### Character

The key issues for this CFA can be considered strengths and opportunities as well as limitations and constraints. The key issues, most of which are quite unique to this area include its character, Oak Creek, open space, traffic, walking and bicycling, and the potential for future development. The following six pages will summarize those key issues.

#### Character

The unique character, identity, or “sense of place” that distinguish this area is the combination of features addressed throughout this plan: the presence of Oak Creek, open space, historic features, and the proximity to Uptown and the National Forest. The rural, agricultural nature of the area is characterized by the unpaved roads, remnant orchards and irrigation ditch, and large open lots. The area is also defined by a lack of features such as sidewalks, curb and gutters along the street, block walls, and stucco-sided buildings seen elsewhere in Sedona.

The open space of the undeveloped vacant land is one of the defining features of the area. Once agricultural farms and orchards, this open land now provides the pastoral setting and views seen from Schnebly Hill Road. This sense of open space could be retained as a positive feature of new development and not necessarily lost to future development.

One of the fundamental goals for this CFA is to ensure that its unique character is retained and enhanced as changes occur. Many of the recommendations in this plan are intended to provide incentives for future development that will cultivate the desired character.

Examples of the CFA's character:



Orchard trees



Gassaway Place Historic Landmark



Rural look of driveway and building



RV Park and sycamore trees

## KEY ISSUES:

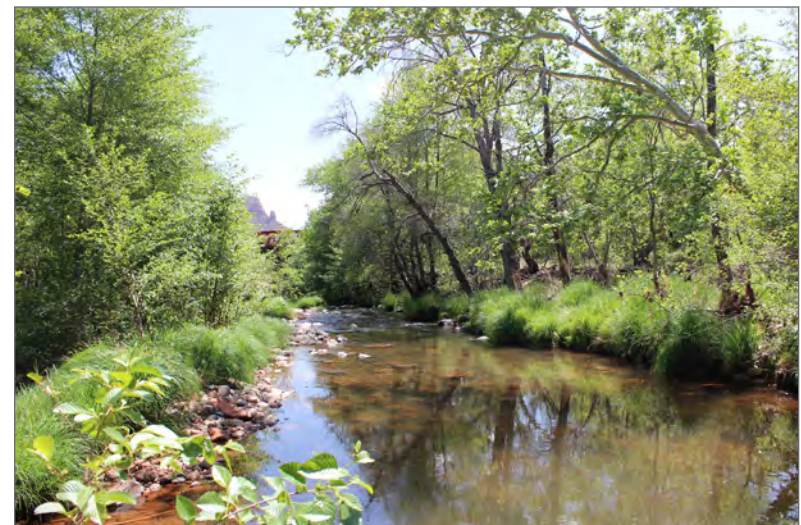
### Oak Creek

Oak Creek's riparian habitat of large Sycamore trees and lush plants are the prominent feature of this CFA. The creek is also a historic focal point of the City, as the original homesteads were located next to the creek, dependent on the water for homes, businesses, and agriculture.

Oak Creek is still a magnet for people that are drawn to the water, yet the creek is entirely on private land, prohibiting legal access by the public. People still access the creek, usually by crossing vacant land. This unmanaged access has led to some problems with trespassing, including trash and occasionally transient campsites and campfires.

The natural riparian habitat along the creek and tributary washes is important to accommodate flooding and to provide wildlife habitat. There is a higher diversity and density of plants found along the creek than seen in the surrounding arid uplands typical of Sedona. The original settlers may have thought of the creek as an oasis in the desert, and today it is still a treasured community asset.

Riparian:  
Areas located along a watercourse with distinct, water dependent habitat and plants.



Views of Oak Creek



## KEY ISSUES:

### Circulation

#### Traffic

The majority of traffic on Schnebly Hill Road is from tourists heading to the National Forest, a historic use that continues today. The road historically provided access to the higher elevations of the National Forest, but is no longer maintained to accommodate passenger vehicles. The pavement ends at the Huckaby Trailhead, a parking and picnic area that leads to multiple trails popular with hikers and mountain bikers. Due to the deteriorated condition of Schnebly Hill Road, traffic beyond the trailhead is now primarily off-road vehicles. Most of this traffic is due to the increased popularity of guided jeep tours, and more recently the introduction of off-highway rental vehicles, in addition to private vehicles. This traffic is due to the proximity of the National Forest from Uptown, and the fact that Schnebly Hill Road is one of only 4 roads within the City that leads directly into the backcountry.

Schnebly Hill Road was once a viable route to Flagstaff until the highway through Oak Creek Canyon was improved. There has been speculation about improving the Schnebly Hill Road to Interstate 17. Only a half-mile of the road is within the city limits, and the remainder is on the National Forest within Coconino County. Improving the road to acceptable transportation engineering standards would be extremely costly, and neither the County or National Forest have indicated any interest in doing so. Improving the road is not compatible with the recommendations of this CFA as it could significantly increase traffic and alter the character of the area.

#### Note:

The City of Sedona is conducting a comprehensive study of circulation issues throughout the city in 2016 which may result in recommendations that could affect this area.

See CFA Recommendations: Pedestrian and Bicycle Network pages 24-26

#### Pedestrians and Bicycles

With the shops and restaurants of Uptown so close, it is only natural that residents and visitors would want to walk or bike to Uptown. Unfortunately for those walking and biking, there are no trails or sidewalks and Schnebly Hill Road is narrow with no shoulder and several blind curves that can make for a hazardous experience. There is one trail across private land that is used as a shortcut from the RV Park, but that does not go far until you are forced to share the road. Mountain bikes are also commonly seen on Schnebly Hill Road as they head to the National Forest trails.



Schnebly Hill Road where the pavement ends



Huckaby Trailhead



## KEY ISSUES:

### Development Potential

#### Existing Conditions: Built and Vacant Property

56% of the lots in this CFA are built with at least one or more buildings (shown in gray in Figure 2). Most of these lots could be considered underdeveloped, because current zoning allows for a higher density of development than what exists.

The core of this CFA (the land between Schnebly Hill Road and Oak Creek) is currently zoned RS-10b Single Family Residential which allows for minimum size lots of 10,000 sq. ft., and a maximum of 4 units per acre. Much of the remainder of the CFA is zoned RS-18b, which allows a minimum lot size of 18,000 sq. ft. and a maximum of 2 units per acre.

Some of the lots do have limitations such as the Oak Creek floodway and steep hillsides which present challenges to development. Despite the limitations, there is a considerable amount of property that could be developed or redeveloped at a significantly higher density under current zoning.

