

Title 11 – Zoning

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Article 3 – Overlay Zones

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CHAPTER 23 – HISTORIC PRESERVATION OVERLAY

11-23-1: HISTORIC PRESERVATION OVERLAY

Applications for a Historic Preservation Overlay are subject to the Historic Preservation Procedures established in Chapter 74 of the Zoning Ordinance.

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Article 5 – Sign Ordinance

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Chapter 44 – Historic Signs¹

11-44-1: HISTORIC SIGNS

Historic Signs are subject to Section 11-74-5 of the Zoning Ordinance.

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Article 7 – Administration

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Chapter 66 – Planning Agency

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¹ Footnotes:

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Editor's note— Previously, Chapter 44 derived from Ord. No. 5457, 7-9-18.

11-66-4: HISTORIC PRESERVATION BOARD

A. Establishment and Organization of the Historic Preservation Board.

1. The Historic Preservation Board is established and organized as described in Mesa City Code Title 2, Chapter 22.
2. The duties of the Historic Preservation Board shall conform with those established in Mesa City Code Title 2, Chapter 22.

B. Meetings.

1. Meetings of the Historic Preservation Board are open to the public and the minutes of its proceedings are kept in the Historic Preservation Office.
2. The Secretary of the Historic Preservation Board is the Historic Preservation Officer or their designee.
3. At least four (4) members of the Historic Preservation Board shall be present to conduct a meeting.
4. No matter shall be considered unless there are at least four (4) members present who are eligible and qualified to vote on the matter and an affirmative vote of a majority of the quorum present and voting is required to pass a motion.
5. The Historic Preservation Board shall meet at least four (4) times per calendar year.
6. The Chair, or in the Chair's absence the Vice Chair, shall lead the meeting, maintain order, and be the final decision maker for all meeting management questions.

C. Authority and Duties of the Historic Preservation Board. The Historic Preservation Board has the powers and duties described in Mesa City Code Title 2, Chapter 22.

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CHAPTER 74 HISTORIC PRESERVATION PROCEDURES

11-74-1: PURPOSE

This Chapter establishes uniform procedures for the designation of a Historic Preservation Overlay and regulations of building(s), structure(s), object(s), or site(s) on the Mesa Historic Property Register and the uniform procedures for the designation and regulation of signs on the Mesa Historic Sign Register. Specifically, this Chapter:

- A.** Recognizes that the form and character of the City of Mesa are reflected in its cultural, historical, and architectural heritage;
- B.** Preserves the unique cultural heritage; encourages and facilitates public knowledge and appreciation of the past; fosters civic and neighborhood pride; and encourages public participation in identifying and preserving historical and architectural resources;
- C.** Enhances property values, protects, and enhances the City's attraction to tourists and visitors, stimulates business and industry, and identifies and resolves possible conflicts between the preservation of cultural and historic resources and alternative land uses;
- D.** Stabilizes neighborhoods through preservation of historic and cultural resources and maintenance of the existing built environment; and
- E.** Preserves the diverse architectural styles, patterns of development, and design preferences that reflect phases of the City's history and encourages complementary contemporary design and construction.

11-74-2: MESA HISTORIC PROPERTY REGISTER

A. Purpose of the Mesa Historic Property Register.

1. The Mesa Historic Property Register is the official record of all Historic Preservation Overlay designations in the corporate limits of the City.
2. The Historic Preservation Officer will maintain the Mesa Historic Property Register and make it available to the public.

B. Supplemental List. The Historic Preservation Officer maintains a supplemental list, available to the public, of building(s), structure(s), object(s), or site(s) determined to be eligible for the Mesa Historic Property Register, but not yet designated.

11-74-3: HISTORIC PRESERVATION OVERLAY

A. Purpose. The purpose of the Historic Preservation Overlay is to recognize and protect Historic Landmarks and Historic Districts.

