

## SECTION 310. HISTORIC PRESERVATION ORDINANCE

### A. PURPOSE

The purpose of this Section is to further the preservation, protection, enhancement, rehabilitation and perpetuation of historic properties, structures, sites, landmarks, and historic districts, as necessary to promote the economic, cultural, educational, and aesthetic values of the community and the health, safety and general welfare of the public. In addition, the Historic Preservation Ordinance shall have the following purposes:

1. Protect and enhance the landmarks and historic districts which represent distinctive elements of Cottonwood's historic, architectural, economic, social and cultural heritage.
2. Protect and enhance Cottonwood's attractiveness to visitors, tourists, and residents and serve as an important support and stimulus to business and industry.
3. Stabilize and/or improve property values, and protect existing investment involving the restoration and preservation of historic resources.
4. Encourage maintenance and preservation of structures so as to protect the health, safety and lives of people in Cottonwood.
5. Promote the use of historic design review districts and landmarks for the education, pleasure, and welfare of the residents of Cottonwood.
6. Further the Goals and Policies of the City's General Plan.

### B. DEFINITIONS

Unless specifically defined below or elsewhere in the Zoning Ordinance, words or phrases in this Section shall be interpreted so as to give them the same meaning they have in common usage and so as to give this ordinance its most reasonable application.

**ALTERATION** - Any act or process that changes one or more of the existing features of a structure, including, but not limited to exterior changes or modifications of a structure or any of its architectural details or visual characteristics, including paint color and surface texture, facade materials, surface paving, landscape features, and placement or removal of signs, plaques, light fixtures, walls, fences, and street furniture.

**CERTIFICATE OF APPROPRIATENESS** - A certificate issued by the Historic Preservation Commission indicating its approval of plans for alteration, restoration, reconstruction, demolition or removal, of a historic landmark; or for alteration, new construction, removal, or demolition of non-historic structures within a historic district.

**COMMISSION** - Refers to City of Cottonwood Historic Preservation Commission.

**CONSTRUCTION** - The act of building an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

**CONTRIBUTING PROPERTY** - A classification applied to a building site, structure or object within a historic district or landmark property signifying that it contributes to the defining characteristics of the historic district or landmark.

**DEMOLITION** - Any act or process that destroys and removes a structure in part or in whole.

**HISTORIC DISTRICT** - A designated area that contains at least one or more landmarks within definable geographic boundaries, where a majority of structures are indicated as significant, and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance or age to be designated as landmarks, nevertheless contribute to the overall quality and character of the district. The historic district shall be officially recognized as such by state and federal agencies.

**HISTORIC PRESERVATION DISTRICT** – A special overlay zoning district designated by ordinance of the City Council that includes regulations pertaining to historic preservation which modify the regulations of the underlying zoning district. May be applied to an individual property or a group of properties where a majority of properties are indicated as historically significant.

**HISTORIC SITE, HISTORIC STRUCTURE, OR HISTORIC PROPERTY** - A site, structure or property which has historic and/or architectural significance, and is at least fifty (50) years old from the date of construction; and which contributes to the historic, architectural, cultural, archaeological or other significant value as part of the heritage or history of the City, the State of Arizona, or the nation.

**INTEGRITY** - A measure of the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period in comparison with its unaltered state.

**LANDMARK** - A designation, as a result of processes provided in this Section, applied by the Commission to an individual property, structure, site or object, or group of properties, which has a historic value or expresses a distinctive character worthy of preservation.

**MANAGER** - Refers to the City of Cottonwood Community Development Manager.

**MINOR ACTIVITY** – Any change, modification, restoration, rehabilitation, or renovation of the features of a historic resource that does not materially change the historic characteristics of the property and is consistent with the criteria for the historic preservation district or landmark.

**NATIONAL REGISTER OF HISTORIC PLACES** - A listing of buildings, sites, and objects designated for historical, architectural or other special significance, as determined by established criteria, and which listing is maintained by the National Park Service under the National Historic Preservation Act of 1966, as amended. The program is administered by the State Historic Preservation Office at the state level.