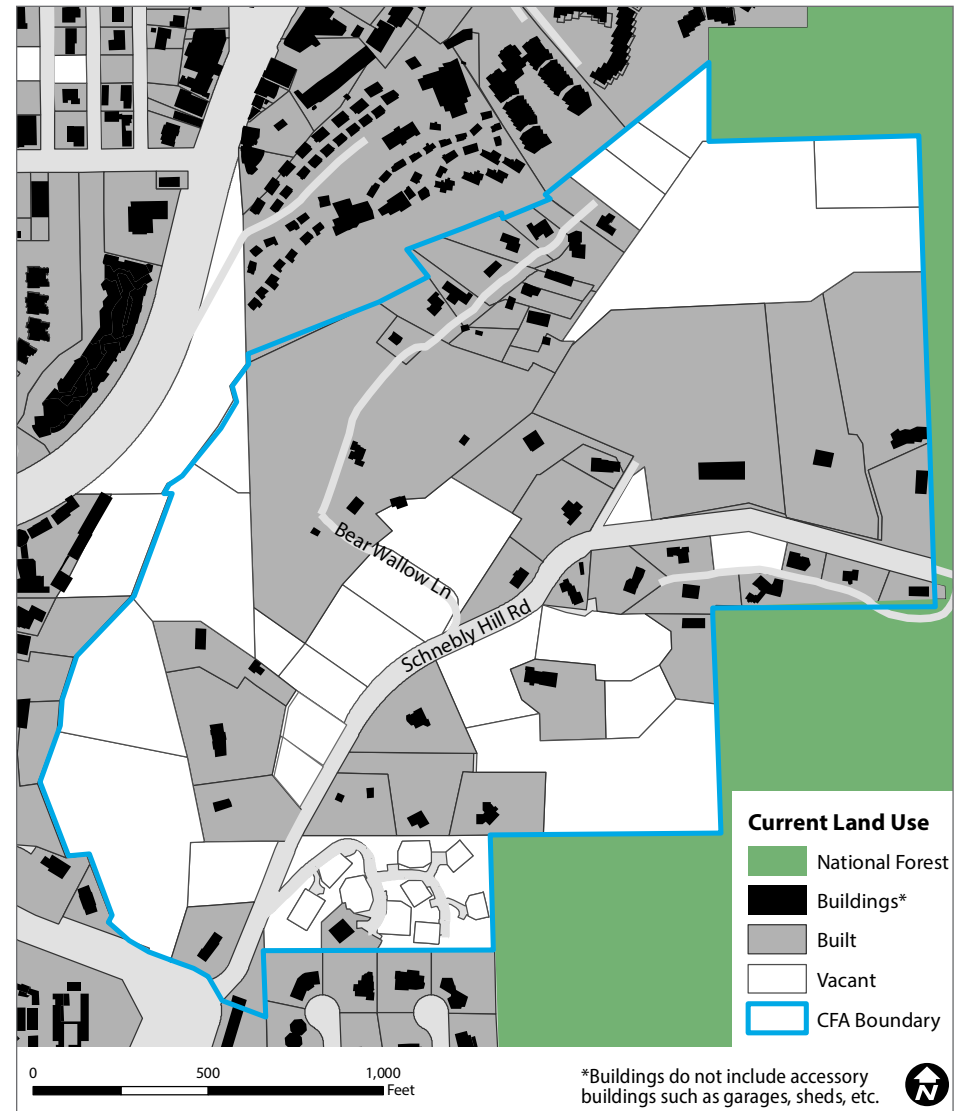


Figure 2. Current Land Use: Built and Vacant Lots

**Comparison of Lot Sizes**

Figure 3

- Current lot boundaries are outlined in Figure 3
- The minimum lot sizes under current zoning is either 10,000 sq. ft. (RS-10b) or 18,000 sq. ft. (RS-18b) - see examples to the right
- Future development could subdivide larger lots to the minimum lot size to accommodate more units

**Potential Development Scenarios**

Figure 4 (following page)

To provide an alternative to existing zoning, this CFA Plan proposes a new zone: the Oak Creek Heritage District (see page 17). Figure 5 on the following page illustrates what future development may look like under existing zoning (Scenario 1) and the new zoning (Scenario 2).

The new zoning district would allow for lodging and camping which could serve a different niche that would diversify the City’s lodging inventory with camping and small, intimate options such as cottages and cabins. Although outside of the Lodging Area Limits designated in the Community Plan, allowing lodging in this area as an alternative to residential could be an incentive for development that is consistent with the desired character of the CFA.

Figure 3.  
Comparison of Lot Sizes  
The examples shown on the map are representative of the minimum lot sizes for either RS-10b or RS-18b zoning.

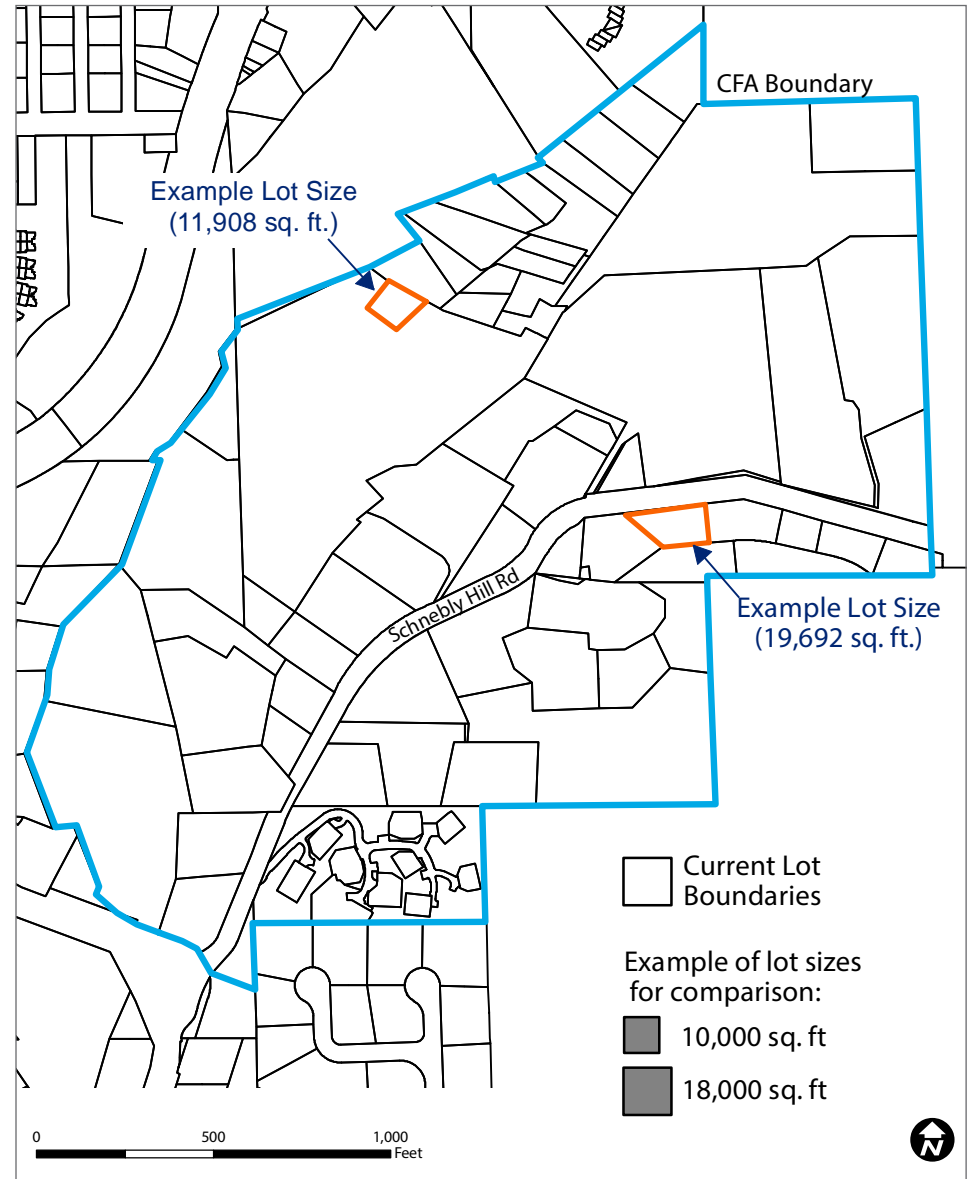
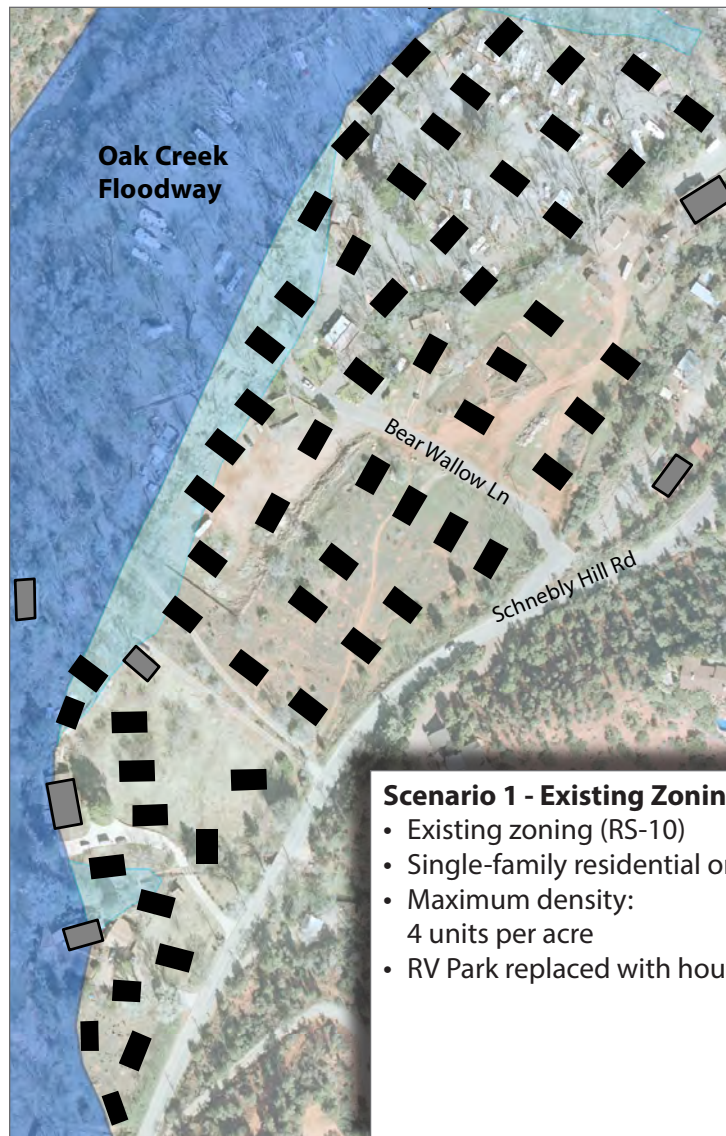
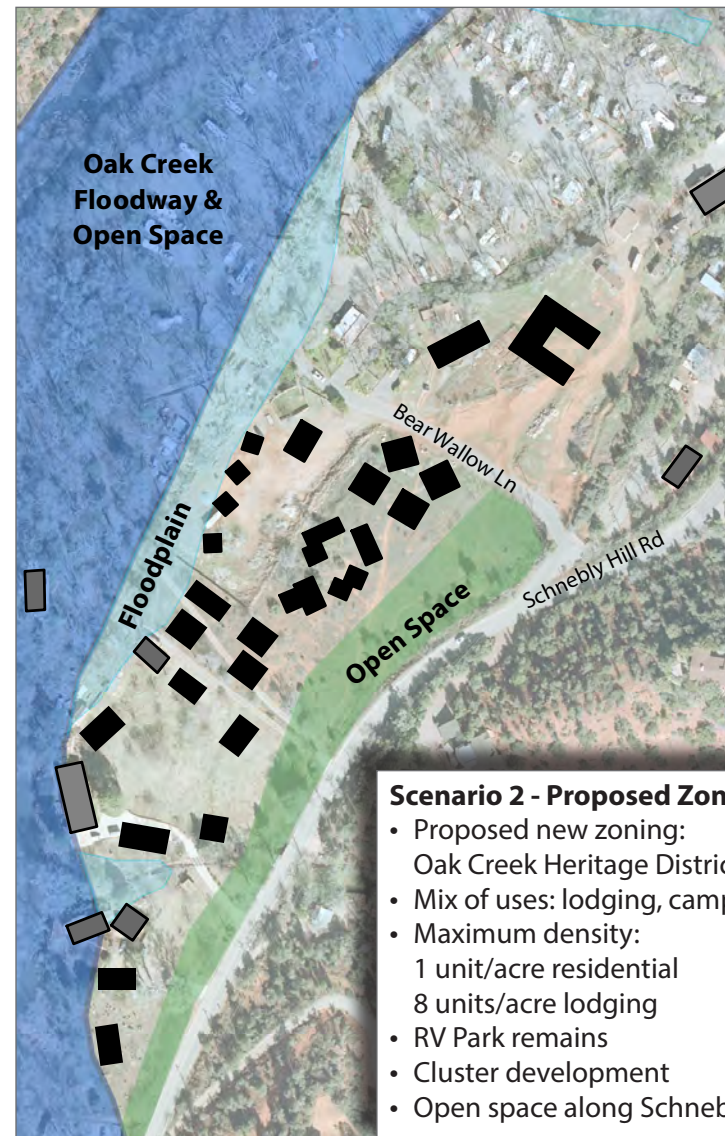