B. Land Use Regulations.

1. A Historic Preservation Overlay is used in conjunction with an underlying zoning district, thereby permitting the same uses as the underlying base zoning district.
2. Application of a Historic Preservation Overlay is a rezoning and must follow the process and requirements in Section 11-74-3 and Chapter 76 of the Zoning Ordinance.

C. Eligibility Criteria. Any building(s), structure(s), object(s), or site(s) is eligible for a Historic Preservation Overlay if it meets the following eligibility criteria:

1. Any part of the building(s), structure(s), object(s), or site(s) is 50 or more years old; and
2. The building(s), structure(s), object(s), or site(s) substantially meets at least one the following:
 - a. Is valued as a significant reminder of the cultural, historical, architectural, or archaeological heritage of the city, state, or nation.
 - b. Is the location of a significant local, state, or national event.
 - c. Is identified with a person or persons who significantly contributed to the development of the city, state, or nation.
 - d. Is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state, or nation.
 - e. The building(s) is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance.
 - f. Has distinguishing characteristics of an architectural style valuable for the study of a period.
3. **Additional Minimum Area Requirements for a Historic District.** In addition to the eligibility criteria in Section 11-74-3(C), a Historic District must contain either:
 - a. Seven (7) or more properties, lots, or parcels, whether or not separated by a street; or
 - b. At least four (4) or more adjacent lots or parcels with at least 300 feet of consecutive street frontage.

D. Application Process. An applicant requesting a Historic Preservation Overlay for a Historic Landmark or Historic District must submit all the following:

1. An application filed with the Planning Division in accordance with the application procedures in Chapter 67 of the Zoning Ordinance;
2. Payment of the applicable fee;

3. For a Historic District, signatures of a minimum of 50% plus one (1) of the property owners within the boundaries of the proposed Historic Preservation Overlay and who own at least 50% of the property area within the boundaries of the proposed Historic Preservation Overlay;
4. For a Historic Landmark, the signature of the property owner;
5. A Citizen Participation Plan as defined in Section 11-67-3 of the Zoning Ordinance; and
6. Any other information the Historic Preservation Officer may reasonably deem necessary to review the application.

E. Review Process.

1. Following submittal of a complete application with the required fees, a public hearing shall be scheduled before the Historic Preservation Board within 30 days of completing the substantive review.
2. At the public hearing the Historic Preservation Board can either continue the request or, at the conclusion of the public hearing, make a recommendation to City Council. When making a recommendation to City Council, the Historic Preservation Board may include reasonable conditions of approval, to fully carry out the provisions and intent of Section 11-74-3 of the Zoning Ordinance.
3. Following the public hearing by the Historic Preservation Board the request shall be heard at a public hearing before the Planning & Zoning Board and City Council in accordance with Chapter 76 of the Zoning Ordinance.

F. Notice of Public Hearings. Notice of the public hearings requires the following:

1. The same notice of Public Hearing as required by A.R.S. § 9-462.04;
2. Posting the subject property, no less than 15 days prior to the first scheduled hearing; and
3. Providing additional notice by first class mail a minimum of 15 days prior to the first scheduled hearing date to all property owners located within 500-feet of the exterior boundary of the property or properties that is the subject of the application, based on the last assessment.

G. Council Authority to Remove Property from a Proposed Historic Preservation Overlay Designation. The City intends that the Historic Preservation Overlay designation is voluntary and acceptable to the affected owners, therefore:

1. City Council shall not include any building(s), structure(s), object(s), or site(s) within a proposed Historic Preservation Overlay if the owner has objected to the designation in writing or at a public hearing.
2. City Council may remove any building(s), structure(s), object(s), or site(s) from a proposed Historic Preservation Overlay if the property owner has not responded to a request for comment on the proposed designation.

H. Process to Remove a Historic Preservation Overlay. The process to remove a Historic Preservation Overlay is a rezoning that requires an amendment to the Zoning Ordinance that shall follow the process and requirements in Section 11-74-3 of the Zoning Ordinance.