**NON-CONTRIBUTING PROPERTY** - A classification applied to a property, site, structure or object within a historic district or as associated with a historic landmark property signifying that it does not contribute to the defining characteristics of the historic district or landmark property.

**OBJECT** – A material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. This term may include landscape features.

**PRESERVATION** - The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, 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 building materials.

**RECONSTRUCTION** - The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

**REMOVAL** - Any relocation of a structure or portion of a structure on its site or to another site.

**REPAIR** - Any restoration of a structure by replacing or fixing broken or deteriorated elements, which is not considered to be construction, removal or alteration.

**REHABILITATION** - The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

**RESTORATION** - 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 means of the removal of later work or by the replacement of missing earlier work.

**SITE** - The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure. A site may encompass more than one lot or parcel.

**STABILIZATION** - The act or process of applying measures designed to re-establish a weather resistant enclosure and the structural stability of unsafe or deteriorated property while maintaining the essential form as it exists at present.

**STRUCTURE** - Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but not limited to, buildings, fences, walls, signs, bridges, utility facilities, communication towers, and recreational facilities.

## C. HISTORIC PRESERVATION WAIVER.

For properties proposed for inclusion within a Historic Preservation Overlay Zoning District or designated as a Historic Landmark by the City of Cottonwood, the following procedures shall be available for affected property owners. Such procedures shall be available for affected property owners for up to three (3) years from the date of adoption of an ordinance for Historic Preservation Overlay Zoning or designation of Historic Landmarks.

1. Council Authority to Remove Property from a Proposed Designation. The City Council shall not include any property within a proposed Historic Preservation Overlay Zoning 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.
2. Procedure to Remove Property from District or Landmark Designation. An application for removal from a Historic Preservation Overlay District or Historic Landmark designation shall be submitted by the owner or agent of the subject property and involves the following steps:
  - a. Preliminary consultation. Prior to the submittal of an application for a landmark designation, the applicant should consult with the Manager or designee to discuss the application submittal requirements and process.
  - b. Application submittal requirements. An application for a landmark designation shall contain at a minimum the following:
    - 1) Completed and signed application forms that include the property owner's signature.
    - 2) Address, parcels number and other location information as needed to describe the property.
  - c. Upon receipt of an application for removal from the Historic Preservation Overlay District or Historic Landmark designation, the HPC Commission will make the initial decision about removal in consultation with the Manager and City Attorney, subject to appeal to the City Council.

## D. INCENTIVES.

It is the 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 property recognized as an important community resource, the Commission may, when applicable and possible, provide such owners with one or more of the following:

1. Recommendation to the Community Development Department, Planning Commission and/or City Council that a new use other than the historic use be considered for a historic property where the applicants are able to demonstrate that the proposed use will assist in furthering the goals of historic preservation for that property and the surrounding district.
2. Provide information regarding potential sources of financial assistance and tax credits.
3. Provide support and endorsement for grant applications that further the goals of historic preservation.
4. Provide or direct applicants to available resources and technical information regarding construction, rehabilitation and repair of historic resources.
5. Provide information to community organizations, property owners, residents, businesses and others regarding proposed activities within historic districts; and
6. Provide information regarding any other benefits that may become available.

E. COTTONWOOD HISTORIC PROPERTY REGISTER.

A Cottonwood Historic Property Register is hereby established for the purpose of listing and defining historic districts and landmarks to be designated under the provisions of this Section. This Register may be periodically amended by the Commission and shall be held available for public reference and historical study.

F. HISTORIC LANDMARK DESIGNATION PROCESS.

1. The Commission may designate as a landmark an entire property, an identified portion of a property, or one or more individual structures on a property.
2. Application Submittal and Review. An application for a landmark designation shall be submitted by the owner or agent of the subject property and involves the following steps:
  - a. Preliminary consultation. Prior to the submittal of an application for a landmark designation, the applicant should consult with the Manager or designee to discuss the application submittal requirements and process.
  - b. Application submittal requirements. An application for a landmark designation shall contain at a minimum the following:
    - 1) Completed and signed application forms that include the property owner's signature.
    - 2) Address, parcels number and other location information as needed to describe the property.

