ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE, MESA CITY CODE TITLE 11, CHAPTERS 23, 44, 66, 74, AND 87 PERTAINING TO HISTORIC PRESERVATION OVERLAYS, HISTORIC SIGNS, THE HISTORIC PRESERVATION BOARD, AND HISTORIC DISTRICT AND HISTORIC LANDMARK PROCEDURES. THE AMENDMENTS INCLUDE, BUT ARE NOT LIMITED TO: REPEALING IN ITS ENTIRETY CHAPTER 23: HISTORIC AND LANDMARK OVERLAY DISTRICTS AND REPLACING IT WITH A NEW "CHAPTER 23: HISTORIC PRESERVATION OVERLAY"; REPEALING IN ITS ENTIRETY CHAPTER 44: HISTORIC SIGNS AND REPLACING IT WITH A NEW "CHAPTER 44: HISTORIC SIGNS"; REPEALING IN ITS ENTIRETY CHAPTER 74: HISTORIC DISTRICT AND HISTORIC LANDMARK PROCEDURES AND REPLACING IT WITH A NEW "CHAPTER 74: HISTORIC PRESERVATION PROCEDURES"; MODIFYING SECTION 11-66-4 PERTAINING TO THE HISTORIC PRESERVATION BOARD; MODIFYING CHAPTER 87 BY ADDING DEFINITIONS FOR CERTIFICATE OF APPROPRIATENESS, HISTORIC DISTRICT, HISTORIC LANDMARK, HISTORIC PRESERVATION OVERLAY, HISTORIC RESOURCE, HISTORICALLY DESIGNATED SIGN, AND STATE OF DISREPAIR; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, it has become apparent it is in the best interest of the City to update Title 11 Chapters 23, 44, 66, 74, and 87 pertaining to the Historic Preservation Board, historic preservation overlay districts, historic signs, and historic preservation procedures and requirements.

WHEREAS, in accordance with A.R.S. 9-462.01 the City Council has considered a housing impact statement of the probable impact this Ordinance may have on the average cost of constructing housing in the zoning districts impacted by this Ordinance.

WHEREAS, on _____, 2026 the Historic Preservation Board recommended that the City Council ___ the proposed amendments.

WHEREAS, on _____, 2026 the Planning and Zoning Board recommended that the City Council ___ the proposed amendments.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA:

Section 1: REPEAL; ADOPTION BY REFERENCE.

A. Repeal. Mesa City Code Title 11, Article 7, Chapter 74 titled "Historic District and Historic Landmark Procedures" is hereby repealed in its entirety.

B. Adoption by Reference. That certain document titled "Chapter 74: Historic Preservation Procedures" that was made a public record on _____, by Resolution No. _____, of the City of Mesa, Maricopa County, Arizona, three copies of which are on file and available for public

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use and inspection with the City Clerk, is hereby adopted by reference and made a part hereof as if fully set forth in this Ordinance, and its provisions are hereby declared inserted into Mesa City Code Title 11, Article 7, Chapter 74 and titled "Historic Preservation Procedures" to replace and supersede the prior Mesa City Code Title 11, Article 7, Chapter 74 titled "Historic District and Historic Landmark Procedures."

Section 2: Mesa City Code Title 11, Article 3, Chapter 23, titled "Historic and Landmark Overlay Districts" is hereby repealed in its entirety and replaced with a new Mesa City Code Title 11, Article 3, Chapter 23, titled "Historic Preservation Overlay" as follows:

**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.

Section 3: Mesa City Code Title 11, Article 5, Chapter 44, titled "Historic Signs" is hereby repealed in its entirety and replaced with a new Mesa City Code Title 11, Article 5, Chapter 44, titled "Historic Signs" as follows:

**CHAPTER 44 – HISTORIC SIGNS**

**11-44-1: - HISTORIC SIGNS**

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

Text written in **BOLD ALL CAPS** indicates additional or new language.
Text written in ~~strikethrough~~ indicates deletions.