11-74-4: CERTIFICATE OF APPROPRIATENESS

A. Purpose

A Certificate of Appropriateness provides a basis for reviewing plans for work on properties within a Historic Preservation Overlay. The Certificate of Appropriate process ensures consistency with City ordinances, the US Secretary of the Interior’s “Standards for the Treatment of Historic Properties” and the Mesa Historic Preservation Design Guidelines.

B. Certificate of Appropriateness Required.

1. Approval of a Certificate of Appropriateness is required for any alteration, modification, rehabilitation, or

demolition of a building(s), structure(s), object(s), or site(s), or new construction located within a Historic Preservation Overlay including but not limited to: additions, awnings, canopies, carports, garages, decks detached structures, doors, door frames, door screens, driveways, exterior walls, fencing and gates, fire escapes, exterior stairs, exterior elevators, ramps for the disabled, painting of historically unpainted surfaces (e.g., wood, stone, brick, terra cotta, concrete, marble), parapet walls, pools, pool cages, porches, porch posts, balcony railings or decorative detailing, roofs, skylights, siding windows, and window screens. This list is by no means exclusive or comprehensive. The Historic Preservation Officer will determine if a Certificate of Appropriateness is required.

2. A building permit may also be required in accordance with Section 11-74-4(E) and Title 4, Building Regulations of the Mesa City Code.

C. Application Process. An applicant requesting a Certificate of Appropriateness must submit all of the following:

1. An application filed with the Planning Division in accordance with the application procedures in Chapter 67 of the Zoning Ordinance;
2. The application must include the following:
 - a. A project narrative that includes a brief description of the proposed project, listing the intention and any necessary justification for modifications;
 - b. Payment of the applicable fee;
 - c. Photographs of the existing property;
 - d. Drawings, to approximate scale, of the site plan, floor plan(s), and elevation(s) of the proposed work, indicating dimensions and materials;
 - e. If signage is part of the proposed work, drawings, to approximate scale, showing the size, location, materials, type of lettering to be used and color and type of illumination, if any; and
 - f. Any other information that the Historic Preservation Officer may reasonably deem necessary to review the proposed work.

D. Review Process.

- a. Within 10 City business days of the submittal of a complete application with the required fees, the Historic Preservation Officer shall either approve the Certificate of Appropriateness or provide written findings explaining why the Certificate of Appropriateness was not approved.
- b. The decision of the Historic Preservation Officer shall be based upon whether the request complies with the United States Secretary of the Interior's "Standards for the Treatment of Historic Properties" (36 CFR Part 68 under the authority of The National Historic Preservation Act of 1966).
- c. Additional guidelines, proposed by the Historic Preservation Board and approved by the City Council, may also be used by the Historic Preservation Officer in the review of an application, provided the guidelines are not inconsistent with the "Standards for the Treatment of Historic Properties" in 36 CFR Part 68.

E. Ordinary Maintenance and Repairs. A Certificate of Appropriateness is not required for ordinary maintenance or repairs of a building(s), structure(s), object(s), or site(s) within a Historic Preservation Overlay that meets either of the following requirements:

1. Does not change the material or design of, or alter the features that contribute to, the distinctive character and general appearance of the building(s), structure(s), object(s), or site(s); or
2. In-kind replacement of materials or painting historic materials, which are currently painted (i.e., wood, brick, stone, or stucco).

F. Required Maintenance and Repairs – Duty to Maintain.

1. The owner of a designated property shall not permit the property to fall into a state of disrepair so as to

result in the deterioration of any significant exterior feature which would have a detrimental effect on the distinctive character of the property itself or, that of the overall district, if located within a Historic District.

2. The condition of the property at the time of its designation shall be the standard of reference for the evaluation of future deterioration.