- 3) The applicant shall provide a written description of the proposed landmark property describing the buildings, structures or objects and the known or estimated age of all such features. If available, include information on any special aesthetic, cultural, architectural, archaeological or engineering issues of a historic nature, including information about the architecture, notable construction features and other information indicating the historical significance of the property.
  - 4) The application may include any photographs, sketches, drawings, or other similar descriptive materials, including those showing historic or current conditions.
  - 5) A written statement of the condition of the property and/or structures with attention to any known concerns or threats to the maintenance or historic integrity of the property.
  - 6) Filing fee as set by City Council.
  - 7) Other information as may be requested by the City to accomplish these goals.
- c. Incomplete applications. Incomplete applications may be returned to the applicant and/or not be processed until all materials have been submitted. Following acceptance of a complete application, the staff shall review the application and prepare a report which shall be submitted to the Commission and made available to the applicant and public in advance of the Commission's public hearing on the landmark application.
  - d. Application acceptance. Upon acceptance of a complete application, no building or demolition activity shall occur and no 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.
3. Notice of Commission Hearing.
    - a. Within 60 days of receipt of a complete application for a landmark designation, the application shall be placed on the HPC agenda for a public hearing. Public notice of this hearing shall be given as prescribed by this Ordinance. 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) 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.

- 3) As provided in A.R.S. § 9-462.04.A (7), or any successor statute, the failure of any person or entity to receive notice shall be as set forth in the statute or in A.R.S. § 9-400.05 15-10.
4. Landmark Designation Criteria. The Commission shall evaluate each 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 historic appearance, 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 one or more of the following characteristics:
  - a. Association with events or activities that made significant contributions to the broad patterns of local, regional or national history;
  - b. Association with the lives of persons significant in the past;
  - c. Embodiment of distinctive characteristics of a type, period or method of construction, or representing significant architectural history, landscape history, or engineering achievements, or high artistic values or representing a significant and distinguishable entity whose components may lack individual distinctiveness; or
  - d. Information important in the understanding of the pre-history or history of our community; potential to yield information through archeological investigation about our past.
5. Commission Public Hearing and Designation.
  - a. The Historic Preservation Commission shall hold at least one (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 as described in this Section.
  - b. The Commission's decision shall be final unless appealed to the City Council as provided for in this Ordinance. A recommendation for approval may be subject to conditions as the Commission deems applicable.
6. Six month bar on refilling. If the Commission denies an application, the Commission may refuse to accept another application for the same or substantially the same landmark on the same property or any part of it within six (6) months from the date the original application was filed on the same property or a portion of it.
7. Effect of Landmark Designation.
  - a. Upon approval of a landmark designation, the affected property shall be included in the Historic Property Register for the City of Cottonwood 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.
- c. No person shall make any material change in the exterior appearance of any landmark, its color, materials, light fixtures, signs, fences, steps or other elements which affect the appearance of the property without first obtaining a Certificate of Appropriateness.
- d. Each property designated as a landmark 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 the exterior design, material, color or appearance.

G. HISTORIC PRESERVATION DISTRICT DESIGNATION PROCESS.

1. General Regulations.

- a. A rezoning approval is required in order to receive a Historic Preservation (HP) Overlay District designation. The process for such is set forth in Article III. Section 301 of this Ordinance.
- b. The HP Overlay District is an overlay zoning designation as described in the Cottonwood Zoning Ordinance in which all uses of the underlying zoning district are maintained but which includes specific criteria and standards for development and rehabilitation that relate to historic preservation. The underlying zoning which describes the allowable land uses continues in effect.
- c. The overlay zoning designation may be applied to any zoning district where determined as appropriate by the City Council.
- d. The boundary of a proposed HP zoning designation can only be applied to a single property or a collection of properties where such property or properties have been designated as a historic landmark according to the procedures in this Ordinance.
- e. The Historic Preservation Commission shall administer the regulations as they relate to the historic preservation overlay district designation. In cases where the historic preservation regulations are in conflict with other zoning regulations, the Historic Preservation Ordinance shall take precedence in terms of design review criteria and approval process.
- f. The Historic Preservation Commission, the Planning and Zoning Commission, City Council, the Community Development Manager, or a property owner or their agent within the subject area may initiate a request to rezone with a Historic Preservation Overlay District. All other procedures for a change of zoning apply.