Figure 4. Comparison of Potential Development Scenarios



**Scenario 1 - Existing Zoning**

- Existing zoning (RS-10)
- Single-family residential only
- Maximum density: 4 units per acre
- RV Park replaced with houses



**Scenario 2 - Proposed Zoning**

- Proposed new zoning: Oak Creek Heritage District
- Mix of uses: lodging, camping, residential
- Maximum density: 1 unit/acre residential, 8 units/acre lodging
- RV Park remains
- Cluster development
- Open space along Schnebly Hill Road

## RECOMMENDATIONS

The Recommendations section of this CFA Plan includes goals, objectives, and strategies. The Sedona Community Plan is the guiding document for the CFA Plan, with the goals of this plan taken from the Community Plan. The CFA objectives are statements describing the desired future of the area. The strategies (listed on the following pages) describe methods that will lead to achieving the goals and objectives. Two chapters of the Community Plan are not listed below ("Parks, Recreation, and Open Space" and "Economic Development") however those topics are covered by the other categories as shown in the summary below.

ENVIRONMENT	LAND USE	COMMUNITY	CIRCULATION
<p><b>Community Plan Goals</b></p> <ul style="list-style-type: none"> <li>• Protect Oak Creek and its riparian habitat.</li> <li>• Reduce the impacts of flooding and erosion on the community and environment.</li> <li>• Protect and preserve natural open space.</li> </ul>	<p><b>Community Plan Goals</b></p> <ul style="list-style-type: none"> <li>• Reflect a unique sense of place in architecture and design.</li> <li>• Ensure harmony between the built and natural environments.</li> <li>• Create mixed use, walkable districts.</li> </ul>	<p><b>Community Plan Goals</b></p> <ul style="list-style-type: none"> <li>• Preserve and celebrate the community’s history.</li> </ul>	<p><b>Community Plan Goals</b></p> <ul style="list-style-type: none"> <li>• Reduce dependency on single-occupancy vehicles.</li> <li>• Create a more walkable and bike-able community.</li> </ul>
<p><b>CFA Objectives</b></p> <ul style="list-style-type: none"> <li>• Oak Creek is permanently protected in its natural state as a vital resource for the natural environment, community, and region.</li> <li>• Open space is a defining feature of the area, and preserved for its natural resource and scenic values.</li> </ul> <p>➤ See page 13-15</p>	<p><b>CFA Objective</b></p> <ul style="list-style-type: none"> <li>• A distinct identity unique to the area which reflects its rural, agricultural, and historical qualities.</li> </ul> <p>➤ See page 16-22</p>	<p><b>CFA Objective</b></p> <ul style="list-style-type: none"> <li>• The historic values that contribute to the character of the area are protected and interpreted.</li> </ul> <p>➤ See page 23</p>	<p><b>CFA Objective</b></p> <ul style="list-style-type: none"> <li>• A system of trails that connects residents and visitors to destinations within the neighborhood and to Uptown that is safe and convenient for walking and bicycling.</li> </ul> <p>➤ See page 24-26</p>



## ENVIRONMENT RECOMMENDATIONS

### Protection of Oak Creek

#### Community Plan Goal:

- *Protect Oak Creek and its riparian habitat*
- *Reduce the impacts of flooding and erosion on the community and environment.*

#### CFA Objective:

Oak Creek is permanently protected in its natural state as a vital resource for the natural environment, community, and region.

#### Strategies:

1. Maintain the Oak Creek floodway in a natural state, with only minor improvements within the riparian corridor, such as trails, parks, or temporary structures such as yurts.
2. Permanently protect the Oak Creek corridor through land preservation measures.
  - a. Property owners can partner with a public or non-profit organization to establish conservation easements on the property to ensure permanent protection.
  - b. Land could be donated to or acquired by a public or non-profit organization.
3. Drainages flowing into Oak Creek should be retained unaltered, as linear corridors of natural open space.

#### Floodway:

The channel and overbank areas that carry the deeper, faster moving water during a flood.

#### Floodplain:

Land adjacent to the creek that is subject to flooding.