G. Building Permits.

1. Prior to issuance of a building permit for the construction, alteration, rehabilitation, or maintenance of a building(s), structure(s), or object(s) within a Historic Preservation Overlay, the Building Official shall first refer such application to the Historic Preservation Officer for review and approval of a Certificate of Appropriateness as specified in Section 11-74-4 of the Zoning Ordinance.
2. No building permit shall be issued without such Certificate and an issued permit must be in conformance with the requirements specified in the Certificate of Appropriateness.
3. If a building, structure, object, or site is damaged and requires emergency repairs a Certificate of Appropriateness shall be issued concurrently with the issuance of the required building permit pursuant to Section 4-1-4 of the Mesa Building Regulations.
4. Effective Dates of a Certificate of Appropriateness.
 - a. The Certificate of Appropriateness shall be effective from the time of issuance by the Historic Preservation Officer or the Historic Preservation Board until the expiration of the building permit obtained for the specified improvements.
 - b. A Certificate of Appropriateness is effective for two years unless there is an active building permit.

H. Demolition Permits.

1. **Approved Historic Preservation Overlay – Historic Landmarks and Historic District.** On properties with an approved Historic Preservation Overlay, a request for demolition shall be granted only if either of the following exists:
 - a. The Building Official, in conjunction with the Historic Preservation Officer and the City Manager, determines that the building(s), structure(s) or object(s) is currently an imminent hazard to the public safety and repairs and/or renovation would be impractical; or
 - b. The Historic Preservation Board determines that both of the following are found:
 - i. The building(s), structure(s) or object(s) is of minimal historic significance because of its location, conditions, modifications, or other factors; and
 - ii. Demolition of the building(s), structure(s) or object(s) would be inconsequential to the preservation of historic properties in the vicinity.
2. **Proposed Historic Preservation Overlay – Historic Landmarks and Historic District.** For a period of 180-days from the date of application for a proposed Historic Preservation Overlay, demolition of building(s), structure(s) or object(s) within the Proposed Historic Preservation Overlay shall not proceed, except in conformance with the following:
 - a. An application for demolition must be submitted to the Historic Preservation Officer.
 - b. The Historic Preservation Officer shall consider the request and either approve or deny the request within 20 city business days.
 - c. If the building(s), structure(s) or object(s) is less than 40-years old and meets one of the following circumstances the Historic Preservation Officer shall approve the demolition:
 - i. The building(s), structure(s) or object(s) is determined not to contain historic or architectural significance; or,

- ii. The building(s), structure(s) or object(s) is determined not to essentially contribute to the historic features of the area.
- d. If the building(s), structure(s) or object(s) is 40-years old or greater and/or the Historic Preservation Officer finds that the conditions in (c) above are not met, the request for demolition shall be considered following the requirements of Subsection (1) above.
- e. If the Historic Preservation Overlay designation is not approved by the City Council within 180-days of the application filing date, the Historic Preservation Officer shall then approve the request for demolition.

2. Actions Subsequent to Denial of a Request for Demolition.

- a. In the event a request for a demolition permit is denied for a building in either an Existing or Proposed Historic Preservation Overlay District, the applicant may appeal the decision as identified in Section 11-74-6. Issuance of a demolition permit by the Building Official will be delayed 180-days from the effective date of the denial.
- b. The Historic Preservation Officer, Historic Preservation Board, and the applicant shall meet to attempt to negotiate and develop an agreement and/or plan to preserve the building(s), structure(s) or object(s).
- c. Any agreement and/or plan may include public and private financial assistance, consideration of alternative land uses and/or zoning districts, expansions, or additions to the building(s), structure(s) or object(s) within its historical context, adaptive reuse of the site, or public or private purchase of the property.
- d. If no plan and/or agreement is achieved, a clearance to issue a demolition permit will be forwarded to the Building Official at the applicant's request any time after the prescribed 180-days are passed.

11-74-5: HISTORIC SIGNS

A. Purpose.

- 1. This Section provides standards and procedures for a sign to be designated as historic and added to the Mesa Historic Sign Register.
- 2. This designation recognizes the historic character of Mesa's older neighborhoods through the preservation of historic signs.

