

EXHIBIT 1 – HISTORIC PRESERVATION TEXT AMENDMENT ORDINANCE

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); MODIFYING SECTION 11-66-4 PERTAINING TO THE HISTORIC PRESERVATION BOARD; REPEALING IN ITS ENTIRETY CHAPTER 74 (HISTORIC DISTRICT AND HISTORIC LANDMARK PROCEDURES) AND REPLACING IT WITH A NEW CHAPTER 74 (HISTORIC PRESERVATION PROCEDURES); MODIFYING CHAPTER 87 BY ADDING NEW DEFINITIONS FOR HISTORIC DISTRICT, HISTORIC LANDMARK, HISTORIC PRESERVATION OFFICER, HISTORIC PRESERVATION OVERLAY, HISTORIC 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 that it is in the best interest of the City to update Historic Preservation procedures and requirements of Title 11 Mesa Zoning Ordinance; and

WHEREAS, from time to time, the Zoning Ordinance requires minor updates and organizational changes for clarification purposes, and this Ordinance includes such revisions and updates to Historic Preservation procedures and definitions; and

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.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

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

Section 1: That Mesa City Code Title 11, Chapter 23, titled “Historic and Landmark Overlay Districts” is hereby repealed in its entirety and replaced with a new Mesa City Code Title 11, Chapter 23, titled “Historic Preservation Overlay” as follows: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 2: That Mesa City Code Title 11, Chapter 44, titled “Historic Signs” is hereby repealed in its entirety and replaced with a new Mesa City Code Title 11, 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.

Section 3: That Title 11, Chapter 66, Section 11-66-4 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.**

B. **Meetings.**

1. Meetings of the **HISTORIC PRESERVATION** Board are open to the public and the minutes of its proceedings are kept **IN THE HISTORIC PRESERVATION OFFICE**, ~~and filed in the office of the Historic Preservation Officer as a public record. The Secretary of the Board is the Historic Preservation Officer or his/her designee.~~
2. **THE SECRETARY OF THE HISTORIC PRESERVATION BOARD IS THE HISTORIC PRESERVATION OFFICER OR THEIR DESIGNEE.**
- ~~2.3.~~ At least **FOUR (4)** members of the **HISTORIC PRESERVATION** 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.~~
4. **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.**

- 3.5. The **HISTORIC PRESERVATION** Board shall meet at least **FOUR (4)** times per calendar year.
- 4.6. 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 4: That Mesa City Code Title 11, Chapter 74, titled “Historic District and Historic Landmark Procedures” is hereby repealed in its entirety and replaced with a new Mesa City Code Title 11, Chapter 74, titled “Historic Preservation Procedures” as follows:

CHAPTER 74 - HISTORIC PRESERVATION PROCEDURES

11-74-1: PURPOSE

THIS CHAPTER ESTABLISHES UNIFORM PROCEDURES FOR THE DESIGNATION OF A HISTORIC PRESERVATION OVERLAY AND REGULATIONS OF BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) ON THE MESA HISTORIC PROPERTY REGISTER AND THE UNIFORM PROCEDURES FOR THE DESIGNATION AND REGULATION OF SIGNS ON THE MESA HISTORIC SIGN REGISTER. SPECIFICALLY, THIS CHAPTER:

- A. RECOGNIZES THAT THE FORM AND CHARACTER OF THE CITY OF MESA ARE REFLECTED IN ITS CULTURAL, HISTORICAL, AND ARCHITECTURAL HERITAGE;**
- B. PRESERVES THE UNIQUE CULTURAL HERITAGE, ENCOURAGES AND FACILITATES PUBLIC KNOWLEDGE AND APPRECIATION OF THE PAST, FOSTERS CIVIC AND NEIGHBORHOOD PRIDE, AND ENCOURAGES PUBLIC PARTICIPATION IN IDENTIFYING AND PRESERVING HISTORICAL AND ARCHITECTURAL RESOURCES;**
- C. ENHANCES PROPERTY VALUES, PROTECTS AND ENHANCES THE CITY'S ATTRACTION TO TOURISTS AND VISITORS, STIMULATES BUSINESS AND INDUSTRY, AND IDENTIFIES AND RESOLVES POSSIBLE CONFLICTS BETWEEN THE PRESERVATION OF CULTURAL AND HISTORIC RESOURCES AND ALTERNATIVE LAND USES;**
- D. STABILIZES NEIGHBORHOODS THROUGH PRESERVATION OF HISTORIC AND CULTURAL RESOURCES AND MAINTENANCE OF THE EXISTING BUILT ENVIRONMENT; AND**
- E. PRESERVES THE DIVERSE ARCHITECTURAL STYLES, PATTERNS OF DEVELOPMENT, AND DESIGN PREFERENCES THAT REFLECT PHASES OF THE**

CITY'S HISTORY AND ENCOURAGES COMPLEMENTARY CONTEMPORARY DESIGN AND CONSTRUCTION.

