

## 11-18-13Historic Preservation Committee

(A) Establishment of Committee; members; terms; vacancies:

The Historic Preservation Committee is hereby created, consisting of seven (7) members who are residents of the city at large. Members shall serve for three (3) years, except that the members of the first Committee shall serve as designated by the City Council for the following terms: three (3) members for one year; two (2) members for two years; and two (2) members for three years. Any vacancy shall be filled by the Mayor and City Council within a reasonable time after the vacancy occurs, for the unexpired term. Members shall serve until their successors are appointed, the members of the Committee shall serve without compensation.

(B) Qualification of Members:

Members of the committee shall be selected from the areas of architecture, history, architectural history, planning landscape architecture, archaeology, cultural geography or anthropology, or have demonstrated strong interest in past matters that involve historic preservation issues.

(C) The Committee shall elect a Chairman and Vice-Chairman from among its members, annually.

(D) The Committee may adopt rules for the conduct of its business. The Committee may, in such rules, delegate certain responsibilities and/or tasks to be performed by a Subcommittee or Subcommittees of the Committee.

(E) Meetings:

1. Meetings of the committee are open to the public and the minutes of its proceedings are kept and filed in the office of the Historic Preservation Officer as a public record. The Secretary of the Committee is the Historic Preservation Officer or his/her designee.

2. At least four (4) members of the Committee shall be present to conduct a meeting.

3. The Committee shall meet at least four (4) times per calendar year.

(F) Authority and duties of the Historic Preservation Committee. The Historic Preservation Committee shall:

1. Review and make recommendations on any matter or request or appeal that will appear on an agenda before the Downtown Development Committee or Planning and Zoning Board involving sites nominated or approved for Historic Landmark (HL) or Historic Preservation (HP) Overlay District, or other matters involving general historic preservation issues as they pertain to Mesa.

2. Hold public hearings and make recommendations to the Downtown Development Committee or Planning and Zoning Board on requests for amendments to the Zoning Map and Zoning Ordinance regarding Historic Preservation (HP) Overlay Districts and designation of Historic Landmarks (HL) within the corporate city limits.

3. Hear and decide appeals from the decisions of the Historic Preservation Officer, regarding proposed development, renovation, additions, alterations or demolition of buildings and structures or sites designated Historic Landmark (HL) or within Historic Preservation (HP) Overlay Districts, for the purpose of deciding whether clearance for a building permit should be issued. The review shall be limited to building size, scale, exterior elevation, design, color, and appearance to assure compatibility with the historic character of the property, neighborhood, and environment.

4. Establish and maintain the Mesa Historic Property Register, and periodically conduct studies for the purpose of assessing the potential of buildings, structures or areas for designation as historic sites or districts.
5. Hear, and/or make recommendations to the City Council and periodically review guidelines to evaluate requests for development, renovation, alterations to Historic Districts, Landmarks and historic properties or demolition of buildings and structures on sites designated as Historic Districts or Historic Landmarks. Such guidelines may include building location, minimum yard sizes, average heights, materials, color, architectural features and other characteristics and cultural features found in the approved District.
6. Hear and/or make recommendations to the City Council regarding acquisition by the City of structures or easements for maintenance or repair of structures for their preservation, where private preservation is not feasible.
7. Hear and/or make recommendations on other matters as directed by the City Council.

11-18-14 General Provisions; Applications, Appeals, Procedures

(A) Procedure:

1. All applications for Historic Landmark (HL) or Historic Preservation (HP) Overlay District shall comply with the following:
  - (a) All of the following are required for an Historic Preservation (HP) Overlay District application to be submitted:
    - (1) A petition with signatures of a minimum of fifty percent (50%) plus one of the number of owners within the boundaries of the proposed Historic District, and who also control fifty percent (50%) of the property area to be included in the Historic District.
    - (2) Sufficient documentation and evidence as is necessary to show compliance with the criteria specified in Section 11-12.1-4.
  - (b) All of the following are required for an Historic Landmark application to be submitted:
    - (1) One of the following must be included:
      - a. A petition with signatures of a minimum of fifty percent (50%) plus one of the owners within the boundaries of the proposed Historic Landmark, and who also control fifty percent of the property area to be included in the proposed Historic Landmark; or
      - b. A petition of at least fifty qualified electors residing within the City of Mesa.