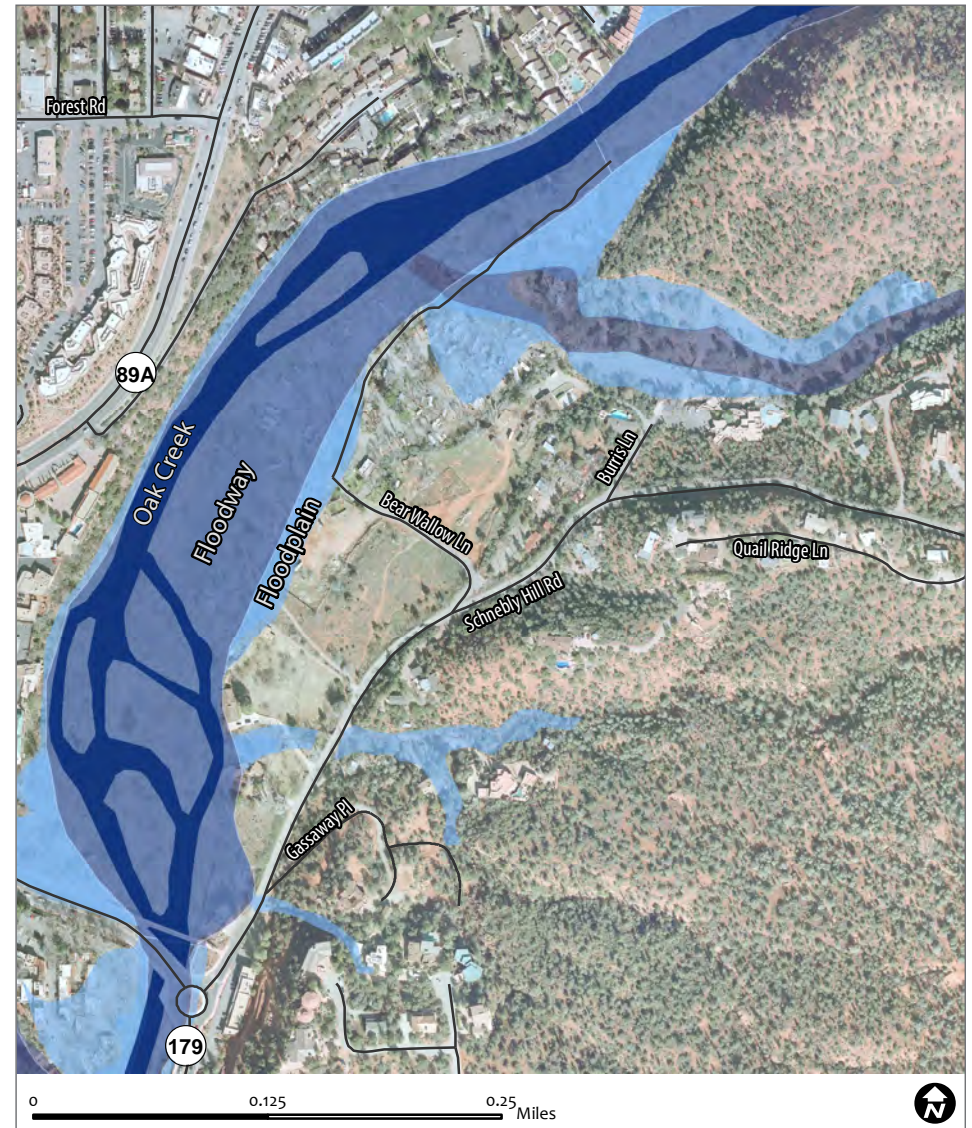


Figure 5. Oak Creek Flood Zones



## Preservation of Open Space

### Community Plan Goal:

*Protect and preserve natural open space.*

### CFA Objective:

Open space is a defining feature of the area, protected for its natural resource and scenic values.

### Strategies:

1. A corridor of undeveloped open space along Schnebly Hill Road should be preserved as open space or a linear park or greenway and may include a trail, orchards, or gardens.
2. Scenic views from Uptown and Highway 89 should be preserved by limiting development on visible hillsides.
  - See Figure 7 on the following page.
3. Oak Creek and its associated floodway shall be preserved as the spine of an open space system linked to corridors of open space along tributary drainages.
4. To enable the preservation of the Oak Creek floodway, open space, and hillsides, flexibility in site design standards will be considered.

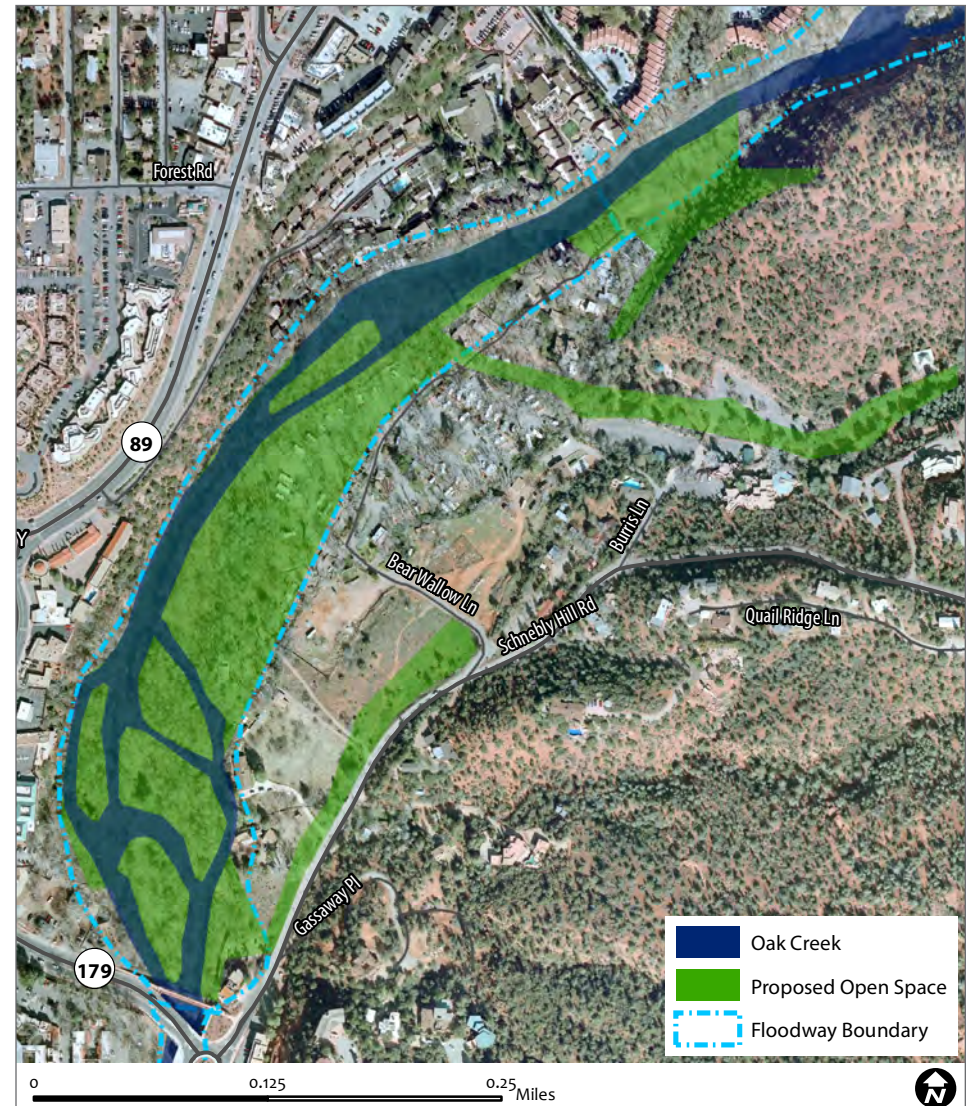


Figure 6. Proposed Open Space

See Community Plan: p. 53 Policy 5; p. 71 Goal 1; p. 78 Policy 10; p. 81 Goal 1; p. 86 Policy 10





Figure 7. Viewshed from Highway 89 in Uptown  
The Schnebly CFA makes up the foreground of this scenic view from above S.R. 89A in Uptown. New development within the CFA should be sensitive to the high visibility of this area.

## LAND USE RECOMMENDATIONS

### Sense of Place

#### Community Plan Goals:

- *Reflect a unique sense of place in architecture and design.*
- *Ensure harmony between the built and natural environments.*
- *Create mixed use, walkable districts.*

#### CFA Objective:

A distinct identity unique to the area which reflects its rural, agricultural, and historical qualities.