11-74-2: MESA HISTORIC PROPERTY REGISTER

A. PURPOSE OF THE MESA HISTORIC PROPERTY REGISTER.

- 1. THE MESA HISTORIC PROPERTY REGISTER IS THE OFFICIAL RECORD OF ALL HISTORIC PRESERVATION OVERLAY DESIGNATIONS IN THE CORPORATE LIMITS OF THE CITY.**
- 2. THE HISTORIC PRESERVATION OFFICER WILL MAINTAIN THE MESA HISTORIC PROPERTY REGISTER AND MAKE IT AVAILABLE TO THE PUBLIC.**

B. SUPPLEMENTAL LIST.

- 1. THE HISTORIC PRESERVATION OFFICER MAINTAINS A SUPPLEMENTAL LIST AVAILABLE TO THE PUBLIC, OF BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) DETERMINED TO BE ELIGIBLE FOR THE MESA HISTORIC PROPERTY REGISTER BUT NOT YET DESIGNATED.**
- 2. TO BE INCLUDED ON THE SUPPLEMENTAL LIST, BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) MUST MEET THE ELIGIBILITY REQUIREMENTS IN SECTION 11-74-3(C).**
- 3. THE OWNER OF THE BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) MUST AUTHORIZE, IN WRITING, TO THE DESIGNATION ON THE SUPPLEMENTAL LIST.**

11-74-3: - HISTORIC PRESERVATION OVERLAY

A. PURPOSE. THE PURPOSE OF THE HISTORIC PRESERVATION OVERLAY IS TO RECOGNIZE AND PROTECT HISTORIC LANDMARKS AND HISTORIC DISTRICTS.

B. LAND USE REGULATIONS.

- 1. A HISTORIC PRESERVATION OVERLAY IS USED IN CONJUNCTION WITH AN UNDERLYING ZONING DISTRICT, THEREBY PERMITTING THE SAME USES AS THE UNDERLYING BASE ZONING DISTRICT.**
- 2. AN APPLICATION FOR A HISTORIC PRESERVATION OVERLAY IS A REZONING AND MUST FOLLOW THE PROCESS AND REQUIREMENTS IN SECTION 11-74-3 AND CHAPTER 76 OF THE ZONING ORDINANCE.**

C. ELIGIBILITY CRITERIA. ANY BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) IS ELIGIBLE FOR A HISTORIC PRESERVATION OVERLAY IF IT MEETS THE FOLLOWING ELIGIBILITY CRITERIA:

- 1. ANY PART OF THE BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) IS 50 OR MORE YEARS OLD; AND**