- (2) Sufficient documentation and evidence as is necessary to show compliance with the criteria specified in Section 11-12.1-5.
- (c) When an application is deemed complete the Historic Preservation Officer shall proceed with the review process specified in this Ordinance. A hearing shall be scheduled before the Historic Preservation Committee within thirty (30) days of the application being deemed complete. Then the application shall be reviewed by the Downtown Development Committee or the Planning and Zoning Board at their next available meeting. Then the application will be presented to the City Council at its next available meeting. The next available meeting shall mean the first meeting where staff is able to meet any public noticing requirements, and staff report submittal deadlines to be placed on the agenda of the Downtown Development Committee/Planning and Zoning Board/or City Council, as applicable.
- (d) Applications for Historic Landmark (HL) or Historic Preservation (HP) Overlay Districts shall be reviewed in a public meeting by the Historic Preservation Committee prior to the public hearing by the Downtown Development Committee or Planning and Zoning Board. Notice of the public meeting of the Historic Preservation Committee shall be posted on the property in question at least five (5) 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 time in the local newspaper of the City, not less than fifteen (15) days prior to the hearing. It shall not be the responsibility of the City to maintain the posting once erected. Minutes of the meeting will be kept and findings of the Historic Preservation Committee forwarded to the Downtown Development Committee or Planning and Zoning Board. Copies of the minutes will be kept with the permanent record of the application. Applications for Historic Landmark or Historic Preservation Overlay Districts within the redevelopment area(s) shall be reviewed by the Downtown Development Committee after review by the Historic Preservation Committee and prior to review by the City Council. Applications for Historic Landmark or Historic Preservation Overlay Districts outside of the redevelopment area(s) and within the incorporated city limits shall be reviewed by the Planning and Zoning Board after review by the Historic Preservation Committee and prior to the review of the City Council.

2. Appeals Procedure:

- (a) Appeals from the Historic Preservation Officer's interpretations regarding compliance with Historic Preservation (HP) Overlay District Design Guidelines shall be reviewed in a public hearing by the Historic Preservation Committee. Notice of the public hearing of the Historic Preservation Committee shall be posted on the property in question at least five (5) days in advance of the said meeting. It shall not be the responsibility of the City to maintain the posting once erected. Minutes of the meeting will be kept and findings of the Committee will be forwarded to the Downtown Development Committee or the Planning and Zoning Board depending on the location of the subject property.

Copies of the minutes will be kept with the permanent record of the application.

- (b) Decisions of the Historic Preservation Committee may be appealed to the City Council, only when such appeal is submitted in writing to the Office of the Historic Preservation Officer within thirty (30) days of the Historic Preservation Committee's decision.
  - (c) Appeal of a decision of the Historic Preservation Officer, regarding a new development, renovation, a proposed addition to an existing structure, alteration or demolition on sites designated or nominated as an Historic Landmark (HL) or within an Historic Preservation (HP) Overlay Zoning District shall be made in the Office of the Historic Preservation Officer.
  - (d) All such appeals shall be forwarded to the Historic Preservation Committee which shall consider such matter at a public hearing. Notice of the public hearing shall be given for any such appeal by publishing notice of the time and place and purpose of the meeting, at least one time in the local newspaper of the City, not less than fifteen (15) days prior to the hearing and by posting the property in question at least five (5) days in advance of said hearing. It shall not be the responsibility of the City to maintain the posting once erected. Minutes of the meeting will be kept in the Office of the Historic Preservation Officer and findings of the Committee will be forwarded to the Downtown Development Committee or Planning and Zoning Board, depending on the location of the subject property. A copy of the minutes will be kept with the permanent record of the application.
  - (e) Decisions of the Historic Preservation Committee may be appealed to the City Council. Appeals of Historic Preservation Committee decisions regarding requests for clearance that involve sites within established Historic Preservation (HP) Overlay Districts or designated Historic Landmark (HL) Overlay Districts shall be submitted in writing to the Office of the Historic Preservation Officer within thirty (30) days of the decision by the Historic Preservation Committee.
3. Building and Demolition Review for Historic Landmarks (HL) and Structures within Historic Preservation Overlay Districts (HP):
- (a) The Historic Preservation Officer for the City of Mesa shall be designated by the City Manager of the City of Mesa.
  - (b) New development, renovation, an addition to an existing structure, alteration, or demolition proposed for a designated or nominated Historic Landmark or site within an Historic Preservation Overlay District, are subject to clearance by the Historic Preservation Officer.