Section 4: Mesa City Code Title 11, Chapter 66, Section 4, titled "Historic Preservation Board" is hereby amended as follows:

**11-66-4: - HISTORIC PRESERVATION BOARD**

A. **Establishment and Organization of the Historic Preservation Board**. ~~Historic Preservation Board is established and organized as established in Title 2 - Boards and Commissions, in the Mesa City Code. The duties of the Historic Preservation Board shall be in conformance with those established in Title 2 - Boards and Commissions, in the Mesa City Code.~~

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.**

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B. **Meetings.**

1. Meetings of the **HISTORIC PRESERVATION** Board are open to the public and the minutes of its proceedings are kept ~~and filed~~ in the ~~office of the~~ Historic Preservation ~~Officer~~ **OFFICE** ~~as a public record. The Secretary of the Board is the Historic Preservation Officer or his/her designee~~.

2. ~~At least 4 members of the Board shall be present to conduct a meeting. No matter shall be considered unless there are at least 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 shall be required to pass a motion.~~ **THE SECRETARY OF THE HISTORIC PRESERVATION BOARD IS THE HISTORIC PRESERVATION OFFICER OR THEIR DESIGNEE.**

3. ~~The Board shall meet at least 4 times per calendar year.~~ **AT LEAST FOUR (4) MEMBERS OF THE HISTORIC PRESERVATION BOARD SHALL BE PRESENT TO CONDUCT A MEETING.**

4. ~~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.~~**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 ~~shall have~~ **HAS** the powers and duties described in **MESA CITY CODE** Title 2**,** ~~, Boards and Commissions, in the Mesa City Code~~ **CHAPTER 22**.

~~1. Hear and/or make recommendations on other matters as directed by the City Council.~~

~~2. The Board may adopt rules for the conduct of its business.~~

Section 5: Mesa City Code Title 11, Chapter 87 titled "Definitions", is hereby amended to add a new category of definitions titled "Historic Preservation Related Definitions," categories are listed alphabetically within Chapter 87, and to add the following new definitions to be listed alphabetically under "Historic Preservation Related Definitions". All other definitions in Chapter 87 remain the same.

. . .

**HISTORIC PRESERVATION RELATED DEFINITIONS:**

**CERTIFICATE OF APPROPRIATENESS: AN OFFICIAL DOCUMENT ISSUED BY THE CITY OF MESA CONFIRMING THAT PROPOSED WORK ON A HISTORIC RESOURCE IS COMPATIBLE WITH THE HISTORIC CHARACTER OF THE HISTORIC PRESERVATION OVERLAY OR HISTORICALLY DESIGNATED SIGN. THE CERTIFICATE AUTHORIZES THE SPECIFIED WORK TO PROCEED AND PERMITS**

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**THE ISSUANCE OF ANY REQUIRED CONSTRUCTION PERMIT(S) RELATED TO THE APPROVED SCOPE OF WORK.**

**HISTORIC DISTRICT: A COLLECTION OF HISTORIC RESOURCES WHICH POSSESS A SIGNIFICANT CONCENTRATION, LINKAGE, CONTINUITY OR ARE UNITED HISTORICALLY OR AESTHETICALLY BY A PLAN OR PHYSICAL DEVELOPMENT AND IS DESIGNATED WITH A HISTORIC PRESERVATION OVERLAY.**

**HISTORIC LANDMARK: ANY HISTORIC RESOURCE THAT IS AN EXCEPTIONAL EXAMPLE OF THE HISTORICAL, ARCHAEOLOGICAL, CULTURAL, ARCHITECTURAL, COMMUNITY, AESTHETIC, OR ARTISTIC HERITAGE OF THE CITY AND IS DESIGNATED WITH A HISTORIC PRESERVATION OVERLAY.**