#### Strategies:

1. The design of new development shall be of a style and scale that reflects the desired character and identity unique to this area.
  - See the Development and Design Guidelines on pages 14-16 for examples of the desired character.
2. Cluster development in order to preserve open space, hillsides, and floodplains.
  - a. This approach can be applied to all land uses.
  - b. Open space that is contiguous with the open space on adjacent properties is preferred.
3. Establish the Oak Creek Heritage District to enable new development to meet the goals and objectives of this plan.
  - See pages 20-22 for a description of the proposed district.

➤ See Recommendations: Protection of Oak Creek page 13; and Preservation of Open Space page 14

Examples of the rural, agricultural, and historic qualities of the area:



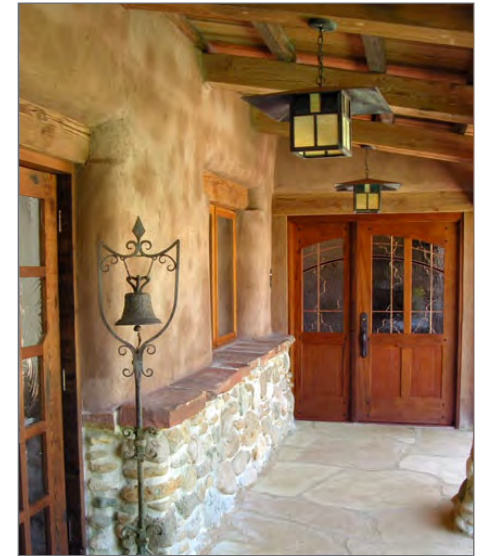


## Development and Design Guidelines

The following photos illustrate the desired character of the area with representative design features.

### Building Style and Materials

Use of natural materials representative of the local environment for an authentic appearance that blends with the landscape and neighborhood.





## Development and Design Guidelines, continued

### Landscaping

- Use of native or drought tolerant plants appropriate to the setting which may be riparian along the creek, historic orchard trees, or native uplands.
- Preserve and integrate natural features as part of the landscaping.



### Screening & Fencing

- Buildings and other improvements should be screened from the road with appropriate vegetation, fencing, or other methods.
- Land uses other than residential shall be screened from adjacent houses.
- Fencing of open space areas should allow for open views.
- Fencing and screening materials should fit with the character of the area.



### Streets & Parking

- Streets, driveways, parking lots, and walkways should be surfaced with gravel or permeable pavers
- Permeable surfacing allows for water infiltration and creates a less urban, more rural look.



## Development and Design Guidelines, continued

### Site Layout

- Cluster buildings to preserve open space
- Multiple smaller buildings are preferable to one large building.
- Multiple buildings may form a courtyard or common space.
- Building placement appears scattered and at an angle, not lined up.
- Other land uses should be designed to have a residential appearance that will blend with the neighborhood.



Example of a 12 unit development on less than two acres. The four buildings are clustered together leaving an open space buffer along the road.



Example of a 15 unit development on one acre, with five buildings at an angle and not visible from the road.



## Proposed Oak Creek Heritage District

The purpose of the Oak Creek Heritage District is to provide the means for a land use that exemplifies the distinctive natural and cultural values of this area. Those features that set it apart, such as Oak Creek, the hillsides, and the historic sites are all valuable assets that should be considered a highlight rather than a hindrance for property owners. Under this district, property can be developed in a manner that maintains the historic character, scenic views, and natural resources that are the defining features of this unique setting.

One objective of this district is to encourage development that will best protect Oak Creek and the surrounding riparian habitat. Coordinated and consolidated development allows for designs that can cluster buildings and preserve larger areas of connected open space. The alternative is small, individual building lots with more driveways and more fences that will fragment wildlife habitat and eliminate the scenic characteristics of the area.

This district will also diversify the City's lodging options by offering a variety of unique alternatives that are not the typical hotel experience. This is an ideal location for low intensity lodging and camping where visitors can easily walk to the Uptown restaurants and shops and not contribute to traffic congestion.

Landowners with property in the CFA may voluntarily choose to rezone their property to the Oak Creek Heritage District to take advantage of this opportunity. The City will assist landowners by facilitating the rezoning application process.

### Permitted Uses

#### Lodging:

- Lodging Density: 8 units/acre maximum
- Lodging styles supported include small designer hotels, bed and breakfast inns, cottages, bungalows, and cabins.
- Lodging may have associated amenities and accessory uses as listed below.

#### Campground/RV Parks:

- Campground density: 12 sites/acre
- Camp sites for recreational vehicles (RVs), tents, travel trailers, etc.
- Alternative camping experiences may include tent structures, yurts, RVs, and other temporary or mobile structures.

#### Agricultural uses:

- Gardens, nurseries, vineyards, and incidental operations.

#### Park and Recreation Amenities:

- Park amenities such as picnic tables, benches, etc.
- Trails
- Amenities may be publicly accessible or for customer use only

#### Commercial:

- To limit traffic impacts, commercial development should be located on Schnebly Hill Road within 500 feet of the roundabout.
- Appropriate businesses may include restaurants, markets, offices, galleries, studios, and retail shops.

#### Single-Family Residential:

- Density: maximum of 1 unit per acre; 1 acre minimum lot

#### Multi-family Residential:

- Multi-family housing may include duplexes, apartments, patio homes,



### Proposed Oak Creek Heritage District, continued

courtyard bungalows, condos, or townhouses.

- To limit traffic impacts, multi-family housing must be located on Schnebly Hill Road within 500 feet of the roundabout.
- The housing must be clustered in order to preserve areas of open space.

#### Accessory Uses:

- Employee, caretaker, or owner-occupied housing
- Spa, fitness, yoga, or other wellness studio
- Outfitter and guide services
- Outdoor recreation equipment supplies and rentals
  - Excluding motorized vehicle rentals
- Retail shop (gifts, gear, and supplies)
- Produce stand
- RV storage
  - Must be screened from view
- Café, bar, or restaurant

Examples of lodging accommodations:



## Proposed Oak Creek Heritage District, continued

### Development Guidelines:

The CFA Development and Design Guidelines (pages 14-16) and all other CFA strategies are applicable to this district, in addition to the following.

- Oak Creek Floodway: All structures are to be located outside of the floodway. This will preserve the Creek's natural habitat, maintain the stormwater functions, and minimize flood damage.
- Open Space Viewshed:
  - A continuous corridor of open space along Schnebly Hill Road will preserve the viewshed from the road which is one of the defining features of the district.
  - Development may need to be clustered in order to preserve open space, including hillsides.
- Habitat Preservation:
  - Site design shall retain large native trees and as much of the natural vegetation as possible.
  - Open space should be uninterrupted and contiguous with open space and natural areas on adjacent properties.
- Historic Features: historic buildings and other historic features should be preserved, adapted for reuse, and integrated with new development.
- Trails and pathways that connect across other properties are encouraged and will be publicly accessible. Internal paths do not need to be publicly accessible.
- Limit the number of driveways off of Schnebly Hill Road by using existing driveways or private roads or sharing driveways wherever possible.
- Existing land uses would continue as non-conforming uses.

### Examples of campground accommodations:





## COMMUNITY RECOMMENDATIONS

### Historic Preservation

#### Community Plan Goal:

*Preserve and celebrate the community's history.*

#### CFA Objective:

The historic values that contribute to the character of the area are protected and interpreted.

#### Strategies:

1. Support the adaptive reuse of historic buildings in order to preserve and maintain the historic integrity of the buildings.
2. Provide educational information to the public about the significance of historic features.
  - a. Interpretive signs or other media should be accessible to the public, such as along a trail.
3. Recognize and protect historic features, such as the historic irrigation ditch (west of Schnebly Hill Road).
  - a. Determine the history and significance of historic features and include in the City's inventory of historic sites (Sedona Historic Resource Survey).
  - b. Designating the land to each side of the ditch as open space will protect its historic integrity.
  - c. Placing a trail along the alignment of the ditch can provide for public use and interpretive opportunities of this and other historic features.