## 2. Application Submittal Requirements.

- a. **Schedule of Public Hearings.** Public hearings on the request for the overlay zoning designation shall be held by the Historic Preservation Commission, Planning and Zoning Commission and City Council. A tentative schedule of all meetings shall be included with initial public notification.
- b. **Preliminary Staff Meeting.** At the request of a property owner or their representatives a preliminary informal consultation with the Community Development Manager or designee may be scheduled to review the rezoning process and application submittal requirements.
- c. **Code Review:** All applications for the Historic Preservation Overlay District designation shall be reviewed by the Code Review Board.
- d. **Application submittal requirements:** In addition to the submittal requirements set forth in Section 301., “Amendments or Zone Changes,” all Historic Preservation Overlay District rezoning applications shall include the following:
  - 1) A vicinity ownership map showing all parcels adjacent to and surrounding the proposed designated property or district within a radius of at least 300 feet from the boundaries of the proposed district;
  - 2) A list of all properties within the proposed district and with 300 feet identified by parcel number and address along to include property owners with current mailing addresses;
  - 3) Written description of the proposed Historic Preservation Overlay District. The description of the district shall include the boundaries of the proposed district, the known or approximate construction dates of buildings and structures in the area, 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;
  - 4) Describe prospective contributing properties and how they each meet one or more of the criteria for Historic Districts as described by the National Park Service for listing on the National Register of Historic Places; or locations, dates of construction, and a statement of the general condition of each structure;
  - 5) Current photographs of each building or structure and any significant defining elements. Provide photographs in electronic format as per national standards for documentation; and
  - 6) Explanation of any known threats or concerns to the historic integrity of any property or structures included.

3. Notice of Public Hearing. Notice of public hearings shall be the same as set forth in Section 301 as relates to the change of zoning request. In addition, the public notification requirements shall include the following:
  - a. Notice of the public hearing and information on the proposed historic district and rezoning sent by first class mail to all property owners with the proposed district;
  - b. Notice posted in at least three conspicuous places within or near the proposed historic district boundaries;
  - c. Notice published in the local newspaper of record as required and at least 2 times prior to the meeting; and
  - d. Notification shall be provided to businesses, commercial lessees and residents within the proposed historic district to the extent possible through known sources, including mailings, postings or direct delivery.
  
4. Historic Preservation Overlay District Criteria. Each structure, site, building or property within an area that is included in a Historic Preservation District rezoning application will be evaluated using the following criteria to determine if it has historical or other cultural significance or integrity, and is suitable for preservation:
  - a. The Overlay District consists of one or more properties which individually or as a group include a substantial concentration of properties, buildings or structures which individually meet the criteria of this section and which contribute generally to the distinctive character of the area, and are united historically or visually in a coherent manner.
  - b. Being at least 50 years old, or having achieved significance within the past 50 years if the property is of exceptional importance.
  - c. Possessing integrity of location, design, setting, materials, workmanship, feeling or association.
  - d. Association with events that have made significant contributions to the broad patterns of our history.
  - e. Association with the lives of persons significant in our past.
  - f. Embodiment of distinctive characteristics of a type, period or method of construction, or representing the work of a master, or high artistic values or representing a significant and distinguishable entity whose components may lack individual distinctions.
  - g. Yielding information important in the understanding of the pre-history or history of the community.



