

MESA ZONING ORDINANCE

CHAPTER 74 - HISTORIC DISTRICT AND HISTORIC LANDMARK PROCEDURES^[6]

11-74-1: - PURPOSE

This Chapter establishes uniform procedures for the designation and regulation of Historic Landmarks and historic preservation overlay districts in order to preserve and maintain such landmarks and districts, consistent with the General Plan and State Law.

11-74-2: - DESIGNATION OF HISTORIC PRESERVATION DISTRICTS AND HISTORIC LANDMARKS

Upon compliance with the minimum criteria established in Section 11-23-4, Criteria for Historic Districts (HD) and Landmarks (HL), for the establishment of an HD or HL Overlay District, an application for such overlay may be made following the requirements for a zoning amendment as set forth in Chapter 76, Amendments to Zoning Map.

- A. **Eligible Applications.** In addition to the requirements of Chapter 76 and the payment of the fee as specified in the fee schedule adopted by the City Council, the application must include the following items:
 - 1. An application for the HD Overlay District must include a petition with signatures of a minimum of 50% plus one (1) of the number of owners within the boundaries of the proposed Historic District, and who also control at least 50% of the property area to be included in the Historic District.
 - 2. An application for the HL Overlay District must include either:
 - a. A petition with signatures of a minimum of 50% plus one of the owners within the boundaries of the Historic Landmark, and who also control 50% of the property area to be included in the proposed Historic Landmark; or,
 - b. A petition of at least 50 qualified electors residing within the City of Mesa.
- B. **Review of Application.** When an application is deemed complete, the Historic Preservation Officer (HPO) shall proceed with the review process specified in this Ordinance. A hearing shall be scheduled before the Historic Preservation Board (HPB) within 30 days of the application being deemed complete. Following review and recommendation by the Historic Preservation Board the application shall be reviewed by the Planning & Zoning Board at their next available meeting. Following review and recommendation by the Planning & Zoning Board the application will be presented to the City Council at its next available meeting.
- C. **Posted Notice.** Notice of the public meeting of the Historic Preservation Board shall be posted on the property in question at least 15 days in advance of the said meeting. A notice of the time and place and purpose of the meeting shall be published at least one (1) time in the local newspaper of the City, not less than 15 days prior to the hearing. It shall not be the responsibility of the City to maintain the posting once erected.
- D. **Minutes.** Minutes of the meeting will be kept and findings of the Historic Preservation Board forwarded to the Planning & Zoning Board. Copies of the minutes will be kept with the permanent record of the application.
- E. **Council Authority to Remove Property from a Proposed Designation.** The City Council shall not include any property within a proposed Historic District or a proposed Historic Landmark when the owner has objected in writing or at a public hearing to such a designation, and may remove any property from a proposed designation if the owner of record has not responded to a request for comments on the proposed rezoning and designation as a Historic District or Historic Landmark. The City intends that these designations be voluntary and acceptable to affected property owners.

- F. **Procedure to Remove Property from Adopted District.** The procedure to remove the Historic Preservation Zoning District or Historic Landmark Zoning District designation shall be the same procedure specified by this Ordinance to establish a Historic District or Historic Landmark overlay.

11-74-3: - CERTIFICATES OF APPROPRIATENESS

- A. **Certificate of Appropriateness Required.** Activities, such as, but not limited to, changes to or installation of items listed below to be performed on or in connection with any building, structure, site, included in an HD or HL Overlay District shall require a Certificate of Appropriateness.

