

ORDINANCE NUMBER 566

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 2.108, HISTORIC PRESERVATION COMMISSION, TO TITLE 2, ADMINISTRATION AND PERSONNEL.

WHEREAS, the City Council desires to create a Historic Preservation Commission for the City of Cottonwood for the identification, evaluation, protection, preservation, and enhancement of historic properties that have significance for the City of Cottonwood.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That a new Chapter 2.108, Historic Preservation Commission, is hereby added to Title 2, Administration and Personnel, of the Municipal Code as follows:

Chapter 2.108

HISTORIC PRESERVATION COMMISSION

Sections:

- 2.108.010 Creation.
- 2.108.030 Powers and duties.
- 2.108.040 Membership.
- 2.108.050 Officers.
- 2.108.060 Meetings.
- 2.108.070 Advisory Committees.

2.108.010 Creation.

There is hereby created a Historic Preservation Commission for the identification, evaluation, protection, preservation, and enhancement of historic properties that have significance for the City of Cottonwood.

2.108.030 Powers and duties.

The City of Cottonwood Historic Preservation Commission shall make recommendations to the city council and have the authority to implement recommendations adopted by the city council. The Historic Preservation Commission shall exercise the following powers and duties:

The responsibility of the commission is to promote the purposes and objectives of the article and shall include, but not be limited to the following:

- A. Initially create, for approval by the city council, and maintain, and periodically update as needed, a plan for historic preservation of historic properties within the City of Cottonwood.
- B. Maintain review criteria contained in the historic preservation plan 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 with approval of the city council.
- 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 historic sites, historic structures or historic landmarks, explain to the owners thereof the potential effects of such designation, as known to the commission at that time, and make recommendations to designate, conditionally designate, or deny designation based on criteria and facts as stated.
- E. Review property nominations for designation as a historic district, explain to the owners of all such properties therein the potential effects of designation, as known to the commission at that time; and make recommendations to the planning and zoning commission and city council regarding any proposed rezoning within a historic district.
- 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 and periodically review and update the local Historic Resources Inventory 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 or no longer meet the criteria for inclusion.
- I. Conduct detailed studies and surveys of properties and areas and assess their potential for designation as historic properties or historic districts.

- J. Determine and cause to be created a system of markers for designated properties.
- K. Recognize the owners of designated properties. Issue commendations or other forms of recognition to owners of historical properties who have rehabilitated their property in an exemplary manner.
- L. 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.
- M. Make recommendations to the city council regarding the use of federal, state, city or private funds to promote historic preservation.
- N. Make recommendations to 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
- O. 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.
- P. Increase public awareness of the values of historic, cultural, archaeological and architectural preservation, by developing and participating in public education programs.
- Q. 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.
- R. Work with and assist departments of the city in matters affecting historic preservation.
- S. Assist property owners, upon request, by providing advice, recommendations or direction on matters regarding the restoration, rehabilitation, alteration, decoration, landscaping, or maintenance of any historic property.
- T. Encourage and assist property owners of historic properties on procedures for inclusion on state historic listings and the National Register of Historic Places. At the request of property owners, the commission may provide recommendations to appropriate state and federal agencies in support of applications for historic designation on specific properties.
- U. Carry out such other duties as may be determined by the city council, and present other such recommendations as may be deemed pertinent.

2.108.040 Membership.

A. The commission shall consist of seven members, five of whom shall be residents of the city, and two of whom 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 factors deemed relevant by the city council.

B. Prospective members should have demonstrated significant interest in and commitment to the field of historic preservation, evidenced either by involvement in a historic preservation organization, employment or volunteer activity in the field of historic preservation, professional experience in real estate or construction activities related to historic preservation, educational background in a related field, or other serious interest in the field. To the extent possible, it is desirable that at least two members have professional experience in the field of architecture, planning, history, archaeology, or construction.

C. The members of the commission shall serve for three years, except as provided in this chapter. The members of the first commission shall serve for the following terms: two members shall be appointed for a term of one year, two members shall be appointed for a term of two years, and three members shall be appointed for a term of three years. In the event of a death, resignation, or removal from the commission, the vacancy shall be filled by the council for the unexpired term.

D. A member absent from four consecutive regular meetings or a cumulative total of five regular or special meetings within a calendar year shall constitute the constructive resignation of that member, and said vacancy shall be filled by the city council, with the option that said member may apply in writing to the city council for consideration of reinstatement. The Council may remove any member of the commission by a majority vote of the council, or as otherwise provided by this Code.

E. All members shall serve without pay. However, members of the commission may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the commission and approval of such expenditures by the city council.

2.108.050 Officers.

The commission shall elect a chairman and vice-chairman from among its members, who shall serve for one year and until their successors are elected and qualified. The chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The vice-chairman shall perform the duties of the chairman in the latter's absence. Vacancies created by any cause shall be filled for the unexpired term by a new election.

2.108.060 Meetings.

The commission shall hold meetings open to the public with notification of the time and place posted in accordance with applicable state statutes at least on a quarterly basis or as needed.

A. The commission shall make rules and regulations to govern its proceedings and to provide for its meetings. All meetings of the commission shall be open to the public. The minutes and records of all commission proceedings shall be kept and filed as public record in accordance with applicable state statutes.

B. A quorum shall consist of at least four members present. Passage of all motions shall require a simple majority of the members present.

2.108.070 Advisory Committees.

Advisory committees may be created 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 one 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. Such advisory committees shall be subject to applicable state statutes regarding conduct of meetings, records keeping and public notification.

Section 2. That if any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 3RD DAY OF AUGUST 2010.

Diane Joens, Mayor

ATTEST:

Marianne Jiménez, City Clerk

APPROVED AS TO FORM:

Steven B. Horton, Esq.
City Attorney