- d. Approval. The ordinance approving a Historic Preservation Overlay District may include specific and unique standards for that district, including reference to design guidelines or other documents developed to meet the needs of that overlay district.
6. Revisions. Based on any conditions recommended by the Historic Preservation Commission or Planning and Zoning Commission, the applicant may provide minor revisions to their application submittal prior to the City Council hearing. All such revisions shall be documented in written format with a description of such changes. Major revisions to the plans shall be required to be resubmitted to the Historic Preservation Commission for review.
  7. Effect of Historic Preservation Overlay District Designation.
    - a. Upon approval of a Historic Preservation Overlay District designation by the City Council, the affected properties shall be included in the Cottonwood Historic Property Register and on any other applicable City documents as appropriate for its preservation. The city's zoning map shall be updated to reflect the new overlay zoning district boundaries. The city's parcel information database shall be updated to include those properties identified within the overlay district.
    - 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 from the Commission.
    - c. No person shall make any material change in the exterior appearance of a designated property, its color, materials, light fixtures, signs, sidewalks, fences, steps, paving or other elements which affect the appearance of the property without first obtaining a Certificate of Appropriateness.
    - d. Criteria may be established to determine work that may be approved administratively.
    - e. Each property designated as a contributing property shall be maintained in good condition and faithful to its historic character.
    - f. 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.
    - g. In addition to any other required review and/or approval, any proposed construction within a historic preservation overlay district shall also be subject to Commission review according to any design guidelines which may have been applied to that district or any other applicable criteria adopted for such purposes.

## H. DEVELOPMENT PROCEDURES FOR LANDMARKS AND HISTORIC DISTRICTS.

1. Applicability. The provisions of this Section shall apply to Historic Landmarks and to properties within a Historic Preservation Overlay District.
2. Alteration of Historic Resources:
  - a. No building, permanent sign, or other structure in a Historic Preservation District or part of a designated Historic Landmark shall be erected, demolished, moved, restored, rehabilitated, reconstructed, altered, or changed in exterior appearance, nor shall any historic resource be altered, moved, remodeled, demolished, enlarged or extended contrary to the district or landmark until plans for such activities have been submitted to and approved by the Historic Preservation Commission or as permitted administratively, and the City has issued a Certificate of Appropriateness, for such work on the subject property. This requirement is in addition to any other permit or approval required by law.
  - b. Failure to comply with a stipulation, standard, or plan made a part of any of these approvals shall constitute a violation of the Zoning Ordinance of the City of Cottonwood. An approved plan shall apply to and run with the property and the rights and responsibilities shall be transferable to future successors and assignees of such property. No permit shall be issued for any building or structure not in compliance with the plan, except that temporary facilities shall be permitted in conjunction with construction. No structure or other element shall be eliminated, or altered or provided in another manner, unless an amendment is approved in conjunction with the procedures for original approval.
  - c. Maintenance of the historic resource is required. Ordinary maintenance or repair of any structure that does not alter or modify the historic character of the structure will not require a Certificate of Appropriateness.

## I. CERTIFICATE OF APPROPRIATENESS.

1. Applicability: 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 property located within a Historic Preservation Overlay District or to a Historic Landmark, whether or not the work will require a building permit. Building permits for exterior work on properties within historic overlay districts or landmarks cannot be issued without first obtaining a Certificate of Appropriateness.
2. Exceptions for Minor Work: A Certificate of Appropriateness may be approved administratively by the Community Development Manager or designee, where it is determined that the proposed activity constitutes a minor change and does not alter the essential appearance and character of the property. Activities that may be approved administratively include, but are not limited to the following: repair or replacement of architectural features with essentially the same materials and design; repair or replacement of signs within existing sign panels or frames; repainting with essentially the same design scheme and colors; or other minor changes or additions that are in

conformance with approved Design Guidelines and are considered minor. In addition to the criteria described in this Section or in any Design Guidelines approved for historic preservation, the Commission may authorize staff to approve certain activities administratively. For projects that qualify for administrative approval, all other application requirements and review criteria shall remain in effect.

3. Application Submittal and Review Procedure. An application for Certificate of Appropriateness shall be submitted by the owner or agent of the subject property and involves the following steps:
  - a. Preliminary meeting. Prior to the submittal of an application for a Certificate of Appropriateness, the applicant shall meet with the Manager or designee to review the application submittal requirements.
  - b. Application Submittal requirements. An application for a Certificate of Appropriateness shall contain at a minimum the following:
    - 1) Completed application forms.
    - 2) Location and description of property with photographs of the subject property and surrounding area affected by proposed project.
    - 3) Filing fees as adopted by resolution of the City Council.
    - 4) A Project Narrative describing the overall project and specifically addressing the relationship of any proposed activity to the architectural style of the structure, its compatibility with the context of the surrounding structures and area, and a description of proposed building materials, colors, exterior lighting fixtures and types, signage and landscaping or other such development activity if applicable.
    - 5) Site plan identifying all existing and proposed structures and other defining aspects of the property, including, landscaping, sidewalks, parking, drainage and similar site features in relation to surrounding streets and other properties.
    - 6) Proposed building elevations drawn to scale describing any proposed new materials and colors, and any new features in relation to existing.
    - 7) Manufacturers' color and material samples of all proposed exterior paints 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) Proposed signs drawn to scale showing dimensions, lettering, colors, materials and any illumination. Indicate locations of signs on elevation drawing.
    - 9) Any additional information which the Commission may require to properly evaluate the proposed work.