**HISTORIC PRESERVATION OVERLAY: A ZONING DESIGNATION THAT IS USED IN CONJUNCTION WITH AN UNDERLYING BASE ZONING DISTRICT AND INCLUDES REGULATIONS FOR A HISTORIC LANDMARK OR HISTORIC DISTRICT TO PRESERVE THE HISTORICAL SIGNIFICANCE OF HISTORIC RESOURCES.**

**HISTORIC RESOURCE: COLLECTIVELY, THE BUILDING(S), STRUCTURE(S), OBJECT(S), SITE(S), ARCHAEOLOGICAL RESOURCE(S), AND DISTRICT(S), THAT TOGETHER, RETAIN HISTORICAL, ARCHITECTURAL, ARCHAEOLOGICAL, OR CULTURAL SIGNIFICANCE WITHIN THE CORPORATE LIMITS OF THE CITY.**

**HISTORICALLY DESIGNATED 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.**

**STATE OF DISREPAIR: THE DETERIORATION OF ANY SIGNIFICANT EXTERIOR FEATURE ON A HISTORIC RESOURCE IN A HISTORIC PRESERVATION OVERLAY WHICH WOULD HAVE A DETRIMENTAL EFFECT ON THE DISTINCTIVE CHARACTER OF THE HISTORIC RESOURCE ITSELF OR, THAT OF THE DISTRICT.**

. . .

Section 6: RECITALS. The recitals above are fully incorporated in this Ordinance by reference, and each recital represents a finding of fact and determination made by the City Council.

Section 7: AMENDED LANGUAGE. In the sections of this Ordinance that modify the current language of the Mesa City Code (i.e., Section 4, and Section 5), new language is shown in **BOLD ALL CAPS** and deleted language is shown in ~~strikethrough~~.

Section 8: PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section 9: EFFECTIVE DATE. The effective date of this Ordinance is thirty (30) days after the adoption of this Ordinance.

Section 10: SEVERABILITY. If any term, provision, section, subsection, sentence, clause, phrase or portion of this Ordinance, or any part of the material adopted herein by reference is for any reason held to be invalid, unenforceable, or unconstitutional by the decision of a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

Section 11: PENALTY.

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CIVIL PENALTIES:

A. Any owner, occupant or responsible party who is found responsible for a civil violation of this Ordinance, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than $150 or more than $1,500, per citation. A second finding of responsibility within 24 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than $250 or more than $2,500. A third finding of responsibility within 36 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than $500 or more than $2,500. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of Fees and Charges and may be ordered to pay any other applicable fees and charges.

B. The 36-month provision of subsection (A) of this Section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within 36 months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.

C. Each day in which a violation of this Ordinance continues, or the failure to perform any act or duty required by this Ordinance or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

HABITUAL OFFENDER:

A. A person who commits a violation of this Ordinance after previously having been found responsible for committing 3 or more civil violations of this Ordinance within a 24-month period — whether by admission, by payment of the fine, by default, or by judgment after hearing — shall be guilty of a class 1 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a criminal class 1 complaint in the Mesa City Court against habitual offenders. For purposes of calculating the 24-month period under this paragraph, the dates of the commission of the offenses are the determining factor.

B. Upon conviction of a violation of this Subsection, the Court may impose a sentence or incarceration not to exceed 6 months in jail; or a fine not to exceed $2,500, exclusive of penalty assessments prescribed by law; or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than $500 for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by Subsection except on the condition that the person pay the mandatory minimum fines as provided in this Subsection.

C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

Section 12: RESOLUTION AND EXHIBIT ON FILE. Resolution No. _____ adopted on _____ and the attached exhibit titled "Chapter 74: Historic Preservation Procedures" are on file and available for public use and inspection at the Office of the City Clerk, 20. E. Main Street, Suite 150, Mesa, Arizona.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this _____ day of _____ 2026.

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Mark Freeman, Mayor

ATTEST:

Holly Moseley, City Clerk

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