Figure 8. Historic Sites

## CIRCULATION RECOMMENDATIONS

### Pedestrian & Bicycle Network

#### Community Plan Goal:

- *Reduce dependency on single-occupancy vehicles.*
- *Create a more walkable and bike-able community.*

#### CFA Objective:

A system of trails that connects residents and visitors to destinations within the neighborhood and to Uptown that is safe and convenient for walking and bicycling.

#### Strategies:

1. Provide a non-motorized alternative to Schnebly Hill Road with a pedestrian and bicycle trail.
  - a. The trail should be set back from the road to improve the safety and experience wherever possible.
  - b. To enable complete connectivity, the trail should provide a connection from the SR 179 roundabout to the Huckaby Trailhead and National Forest trails.
2. Develop a network of trails throughout the CFA to encourage walking and bicycling and reduce vehicular traffic.
  - a. Establish access easements across private property to ensure future accessibility.
  - b. Consider connections to National Forest trails where feasible, in partnership with the Coconino National Forest and landowners.
  - c. Consider trail alignments that may also serve as open space corridors, such as along drainages and irrigation ditches.
  - d. Incorporate trail use parking into developments where appropriate.



Trail from Schnebly Hill Road to the RV Park

- See page 26 for a map of the “Potential Pedestrian and Bicycle Network”

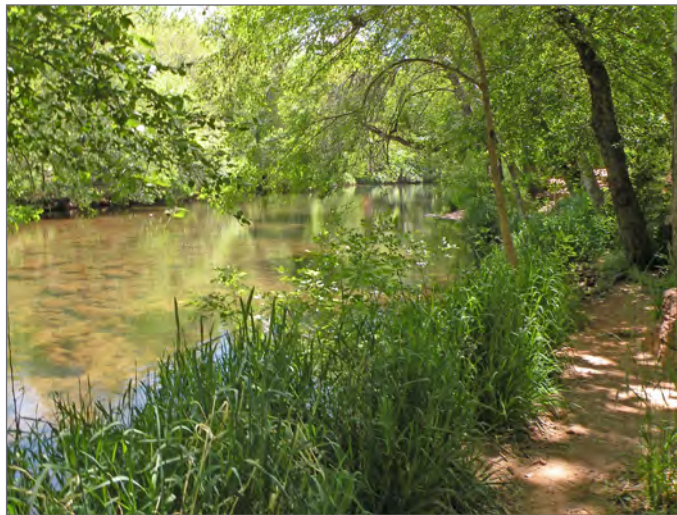


### **Pedestrian & Bicycle Network continued: Creekwalk along Oak Creek**

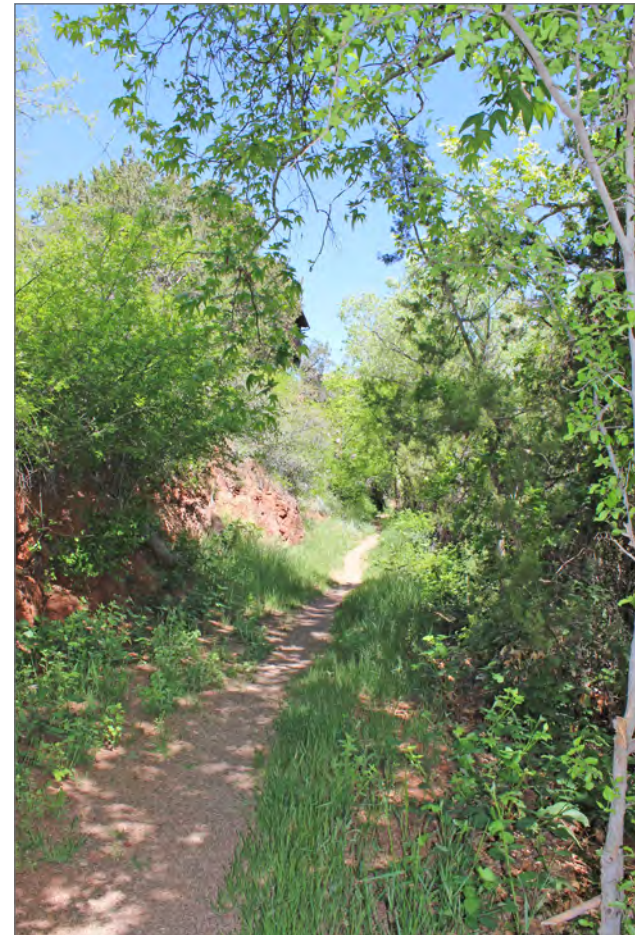
3. A creekwalk along Oak Creek should be considered as a recreational and circulation amenity that can benefit residents, visitors, and businesses.

- a. The creekwalk should be designed to have minimal impacts on the riparian habitat and floodway of Oak Creek, with materials and construction that blends with the natural environment.
- b. Establish access easements across private property to ensure future accessibility.
- c. Bridges may be considered to cross the creek at appropriate and feasible locations.
- d. Include interpretive signage along the trail with information about Oak Creek, environmental stewardship, and the natural and cultural history of the area.

➤ See following page for a map of the  
“Potential Pedestrian and Bicycle Network”



Trail along the edge of Oak Creek in Uptown



Trail on the historic Owenby Ditch, on the west side of Oak Creek



**Pedestrian & Bicycle Network continued:  
Map of Potential Pedestrian and Bicycle Network**

This map shows potential routes that could create a connected system of pedestrian and bicycle paths. The intent is to provide safe and convenient access to Uptown and the National Forest trail system. More people walking and biking means less cars contributing to traffic congestion.