4. Notice of Public Hearing.

- a. The Certificate of Appropriateness shall be placed on the agenda for a public hearing within 60 days of receipt of a complete application. 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) Notice of the general nature of the proposed activity which is the subject of the Certificate of Appropriateness and the date and location of the meeting shall be posted on or in proximity to the property;
  - 2) Posting of agendas and notice of hearing in the manner typically required for all such meetings; and
  - 3) 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. Conduct of Public Hearing.

- a. Following acceptance of a complete application, staff shall review such application and prepare a report, which shall be submitted to the Commission along with other exhibits and materials necessary to describe the request.
- b. The hearing shall be conducted according to the rules and procedures proscribed for such by law. Staff, applicants and 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.

J. CRITERIA FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS

- 1. It is the intent of this Section to ensure, to the greatest extent possible, that activities requiring a Certificate of Appropriateness shall be compatible with the architectural and historical character of the property or district.
- 2. Review Context. Review of applications for Certificate of Appropriateness shall be considered in terms of the specific nature and condition of the property, as well as the context in which the property is located, including the historic characteristics and other influences of surrounding properties. Context shall be considered based on the following circumstances:
  - a. Overlay Zoning District: All properties within a Historic Preservation Overlay Zoning District shall be subject to the requirements for review and approval of a Certificate of Appropriateness for applicable activities, except where considered as exempt.

- b. Landmark Property. Historic landmarks shall be subject to the requirements for obtaining a Certificate of Appropriateness. Alterations or additions to landmarks shall properly preserve the historic and architectural characteristics which make it unique, and any changes or additions shall conform to the intrinsic and unique character of the building or structure.
    - c. Contributing Property. Alterations or additions to a Contributing Property within a Historic Preservation Overlay District shall reflect the architectural style and characteristics of the existing structure and its context with surrounding properties.
    - d. New Construction or Noncontributing Property. New construction or alterations or additions to a noncontributing property within a historic district shall reflect the architectural style of, and be compatible with, the contributing properties located in proximity to the subject property.
3. Review Criteria: The review of the application for a Certificate of Appropriateness shall be considered based on the criteria described in this Section, including any general or specific guidelines that may be approved. The Commission shall use the following documents and criteria as guidelines when considering an application for a Certificate of Appropriateness:
  - a. Any criteria for approval of a Certificate of Appropriateness that may be included in this Section;
  - b. The Secretary of the Interior's Standards for Rehabilitation available from the National Park Service;
  - c. Any design guidelines that may be applicable to a Historic Preservation Overlay District or landmarks within the City of Cottonwood;
  - d. The Secretary of the Interior's Preservation Briefs and other information developed by the National Park Service, Arizona Historic Preservation Office (SHPO), National Trust for Historic Preservation, National Alliance of Preservation Commissions, Association of Preservation Technology, and other professionally prepared reference documents; and
  - e. Any other guidelines as adopted by the City Council.
4. Decision: The decision shall be to approve, conditionally approve or deny a Certificate of Appropriateness based on the following:
  - a. The proposed work does not detrimentally alter, destroy or adversely affect any architectural or landscape feature;
  - b. 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 elements of size, scale, massing, proportions, orientation, surface textures and patterns, details and embellishments and the relationship of these elements to one another;