2. **THE BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) SUBSTANTIALLY MEETS AT LEAST ONE THE FOLLOWING:**
 - A. **IS VALUED AS A SIGNIFICANT REMINDER OF THE CULTURAL, HISTORICAL, ARCHITECTURAL, OR ARCHAEOLOGICAL HERITAGE OF THE CITY, STATE, OR NATION.**
 - B. **IS THE LOCATION OF A SIGNIFICANT LOCAL, STATE, OR NATIONAL EVENT.**
 - C. **IS IDENTIFIED WITH A PERSON OR PERSONS WHO SIGNIFICANTLY CONTRIBUTED TO THE DEVELOPMENT OF THE CITY, STATE, OR NATION.**
 - D. **IS IDENTIFIED AS THE WORK OF A MASTER BUILDER, DESIGNER, OR ARCHITECT WHOSE INDIVIDUAL WORK HAS INFLUENCED THE DEVELOPMENT OF THE CITY, STATE, OR NATION.**
 - E. **THE BUILDING(S) IS RECOGNIZED FOR THE QUALITY OF ITS ARCHITECTURE, AND IT RETAINS SUFFICIENT ELEMENTS SHOWING ITS ARCHITECTURAL SIGNIFICANCE.**
 - F. **HAS DISTINGUISHING CHARACTERISTICS OF AN ARCHITECTURAL STYLE VALUABLE FOR THE STUDY OF A PERIOD.**
3. **ADDITIONAL MINIMUM AREA REQUIREMENTS FOR A HISTORIC DISTRICT. IN ADDITION TO THE ELIGIBILITY CRITERIA IN SECTION 11-74-3(C), A HISTORIC DISTRICT MUST CONTAIN EITHER:**
 - A. **SEVEN (7) OR MORE PROPERTIES, LOTS, OR PARCELS, WHETHER OR NOT SEPARATED BY A STREET; OR**
 - B. **AT LEAST FOUR (4) OR MORE ADJACENT LOTS OR PARCELS WITH AT LEAST 300 FEET OF CONSECUTIVE STREET FRONTAGE.**
- D. **APPLICATION PROCESS. AN APPLICANT REQUESTING A HISTORIC PRESERVATION OVERLAY FOR A HISTORIC LANDMARK OR HISTORIC DISTRICT MUST SUBMIT ALL THE FOLLOWING:**
 1. **AN APPLICATION FILED WITH THE PLANNING DIVISION IN ACCORDANCE WITH THE APPLICATION REQUIREMENTS IN CHAPTER 67 OF THE ZONING ORDINANCE;**
 2. **PAYMENT OF THE APPLICABLE FEE;**
 3. **FOR A HISTORIC DISTRICT, SIGNATURES OF A MINIMUM OF 50% PLUS ONE (1) OF THE PROPERTY OWNERS WITHIN THE BOUNDARIES OF THE PROPOSED HISTORIC PRESERVATION OVERLAY AND WHO OWN AT**

LEAST 50% OF THE PROPERTY AREA WITHIN THE BOUNDARIES OF THE PROPOSED HISTORIC PRESERVATION OVERLAY;

- 4. FOR A HISTORIC LANDMARK, THE SIGNATURE OF THE PROPERTY OWNER;**
- 5. A CITIZEN PARTICIPATION PLAN THAT CONFORMS WITH SECTION 11-67-3 OF THE ZONING ORDINANCE; AND**
- 6. ANY OTHER INFORMATION THE HISTORIC PRESERVATION OFFICER MAY REASONABLY DEEM NECESSARY TO REVIEW THE APPLICATION.**

E. REVIEW PROCESS.

- 1. FOLLOWING SUBMITTAL OF A COMPLETE APPLICATION WITH THE REQUIRED FEES, A PUBLIC HEARING SHALL BE SCHEDULED BEFORE THE HISTORIC PRESERVATION BOARD WITHIN 30-DAYS OF COMPLETING THE SUBSTANTIVE REVIEW.**
- 2. AT THE PUBLIC HEARING THE HISTORIC PRESERVATION BOARD CAN EITHER CONTINUE THE REQUEST OR, AT THE CONCLUSION OF THE PUBLIC HEARING, MAKE A RECOMMENDATION TO CITY COUNCIL. WHEN MAKING A RECOMMENDATION TO CITY COUNCIL, THE HISTORIC PRESERVATION BOARD MAY INCLUDE REASONABLE CONDITIONS OF APPROVAL TO FULLY CARRY OUT THE PROVISIONS AND INTENT OF SECTION 11-74-3 OF THE ZONING ORDINANCE.**
- 3. FOLLOWING THE PUBLIC HEARING BY THE HISTORIC PRESERVATION BOARD THE REQUEST SHALL BE HEARD AT A PUBLIC HEARING BEFORE THE PLANNING & ZONING BOARD AND CITY COUNCIL IN ACCORDANCE WITH CHAPTER 76 OF THE ZONING ORDINANCE.**

F. NOTICE OF PUBLIC HEARINGS. NOTICE OF PUBLIC HEARINGS REQUIRES THE FOLLOWING:

- 1. THE SAME NOTICE OF PUBLIC HEARING AS REQUIRED BY A.R.S. § 9-462.04;**
- 2. POSTING THE SUBJECT PROPERTY, NO LESS THAN 15-DAYS PRIOR TO THE FIRST SCHEDULED HEARING; AND**
- 3. PROVIDING ADDITIONAL NOTICE BY FIRST CLASS MAIL A MINIMUM OF 15-DAYS PRIOR TO THE FIRST SCHEDULED HEARING DATE TO ALL PROPERTY OWNERS LOCATED WITHIN 500 FEET OF THE EXTERIOR BOUNDARY OF THE PROPERTY OR PROPERTIES THAT IS THE SUBJECT OF THE APPLICATION, BASED ON THE LAST ASSESSMENT OF THE MARICOPA COUNTY ASSESSOR'S OFFICE OR OTHER PUBLIC RECORDS.**