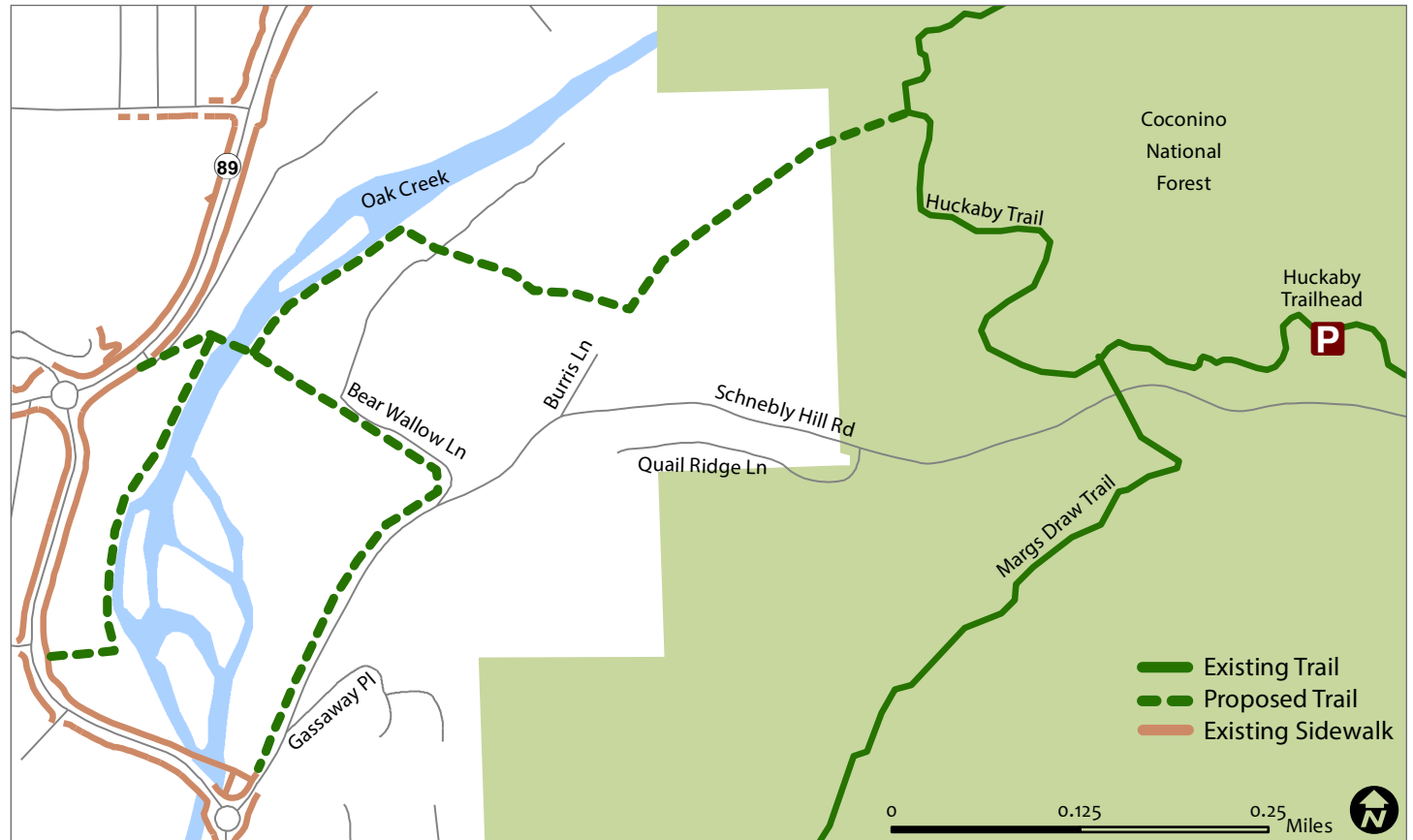


Figure 9. Potential Pedestrian & Bicycle Network

Note:  
The routes shown on the map are conceptual only, and the feasibility depends on many factors such as suitable topography and land ownership.

## Implementation

This CFA Plan is an addendum to the Sedona Community Plan which provides the overarching vision for future development of the City. The CFA Plan provides a more specific vision and strategies for this area and is an important tool in the City's development review process that evaluates new construction, redevelopment, and renovations, including residential, commercial, and lodging development. This plan will be used by City staff, the City's Planning and Zoning Commission, and City Council when reviewing and evaluating proposed projects.

The CFA Plan is also a tool that can be used by property owners, developers, and residents preparing a development proposal. By using this plan as a guide when putting together a development proposal, the applicant will understand the community's vision for the area.

This plan provides policy direction to guide development, whereas the Land Development Code sets forth the requirements. To make some of these strategies possible, the City of Sedona may need to amend existing regulations and processes, such as elements of the Land Development Code. The City may also consider providing incentives to encourage the participation of private developers in implementing the CFA Plan's recommendations.

Implementation of the plan is likely to occur incrementally over time with property redevelopment, new development projects, and public infrastructure improvements. Whether it is a private developer, property owner, or a City of Sedona Capital Improvement Project, projects should be designed in alignment with the plan's recommendations.

To realize the vision set forth in this plan, contributions and participation from both public, private, and non-profit entities will be necessary. The public-private partnerships to be developed might include the provision of public benefits, or financial participation which could include, but not be limited to, assisting in the offset of costs associated with development plan elements,

capital improvements, or purchase of property for a specific community benefit. These community improvements or benefits might include, but are not limited to:

- permanent protection of the Oak Creek corridor,
- trails, parks, and open space, and
- preservation of historic resources.

### **Proposed Oak Creek Heritage District**

To better enable new development projects to meet the objectives of this CFA Plan, a new zoning district is recommended. The Oak Creek Heritage District will offer options for multiple compatible land uses that may be more suitable to the area's unique features than residential zoning. The new district will encourage creative site design that will preserve the area's natural and cultural resources while strengthening the sense of place.

The new district will be an important tool in the implementation of this plan, and to facilitate the plan's implementation the City will initiate the rezoning process at the request of the landowner following adoption of the CFA Plan. The CFA Plan and the new district regulations (in the Land Development Code) will both apply to development projects under the new district.

Rezoning to the Oak Creek Heritage District will provide property owners with more flexibility by expanding their land use options. Property owners may also consider partnering with neighboring landowners to further expand the development potential of their property. This is particularly important when a community resource such as Oak Creek or pedestrian paths cross property lines. Coordination and cooperation among neighboring landowners and the City will be key to realizing the vision for this CFA.

## Proposed Oak Creek Heritage District

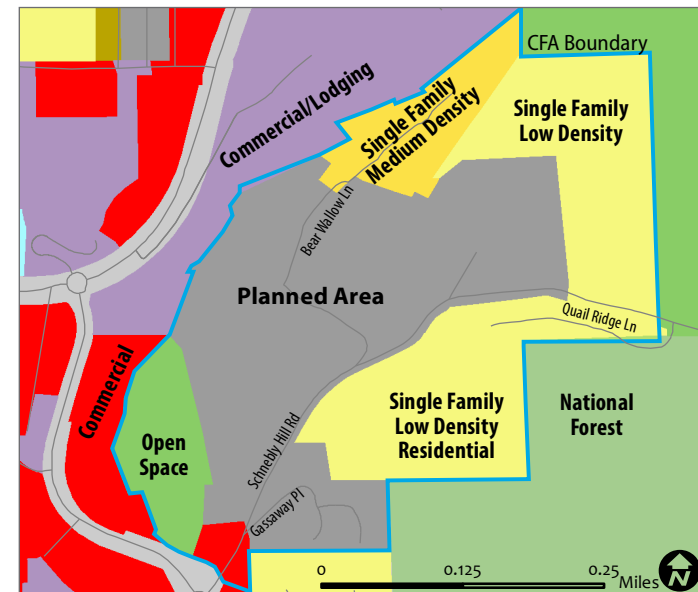
[A new zoning district is being proposed as an option available only at the request of a landowner.](#) The purpose of the Oak Creek Heritage District is to provide the means for a land use that exemplifies the distinctive natural and cultural values of this area. Those features that set it apart, such as Oak Creek, the hillsides, and the historic sites are all valuable assets that should be considered a highlight rather than a hindrance for property owners. Under this district, property can be developed in a manner that maintains the historic character, scenic views, and natural resources that are the defining features of this unique setting.

One objective of this district is to encourage development that will best protect Oak Creek and the surrounding riparian habitat. Coordinated and consolidated development allows for designs that can cluster buildings and preserve larger areas of connected open space. The alternative is small, individual building lots with more driveways and more fences that will fragment wildlife habitat and eliminate the scenic characteristics of the area.

This district would also diversify the City's lodging options by offering a variety of unique alternatives that are not the typical hotel experience. This is an ideal location for low intensity lodging and camping where visitors can easily walk to the Uptown restaurants and shops and not contribute to traffic congestion.

Landowners with property in the CFA may voluntarily choose to rezone their property to the Oak Creek Heritage District to take advantage of this opportunity [once the new zone district regulations are adopted.](#) The City will assist landowners by facilitating the rezoning application process.

[The Oak Creek Heritage District would only be applicable to those properties within the Community Plan designated "Planned Area" \(see map to the right\) which is shown in the Community Plan's Future Land Use Map.](#)



[The Community Plan Future Land Use Designations](#)

### Permitted Uses

#### Lodging:

- Lodging Density: 8 units/acre maximum
- Lodging styles supported include small designer hotels, bed and breakfast inns, cottages, bungalows, and cabins.
- Lodging may have associated amenities and accessory uses as listed below.

#### Campground/RV Parks:

- Campground density: 12 sites/acre
- Camp sites for recreational vehicles (RVs), tents, travel trailers, etc.
- Alternative camping experiences may include tent structures, yurts, RVs, and other temporary or mobile structures.

## Proposed Oak Creek Heritage District, continued

### Agricultural uses:

- Gardens, nurseries, vineyards, and incidental operations.

### Park and Recreation Amenities:

- Park amenities such as picnic tables, benches, etc.
- Trails
- Amenities may be publicly accessible or for customer use only

### Commercial:

- To limit traffic impacts, commercial development should be located on Schnebly Hill Road within 500 feet of the roundabout.
- Appropriate businesses may include restaurants, markets, offices, galleries, studios, and retail shops.

### Single-Family Residential:

- Density: maximum of 1 unit per acre; 1 acre minimum lot

### Multi-family Residential:

- **Multi-family housing density: 12 units/acre maximum.**
- Multi-family housing may include duplexes, apartments, patio homes, courtyard bungalows, condos, or townhouses.
- To limit traffic impacts, multi-family housing must be located on Schnebly Hill Road within 500 feet of the roundabout.
- The housing must be clustered in order to preserve areas of open space.