1. Additions
2. Awnings or canopies
3. Carports; garages
4. Decks
5. Doors, door frames
6. Driveways
7. Exterior walls; fencing
8. Fire escapes, exterior stairs, exterior elevators, and ramps for the handicapped
9. Painting of historically unpainted surfaces including wood, stone, brick, terra cotta, concrete and marble
10. Parapet walls
11. Pool & Pool Cages
12. Porch and balcony railings or decorative detailing
13. Roofs; skylights
14. Screen windows and doors; windows and window frames
15. Siding
16. Signs

- B. **Submittal Requirements for a Certificate of Appropriateness.** Alteration, new construction, and rehabilitation, to an existing structure involving items listed in Subsection A of Section 11-74-3 on a site located within a proposed or approved HD or HL Overlay District shall require submittal to the Historic Preservation Officer (HPO) of the following items:

1. An application, on such form(s) and accompanied by such fee(s) as may be adopted. Applications may be obtained in the Office of Historic Preservation.
2. Photographs of the existing property;
3. Drawings, to approximate scale, of the site plan, floor plan(s) and elevations of the proposed work, indicating materials and color scheme;
4. If signage is part of the proposed work, drawings, to approximate scale, showing size and location of proposed signage, type of lettering to be used, and indication of color and type of illumination, if any; and
5. Any other information that the HPO may reasonably deem necessary to review the proposed work.

- C. **Review Procedures.** The following procedures will be used for review of applications for Certificate of Appropriateness:

1. Within 10 City Business days of receiving the application for a Certificate of Appropriateness, the Historic Preservation Officer shall determine whether approval may be given for a building

or a demolition permit, or shall provide written findings as to why the clearance was not approved. The decision of the Historic Preservation Officer shall be based upon compliance of the request with the United States Secretary of the Interior's "Standards for Rehabilitation" appearing 36 CFR Part 68. Additional guidelines, as proposed by the Historic Preservation Board and approved by the City Council, may also be used by the Historic Preservation Officer, provided the guidelines are not inconsistent with the Secretary's Standards.

2. 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. A Certificate of Appropriateness is effective for 2 years unless there is an active building permit.

D. Ordinary Maintenance and Repair.

1. Ordinary maintenance and repair of any exterior architectural feature of a designated Historic Landmark or a site within a HD or HL overlay zone shall be permitted, provided the maintenance does not change the material, design, or alter the features that contribute to the distinctive character and general appearance of the landmark or site.
2. A Certificate of Appropriateness shall not be required for ordinary maintenance and repair, in-kind replacement of materials or painting historic materials, which are currently painted (i.e. wood, brick, stone or stucco).

11-74-4: - DEMOLITION PERMITS

- A. Proposed Districts or Landmarks.** For a period of 6 months from the date of application for a proposed HD or HL designation, demolition of structures and sites within an area shall not proceed except in conformance with the following:

1. An application for demolition must be submitted to the HPO.
2. The HPO shall consider the request and either approve or deny the request within 20 city business days.
3. If the building or structure is less than 40 years old and meets one (1) of the following circumstances the HPO shall approve the demolition:
 - a. The building or structure is determined not to contain historic or architectural significance; or,
 - b. The building or structure is determined not to essentially contribute to the historic features of the area.
4. If the building or structure is 40 years old or greater and/or the HPO finds that the conditions of #3 above are not met, the request for demolition shall be considered following the requirements of Subsection (B) below.
5. If the HD or HL overlay district is not approved by the City Council within 6 months of the application filing date, the HPO shall then approve the request for demolition.

- B. Approved Districts or Landmarks.** On properties with an approved HD or HL overlay district, a request for demolition shall be granted only if either of the following exists:

1. The Building Official, in conjunction with the HPO and the City Manager, determines that the building or structure is currently an imminent hazard to the public safety and repairs and/or renovation would be impractical; or,
2. The HPB determines that both of the following are found:
 - a. The building or structure is of minimal historic significance because of its location, conditions, modifications, or other factors; and,
 - b. Demolition of the building or structure would be inconsequential to the preservation of historic properties in the vicinity.

- C. **Actions Subsequent to Denial of a Request for Demolition.** In the event a request for a demolition permit is denied for either a proposed or an existing district, issuance of a demolition permit by the Building Official will be delayed 180 from the effective date of the denial by the HPO. During the 180 day period the applicant may appeal the decision of the HPO to the HPB. In addition, the HPO, the HPB, and the applicant shall meet to attempt to negotiate and develop an agreement and/or plan to preserve the building or structure. The 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 or structure within its historical context, adaptive reuse of the site, or public or private purchase of the property. 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.