- c. The proposed work conforms with any design review guidelines and/or other applicable criteria as established; and
  - d. The exterior of any new improvement, building or structure in a designated historic preservation overlay 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 such district.
5. Effect of Approval:
- a. Expiration: A Certificate of Appropriateness expires one (1) year from the date of issuance unless work is started within that time. Evidence of work shall include maintaining an active building permit from the City for the applicable work or similar evidence of intent to proceed through filing of applications for related permits and approvals from the City.
  - b. Revisions After Approval: No change shall be made in the approved plans of a project after issuance of a Certificate of Appropriateness without re-submittal to the Commission and approval of the change in the same manner as provided.
  - c. Non-Approved Work: If work exceeds that specified in the Certificate of Appropriateness, the Certificate of Appropriateness may be suspended or revoked by order of the Community Development Director. If so ordered, all work shall cease to allow review of the scope of approval. If necessary, the applicant may be required to resubmit the changes to the Commission for approval. Work in violation of the Certificate of Appropriateness may be subject to enforcement action as per applicable City codes and ordinances.
  - d. The Certificate of Appropriateness required by this Section shall be in addition to any other permits, approvals or review required for the proposed project.

#### K. FINDING OF HARDSHIP FOR CERTIFICATE OF APPROPRIATENESS

1. An applicant shall submit an application for Finding of Hardship within ten (10) working days after receiving notification from the Commission of the denial of a Certificate of Appropriateness or of specific conditions to be considered. Application shall be in writing to the Director or designee and shall state the reasons for consideration of the hardship. In addition, the applicant shall provide detailed documentation of why the request shall be considered a hardship, including cost estimates, comparative studies, expert documentation or other such information as necessary to adequately present such new information.
  - a. Is infeasible from a technical, mechanical, or structural standpoint.
  - b. Would leave the property with no reasonable economic value because it would require an unreasonable expenditure taking in to 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 shall not be considered in making this finding.
  - d. The Commission finds that the alterations of a contributing property would not have a substantial adverse impact on the historic significance or integrity of a Historic Preservation Overlay District.
2. The Commission shall hold a public hearing on the hardship application at their next regularly scheduled meeting. Decisions at that time shall be final.

**M. DEMOLITION OF HISTORIC LANDMARK OR CONTRIBUTING PROPERTY WITHIN A HISTORIC DISTRICT.**

It is the intent of this Section to encourage preservation and protection of historic structures and significant resources within designated Historic Districts and other designated Historic Landmarks. However, it is recognized that there can be circumstances beyond the control of a property owner which may result in the necessary demolition of a Landmark or structure within a designated District. These circumstances include a building which constitutes a non-repairable public nuisance, which involves a resource whose loss does not adversely affect or may even benefit the integrity of the District, or which imposes an economic hardship on the owner. This Section is intended to apply to demolition of buildings or structures and shall not include demolition permits issued for the purpose of interior remodeling or other purposes not applicable to the Historic Preservation Ordinance.

1. **Non-Historic Demolition:** Demolition of non-historic structures within a Historic District shall not be exempt from the requirements of the Historic Preservation Ordinance and will require first applying for a Certificate of Appropriateness. The area of a site left vacant by a demolition shall be maintained in a manner not detrimental to the surrounding vicinity in accordance with applicable City codes and ordinances, including dust-free surface treatment and abatement of weeds, trash, debris, outdoor storage or other public nuisances.
2. **Landmark Demolition:** Partial or complete demolition of designated historic properties and landmarks shall not be permitted without first applying for a Certificate of Appropriateness. Application for such a demolition shall be made to the Historic Preservation Commission, which shall hold a public hearing to determine if the applicant has shown that the preservation of the structure is physically and/or economically infeasible.
3. **Consideration of Alternatives to Demolition:** Before granting a request for demolition, the Commission shall review the historic or cultural value of the property and shall consider options including incentives to the owner for restoration or recommendation to Council that the city consider purchasing the property or seek other methods to ensure the preservation of the building or structure. The Commission shall review the request for demolition based on the following:

- a. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
- b. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- c. If preservation is found to be physically and/or economically infeasible, the Commission shall approve the Certificate of Appropriateness, thereby allowing issuance of the Demolition Permit by the Community Development Department.
- d. A landmark or contributing property may be demolished if 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.
- e. If preservation is considered feasible, the Commission shall delay issuance of the Certificate of Appropriateness for a period up to ninety (90) days in length so as to consider alternatives to demolition.
- f. The applicant, at their cost, may submit an independent third-party review of the structural integrity of the building or structure in relation to necessary improvements so as to determine the feasibility of alternatives to demolition. Such independent review shall be conducted by a registered professional in the State of Arizona, including an architect, structural engineer or other professional engineer, or other with demonstrated expertise in historic preservation and rehabilitation.
- g. During the delay period, the applicant shall consult in good faith with the Commission, City staff, the State Historic Preservation Office, local and state preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation or sale of the property so as to promote preservation. The applicant shall have ninety (90) days in which to advertise to have the property purchased at a fair market value or to receive appraisals, cost estimates, and proposals on the restoration of such properties.
- h. If no purchaser has been found within the initial ninety (90) day period and no other plan is shown to demonstrate a reasonable alternative, then the Certificate of Appropriateness for the proposed demolition shall be issued.
- i. The applicant shall bear the burden of proof for all findings required for approval of a Certificate of Appropriateness.
- j. If a preservation plan is presented to the Commission within the delay period specified above by any interested party who may be any member of the public, indicating a feasible and reasonable approach to saving a threatened historic resource, the Commission will consider the merits and feasibility of the preservation plan. The Commission may decide to provide copies of such preservation plan to the property owner so as to consider alternatives to demolition.

- k. In making its decision, the Commission shall consider testimony and the effects on the surrounding neighborhood, and advise the property owner on preservation alternatives.
- l. The property owner shall have twenty-one (21) days from the date of approval to sign the Certificate of Appropriateness or to appeal any conditions contained therein.

N. FINDING OF HARDSHIP FOR DEMOLITION.

1. Economic Hardship Criteria for Demolition of Historic Structures. 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. The Commission shall issue the Certificate of Appropriateness if 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 hardship on the property owner/s based on one or more of the following issues:
  - a. That a temporary delay period of up to ninety (90) days has elapsed and no reasonable alternative has been demonstrated by the applicant, the City, or any other interested parties.
  - b. Is infeasible from a technical, mechanical, or structural standpoint;
  - c. Would leave the property with no reasonable economic value because it would require an unreasonable expenditure taking in to account such factors as current market value, permitted uses of the property, and the cost of compliance with applicable local, state and federal requirements;
  - d. Costs necessitated by the neglect or failure of the current owner/s to maintain the property need not be considered in making this finding; and/or
  - e. 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 Preservation Overlay District.
2. Limitations on Economic Hardship Criteria: Demonstration of an economic hardship shall not be based on or include any of the following circumstances:
  - a. Willful or negligent acts by the owner.
  - b. Purchase of the property for substantially more than market value.
  - c. Failure to perform normal maintenance and repairs.
  - d. Failure to diligently solicit and retain tenants.
  - e. Failure to provide normal improvements.

O. MAINTENANCE AND REPAIR.

Each property designated as a landmark, and properties designated as contributing properties within a Historic Preservation Overlay District shall be maintained in good condition and faithful to its historic character. Nothing in this Section shall be construed to prevent normal maintenance and repair of any exterior feature of any structure designated as a landmark or contributing property within a HP District, which does not involve change in design, material, color or outward 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.

P. APPEALS.

Any person or persons aggrieved by a decision of the Commission may appeal to the City Council within fifteen (15) working days of the Commission's action, by filing with the City Clerk written notice of appeal and any applicable fee as may be adopted. 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.

Q. VIOLATIONS AND ENFORCEMENT.

All work performed pursuant to this Section shall conform to requirements thereof. Compliance shall be confirmed by inspections made by the City of Cottonwood officials, including the Building Official, Manager or designee. The appropriate City officials shall ensure that all matters are undertaken according to conditions of the approved plans. Noncompliance with the approved plans shall be grounds for stopping work on the project or for denial of a Certificate of Occupancy. Any person who causes unauthorized demolition, alteration, construction, or permits degradation or disrepair of a designated property as defined in this Section may be required to restore the property and site to its condition prior to the violation.

R. 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 Zoning Ordinance.