### Accessory Uses:

- Employee, caretaker, or owner-occupied housing
- Spa, fitness, yoga, or other wellness studio
- Outfitter and guide services
- Outdoor recreation equipment supplies and rentals
  - Excluding motorized vehicle rentals
- Retail shop (gifts, gear, and supplies)
- Produce stand
- RV storage (must be screened from view)
- Café, bar, or restaurant

### Examples of lodging accommodations:





## Cynthia Lovely - SHR CFA Comments

---

**From:** David Tracy <mrdracy@gmail.com>  
**To:** Cynthia Lovely <Clvely@Sedonaaz.gov>, Warren Campbell <wcampbell@Sedona...>  
**Date:** 9/22/2016 3:14 PM  
**Subject:** SHR CFA Comments  
**Cc:** janeen trevillyan <jtrevillyan1@gmail.com>

---

The following supplements comments memorialized in previous stakeholder mtgs and conversations with staff re the proposed Oak Creek Heritage Zoning District.

1. The major land uses being added as options on a per acre basis are 8 lodging units, or 12 MF or 12 RV/campsites. We should add 12 MF to the draft for clarity.
2. The alternate land uses proposed for this CFA depend somewhat on what happens with the RV park. For example, might be difficult to justify high end lodging or residential housing overlooking an RV storage lot. Screening a 14 ' tall motorhome or a 60 foot long truck/camper trailer with shiny chrome is a challenge.
3. Since RVs and campsites are considered temporary or mobile housing and can be moved on short notice, expansion of RV park/campsites is most appropriate in the flood zones/riparian corridor. Additionally, the lower elevation and tall trees next to the creek offer natural screening for these large rigs. Common recreation/park/trail space is also recommended to serve as a buffer from neighboring land uses.
4. Limiting soft commercial and MF to within 500' of roundabout to minimize neighborhood traffic might be overly restrictive, i.e. might need more units to be economically viable. MF is already a tough sell in Sedona. An alternative might be to not allow more driveways connections to SHR, and preferably to consolidate existing ones.
5. We did not address senior living as a specific MF, but is this still a viable land use for this area ? If so, should we add to MF list ?
6. Also, is fractional ownership a possible MF ? Will the City still be able to collect a TPT under SB 1350 ?
7. If an employee or innkeeper or owner lives on site, will that be included in allowable density ? Will such a residential usage require a minimum of one acre as proposed in the OCH zoning ?
8. You indicated that more than two stories might be possible, but would be evaluated on a specific basis.
9. With reference to parking, and to keep development farther away from SHR, what about locating parking adjacent to open space along SHR ? Probably easier to shield cars via vegetative screening that taller buildings.
10. Although the vision was for a continuous strip of open space along SHR, both Max's planning concept and the photo onto which Cynthia imposed a number of B&Bs show some limited development in closer proximity to the road, similar to what exists today.
11. Mixed land uses are OK in this area. Doubtful that an expansion of SHR will be an option, same with City creekside park and public parking.
12. Not clear how ADUs will function under SB 1350. City's intent was for workforce housing vs. nightly stays.



13. Key issue for neighborhood has not been the land use function for alternative uses, but the form of the development and effect on streetscape.

14. Emphasis still on "destination" lodging that incorporate retreats, spas, healing, wellness centers, meditation, etc that bring in high end visitors who will stay more than a few days and do not add to traffic congestion.

15. Re: locating all structures out of floodway. Some construction might be desirable or necessary to accomplish other objectives. Suggest using existing FEMA standards which state that construction within the floodway must be mitigated by other measures to offset upstream flooding impact.

16. Obviously, the specifics of the new OCH zoning district such as lot coverage, setbacks, height limits, buffers, screenings, etc. are all elements that must be considered when owners evaluate alternative land uses.

...later...david

**Cynthia Lovely - Re: Email contact from City of Sedona**

---

**From:** Tim Kylo <tkyllo44@gmail.com>  
**To:** Cynthia Lovely <CLovely@sedonaaz.gov>  
**Date:** 9/1/2016 9:02 AM  
**Subject:** Re: Email contact from City of Sedona

---

Cynthia,

Thank you for your response and clearing up my concerns, sorry I couldn't attend the meeting. I am curious about the "opportunity of being in the OCHD" what are the homeowners advantages of being in the Oak Creek Heritage District?

Thanks

Tim Kylo

On Thu, Aug 25, 2016 at 10:44 AM, Cynthia Lovely <[CLovely@sedonaaz.gov](mailto:CLovely@sedonaaz.gov)> wrote:

Mr. Kylo,

Thank you for taking the time to look at and comment on the Draft Plan. The proposed zoning district would be voluntary, at the request of the property owner. Page 20 of the Draft Plan states: "Landowners with property in the CFA may voluntarily choose to rezone their property to the Oak Creek Heritage District to take advantage of this opportunity". Rezoning applications do go through a public hearing process which considers feedback from neighbors and the public prior to making a decision.

Let me know if you have any questions.

Cynthia Lovely, Senior Planner  
City of Sedona Community Development  
[928-203-5035](tel:928-203-5035)

>>> "Tim Kylo" <[timkyllo@msn.com](mailto:timkyllo@msn.com)> 8/25/2016 8:37 AM >>>  
Attention  
Sedona Community Development Department

We will not be able to attend the open house regarding the Schnebly Community Focus Area, however we generally agree with the direction of the plan with the exception of the change of the RS 18 zoning. This change will have an effect of taking value from our 1+ acre lot at 150 Schnebly Hill Rd. When we initially purchased the lot, we did so with the understanding that in the future we could divide it and be compliant with the existing zoning. If the City changes the zoning to disallow the division of our property it will be in effect Taking Value, and I believe compensation would be due. The City recently approved a zoning density immediately adjacent to our property far in excess of the RS 18 Zone which dramatically increased the value of that property. I believe the impact on the value of an individual's property should be taken into consideration before any zoning change is taken.

Tim Kylo  
150 Schnebly Hill Rd.  
Sedona, AZ 86336

Sedona City Hall is open for business Monday through Thursday from 7 a.m. to 6 p.m. and closed on Fridays. The Municipal Court and Wastewater system maintenance remain on a Monday through Friday, 8 a.m. to 5 p.m. schedule. Police and maintenance services are not impacted.

**Cynthia Lovely - City of Sedona CFA9**

---

**From:** <donotreply@sedonaaz.gov>  
**To:** <clovely@sedonaaz.gov>  
**Date:** 8/25/2016 12:53 PM  
**Subject:** City of Sedona CFA9

---

A new entry to a form/survey has been submitted.

**Form Name:** Schnebly CFA Draft Plan  
**Date & Time:** 08/25/2016 12:53 PM  
**Response #:** 3  
**Submitter ID:** 124  
**IP address:** 174.19.216.147  
**Time to complete:** 28 min. , 54 sec.

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**Survey Details**

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**Page 1**

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**The Schnebly Community Focus Area (CFA) plan will serve as a guide for future development of the area along Schnebly Hill Road. Please let us know your thoughts on the Schnebly CFA Draft Plan.**

**1. Please enter your comments on the Schnebly CFA Draft Plan below.**

- 1) Yurts would be a calling card for all the homeless might as well have a sign stating welcome all homeless people, we have a place for you to live. This is a large problem not being addressed by anyone. If you dont belive me go out in the woods and look.
- 2) I believe you should keep the lot size the same, this is the reason why this area looks better and not like all the other subdivisions, that have subdivided for more profit.
- 3)The old homestead architecture you want to is not aesthetically pleasing. The original Schnebly Hill house is a prefect example it has been added on over the years and is a shack. The City of Sedona already has a restrictive code and does not need to be altered.
- 4) The only valid point I see in this plan is a safe trail up Schnebly Hill Road This are is very dangerous to walk on for locals and vistors, why not add a trail along the creek for every one to enjoy.  
In closing it looks like the owners of the parcel or looking to increase there profits by changing the lot sizes and density.

**2. Contact Information:**

**Name** Kris Husa  
**Address** 287 Schnebly Hill Road  
**E-mail Address** kris@nrgbuildpros.com

Thank you,  
City of Sedona

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