G. COUNCIL AUTHORITY TO REMOVE PROPERTY FROM A PROPOSED HISTORIC PRESERVATION OVERLAY DESIGNATION. THE CITY INTENDS THAT THE

HISTORIC PRESERVATION OVERLAY DESIGNATION IS VOLUNTARY AND ACCEPTABLE TO THE AFFECTED OWNERS, THEREFORE:

- 1. CITY COUNCIL SHALL NOT INCLUDE ANY BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) WITHIN A PROPOSED HISTORIC PRESERVATION OVERLAY IF THE OWNER HAS OBJECTED TO THE DESIGNATION IN WRITING OR AT A PUBLIC HEARING.**
 - 2. CITY COUNCIL MAY REMOVE ANY BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) FROM A PROPOSED HISTORIC PRESERVATION OVERLAY IF THE PROPERTY OWNER HAS NOT RESPONDED TO A REQUEST FOR COMMENT ON THE PROPOSED DESIGNATION.**
- H. PROCESS TO REMOVE A HISTORIC PRESERVATION OVERLAY. THE PROCESS TO REMOVE A HISTORIC PRESERVATION OVERLAY IS A REZONING THAT REQUIRES AN AMENDMENT TO THE ZONING ORDINANCE THAT SHALL FOLLOW THE PROCESS AND REQUIREMENTS IN SECTION 11-74-3 AND CHAPTER 76 OF THE ZONING ORDINANCE.**

11-74-4: - CERTIFICATE OF APPROPRIATENESS

A. PURPOSE

A CERTIFICATE OF APPROPRIATENESS PROVIDES A BASIS FOR REVIEWING PLANS FOR WORK ON PROPERTIES WITHIN A HISTORIC PRESERVATION OVERLAY. THE CERTIFICATE OF APPROPRIATE PROCESS ENSURES CONSISTENCY WITH CITY ORDINANCES, THE US SECRETARY OF THE INTERIOR’S “STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES” AND THE MESA HISTORIC PRESERVATION DESIGN GUIDELINES.

B. CERTIFICATE OF APPROPRIATENESS REQUIRED.

- 1. APPROVAL OF A CERTIFICATE OF APPROPRIATENESS IS REQUIRED FOR ANY CONSTRUCTION, ALTERATION, MODIFICATION, REHABILITATION, OR DEMOLITION OF A BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S), OR NEW CONSTRUCTION LOCATED WITHIN A HISTORIC PRESERVATION OVERLAY INCLUDING BUT NOT LIMITED TO: ADDITIONS, AWNINGS, CANOPIES, CARPORTS, GARAGES, DECKS DETACHED STRUCTURES, DOORS, DOOR FRAMES, DOOR SCREENS, DRIVEWAYS, EXTERIOR WALLS, FENCING AND GATES, FIRE ESCAPES, EXTERIOR STAIRS, EXTERIOR ELEVATORS, RAMPS FOR THE DISABLED, PAINTING OF HISTORICALLY UNPAINTED SURFACES (E.G., WOOD, STONE, BRICK, TERRA COTTA, CONCRETE, MARBLE), PARAPET WALLS, POOLS, POOL CAGES, PORCHES, PORCH POSTS, BALCONY RAILINGS OR DECORATIVE DETAILING, ROOFS, SKYLIGHTS, SIDING WINDOWS, AND WINDOW SCREENS. THIS LIST IS BY NO MEANS EXCLUSIVE OR COMPREHENSIVE. THE HISTORIC PRESERVATION OFFICER WILL DETERMINE IF A CERTIFICATE OF APPROPRIATENESS IS REQUIRED.**