B. Mesa Historic Sign Register.

- 1. The Mesa Historic Sign Register, as may be amended from time to time, is the official record of all Historic Signs.
- 2. The Historic Preservation Officer shall maintain the Mesa Historic Sign Register and make it available to the public.

C. Effect of Designation. When a sign is designated as a Historic Sign and restored to its historic function and appearance as required in Section 11-74-5(H) of the Zoning Ordinance:

- 1. The Historic Sign is exempt from the height and area requirements of Article 5 of the Zoning Ordinance; and
- 2. The Historic Sign is considered legal, conforming and the property on which the Historic Sign is located may redevelop without having to bring the Historic Sign into conformance with Article 5 of the Zoning Ordinance; and
- 3. The amount of sign area contained in the Historic Sign does not count toward the sign area or height allowed on the property on which the Historic Sign is located.

D. Eligibility Criteria for Designation. A sign is eligible for designation as historic if it meets the following criteria:

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1. The sign has continuously existed, at its present location, for not less than fifty (50) years;
 2. The appearance of the sign has remained substantially the same during its existence at its present location; and
 3. It meets one of the following:
 - a. The sign is of exemplary technology, craftsmanship, and design for the period in which it was constructed;
 - b. The sign uses historic sign materials from the time period of the sign construction, and has retained those materials;
 - c. The sign uses some form of exposed neon lighting, electrified glass tubes, bulbs that contain rarefied neon, or another means of illumination for the time period in which the sign was constructed; or
 - d. The sign is unique in that it demonstrates extraordinary aesthetic quality, creativity, or innovation.
- E. Application Process.** An applicant requesting a sign be designated historic must submit all the following:
1. An application filed with the Planning Division in accordance with the application procedures in Chapter 67 of the Zoning Ordinance. Only the sign owner may initiate a request for designation.
 2. In addition to the requirements in Chapter 67 of the Zoning Ordinance, the applicant must submit the following:
 - a. A project narrative that includes:
 - i. The original construction date and location of the sign;
 - ii. Statements and evidence of the height, size, location, materials, and design of the sign, such as photographs, original drawings, approved permits, site plans, or other materials; and
 - iii. Any other information the Historic Preservation Officer may reasonably deem necessary to determine the sign meets the eligibility requirements in Section 11-74-5(D) of the Zoning Ordinance.
 - b. A restoration and maintenance plan demonstrating:
 - i. The sign is in operational order, or if the sign is not in operational order, the steps and time frame necessary to make the sign operational within 180 days of submittal of the application, including a list of any parts and materials that need to be replaced;
 - ii. The sign is structurally sound, or if the sign is not structurally sound, outline the steps and the time frame necessary to make the sign structurally sound, including an explanation of the process that will be used to ensure the sign maintains its historic character; and
 - iii. Historic materials are available to continue maintenance of the sign and supporting structure in its historic character.
- F. Review Process.**
1. Following submittal of a complete application with the required fees, a public hearing shall be scheduled before the Historic Preservation Board within 30 days of the completion of the substantive review of the application.
 2. The Historic Preservation Board may approve a sign as historic if the sign satisfies the criteria in Section 11-74-5(D) of the Zoning Ordinance.
 3. The Historic Preservation Board may impose reasonable conditions to satisfy the criteria, including a statement of the character defining elements that must be maintained.
- G. Notice of Public Hearings.** Notice of the public hearing before the Historic Preservation Board includes the

following:

1. The same notice of public hearing as required by A.R.S. § 9-462.04; and
2. Posting the subject property, no less than 15 days prior to the first scheduled hearing; and
3. Providing additional notice by first class mail a minimum of 15 days prior to the first scheduled hearing date to all owners of property located within 500-feet of the exterior boundary of the property that is the subject of the application, based on the last County assessment.