- (c) The Historic Preservation Officer may require photographs, plans descriptions, dimensions, drawings, sketches or other information sufficient to allow adequate review of the request for clearance. The Historic Preservation Committee may adopt minimum requirements to provide information necessary for review of applications.
  - (d) Within ten (10) working days of receiving the application for clearance, the Historic Preservation Officer shall issue the clearance that 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 reviewed by the Historic Preservation Committee 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. Copies of the Standards and guidelines shall be made available to the public in the Office of the Historic Preservation Officer.
  - (e) In the event a clearance for a demolition permit on a site designated or nominated as an Historic Landmark (HL) or within an Historic Preservation (HP) Overlay District is denied, issuance of a permit will be delayed one hundred and eighty (180) days from the effective date of the decision of the first appeal. During the one hundred and eighty (180) day period, the Historic Preservation Officer, the Historic Preservation Committee, and the applicant shall meet to develop an agreement and/or plan to preserve the building, structure or object. 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 Superintendent of Building Inspections at the applicant's request any time after the prescribed one hundred eighty (180) days has passed.
  - (f) If new development, renovation, an addition to an existing structure, alteration or demolition takes place on a site within an Historic Preservation (HP) Overlay District or on a site designated as an Historic Landmark (HL), without clearance from the Historic Preservation Officer, then the owner of such site shall be required to restore the site to a similar manner and form as that to which had existed previously, unless the Historic Preservation Committee has reviewed and approved alternative plans by separate application. Plans for such restoration shall also be reviewed by the Downtown Development Committee or the Planning and Zoning Board depending on the location of the project prior to a clearance being given.
- (B) Procedure to Remove Historic Preservation Zoning Designation (Historic Overlay or Historic Landmark Overlay).

The procedure to remove the Historic Preservation Zoning District designation shall be the same procedure specified by this Ordinance to establish Historic Preservation District Zoning or such removal unless it is initiated by the Planning and Zoning Board, Downtown Development Committee or Historic Preservation Committee.

#### 11-18-15 Citizen Participation

##### (A) Citizen Participation Plan

Every application that requires a public hearing in accordance with this Chapter, shall be accompanied by a citizen review process that is evidenced by a Citizen Participation Plan and actions that include the following:

1. A contact list or method for notifying adjacent landowners and other potentially affected citizens of the proposed action, that shall include, but is not limited to:
  - (a) For applications regulated by Section 11-18-8 of the Zoning Ordinance, property owners, within the public hearing notice area required by that section,
  - (b) Residents, registered neighborhoods and homeowners associations that may be impacted as a result of the application, and other neighborhood entities identified by the City,
  - (c) Interested parties which have requested that they be placed on a contact list for this application, and
  - (d) Interested parties that have been identified by the City.
2. A general description of how interested persons and or those on the contact list may receive information and updates on the project, such as newsletters, mailings, and meetings,
3. A general description of how interested persons, including those on the contact list will be provided an opportunity to discuss the proposal with the applicant, such as neighborhood meetings, phone contacts, or door-to-door visits;
4. The applicant's proposed schedule for implementation of the Citizen Participation Plan;
5. How the applicant plans to keep the City informed on the status of the implementation of its Citizen Participation Plan, such as providing staff copies of notices prior to meetings with citizens, and contact lists used to notify interested parties.

##### (B) Citizen Participation Report

1. Applicants shall provide a written citizen participation report on the results of implementing their Citizen Participation Plan at least ten (10) working days

prior to the first scheduled public hearing. The citizen participation report shall include the following information:

- (a) A summary of neighborhood meetings, if held, including when and where they were held, number in attendance (copies of sign-in sheets), and results achieved at the meeting(s);
  - (b) A summary of citizen concerns, issues and problems expressed during the citizen participation process, and how these have been addressed through changes or stipulations to the project; and
  - (c) Copies of comment letters, petitions, and other pertinent information received from residents and other interested parties.
2. The City of Mesa staff may apply the Citizen Participation Guidelines, resolution 7283 (adopted November 2, 1998) as needed to meet the requirements of this section.
  3. The requirements in this Section apply in addition to any notice provisions required elsewhere in this Zoning Ordinance, or by State Statute.
  4. Failure to comply with the citizen participation provisions of this Section may result in postponement, rescheduling or denial of an application.