H. Restoration.

1. A Historic Sign is subject to the sign being operational and restored to its historic function and appearance consistent with any conditions imposed by the Historic Preservation Board.
2. If a sign is not restored consistent with the conditions imposed by the Historic Preservation Board or if the sign is not operational within 180 days of the Historic Preservation Board approval, the Historic Sign designation is automatically revoked.
3. The owner of the Historic Sign can appeal the automatic revocation to the Historic Preservation Board as provided in Chapter 77 of the Zoning Ordinance.

I. Maintenance and Repair.

1. The owner of a Historic Sign is responsible for maintaining the Historic Sign. The maintenance cannot change the material or design of the Historic Sign or alter the Historic Sign's character defining elements as per the Historic Preservation Board approval.
2. If a Historic Sign is damaged or partially destroyed, the owner of the Historic Sign must either remove, restore, or rebuild the Historic Sign consistent with the character defining elements of the Historic Preservation Board's approval.

J. Modifications. The Historic Preservation Officer may approve modifications to a Historic Sign that are consistent with the original findings and conditions imposed by the Historic Preservation Board as described in Section 11-74-5(F)(3) of the Zoning Ordinance.

K. Revocation of Historic Sign Designation.

1. The Historic Preservation Officer may revoke a Historic Sign designation for the following reasons:
 - a. The Historic Sign is not maintained or repaired according to Section 11-74-5(I) or Section 11-74-5(J) of the Zoning Ordinance; or
 - b. The Historic Sign is modified or repaired inconsistent with the Historic Preservation Board's findings, conditions imposed by the Historic Preservation Board, or both; or
 - c. The property owner submits a written request that includes a summary of the reasons for the revocation request including a summary of why the sign no longer meets the Historic Sign criteria outlined in Section 11-74-5(D) of the Zoning Ordinance. A sign owner may appeal the Historic Preservation Officer's decision for revocation of the Historic Sign designation to the Historic Preservation Board, as provided in Chapter 77 of the Zoning Ordinance.

L. Demolition of a Historic Sign.

1. Prior to applying for a permit to demolish the Historic Sign, the Historic Sign designation must be revoked per Section 11-74-5(L) of the Zoning Ordinance.
2. An applicant requesting approval to demolish a sign must submit the following:
 - a. An application filed with the Planning Division in accordance with the application procedures in Chapter 67 of the Zoning Ordinance; The consent of the sign owner; and
 - b. Summary of the reasons to demolish the Historic Sign.

11-74-6: APPEALS

- A. **Appeals from the Historic Preservation Officer.** Decisions made by the Historic Preservation Officer may be appealed to the Historic Preservation Board subject to Chapter 77 of the Zoning Ordinance.
- B. **Appeals from the Historic Preservation Board.** Decisions made by the Historic Preservation Board under this Chapter may be appealed to City Council subject to the appeal provisions of Chapter 77 of the Zoning Ordinance.

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Article 8 – Land Use Classifications and Definitions

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Chapter 87 – Definitions

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Historic District: Building(s), structure(s), object(s), or site(s) which contain a concentration, linkage, or continuity of cultural resources which contribute to each other and are unified aesthetically by a plan or physical development.

Historic Landmark: Any building(s), structure(s), object(s), or site(s) that is an exceptional example of the historical, archaeological, cultural, architectural, community, aesthetic, or artistic heritage of the City.

Historic Preservation Overlay: A zoning designation that is used in conjunction with an underlying zoning district and includes regulations for a Historic Landmark or Historic District to preserve the historical significance of building(s), structure(s), object(s), or site(s). For the purposes of the Zoning Ordinance, Historic Preservation Overlay means a Historic Preservation Overlay that has been approved by City Council unless specified as a proposed Historic Preservation Overlay.

Historic Sign: A sign that meets the criteria for establishment outlined in Section 11-74-5(D) of the Zoning Ordinance and has been approved by the Historic Preservation Board.

Historic Preservation Officer: The City Staff, as designated by the City Manager or their designee, that administers the Historic Preservation program, provides support to the Historic Preservation Board, manages the Historic Landmark and Historic District designations and the Certificate of Appropriateness process.