2. **A BUILDING PERMIT MAY ALSO BE REQUIRED IN ACCORDANCE WITH SECTION 11-74-4(E) AND MESA CITY CODE TITLE 4, BUILDING REGULATIONS.**
- C. APPLICATION PROCESS. AN APPLICANT REQUESTING A CERTIFICATE OF APPROPRIATENESS MUST SUBMIT ALL OF THE FOLLOWING:**
1. **AN APPLICATION FILED WITH THE PLANNING DIVISION IN ACCORDANCE WITH THE APPLICATION REQUIREMENTS IN CHAPTER 67 OF THE ZONING ORDINANCE;**
 2. **IN ADDITION TO THE REQUIREMENTS IN CHAPTER 67 OF THE ZONING ORDINANCE, THE APPLICATION MUST INCLUDE THE FOLLOWING:**
 - A. **A PROJECT NARRATIVE THAT INCLUDES A BRIEF DESCRIPTION OF THE PROPOSED PROJECT, LISTING THE INTENTION AND ANY NECESSARY JUSTIFICATION FOR MODIFICATIONS;**
 - B. **PAYMENT OF THE APPLICABLE FEE;**
 - C. **PHOTOGRAPHS OF THE EXISTING PROPERTY;**
 - D. **DRAWINGS, TO APPROXIMATE SCALE, OF THE SITE PLAN, FLOOR PLAN(S), AND ELEVATION(S) OF THE PROPOSED WORK, INDICATING DIMENSIONS AND MATERIALS;**
 - E. **IF SIGNAGE IS PART OF THE PROPOSED WORK, DRAWINGS, TO APPROXIMATE SCALE, SHOWING THE SIZE, LOCATION, MATERIALS, TYPE OF LETTERING TO BE USED AND COLOR AND TYPE OF ILLUMINATION, IF ANY; AND**
 - F. **ANY OTHER INFORMATION THAT THE HISTORIC PRESERVATION OFFICER MAY REASONABLY DEEM NECESSARY TO REVIEW THE PROPOSED WORK.**
- D. REVIEW PROCESS.**
1. **WITHIN 10 CITY BUSINESS DAYS OF THE SUBMITTAL OF A COMPLETE APPLICATION WITH THE REQUIRED FEES, THE HISTORIC PRESERVATION OFFICER SHALL EITHER APPROVE THE CERTIFICATE OF APPROPRIATENESS OR PROVIDE WRITTEN FINDINGS EXPLAINING WHY THE CERTIFICATE OF APPROPRIATENESS WAS NOT APPROVED.**
 2. **THE DECISION OF THE HISTORIC PRESERVATION OFFICER SHALL BE BASED UPON WHETHER THE REQUEST COMPLIES WITH THE UNITED STATES SECRETARY OF THE INTERIOR'S "STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES" (36 CFR PART 68 UNDER THE AUTHORITY OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966).**
 3. **ADDITIONAL GUIDELINES, PROPOSED BY THE HISTORIC PRESERVATION BOARD AND APPROVED BY THE CITY COUNCIL, MAY**

ALSO BE USED BY THE HISTORIC PRESERVATION OFFICER IN THE REVIEW OF AN APPLICATION, PROVIDED THE GUIDELINES ARE NOT INCONSISTENT WITH THE "STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES" IN 36 CFR PART 68.

E. ORDINARY MAINTENANCE AND REPAIRS. NO CERTIFICATE OF APPROPRIATENESS REQUIRED. A CERTIFICATE OF APPROPRIATENESS IS NOT REQUIRED FOR ORDINARY MAINTENANCE OR REPAIRS OF A BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) WITHIN A HISTORIC PRESERVATION OVERLAY THAT MEETS EITHER OF THE FOLLOWING REQUIREMENTS:

- 1. DOES NOT CHANGE THE MATERIAL OR DESIGN OF, OR ALTER THE FEATURES THAT CONTRIBUTE TO, THE DISTINCTIVE CHARACTER AND GENERAL APPEARANCE OF THE BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S); OR**
- 2. IN-KIND REPLACEMENT OF MATERIALS OR REPAINTING HISTORIC MATERIALS THAT ARE CURRENTLY PAINTED (I.E., WOOD, BRICK, STONE, OR STUCCO).**

F. DUTY TO MAINTAIN.

- 1. THE OWNER OF A DESIGNATED PROPERTY SHALL NOT PERMIT THE PROPERTY TO FALL INTO A STATE OF DISREPAIR.**
- 2. THE CONDITION OF THE PROPERTY AT THE TIME OF ITS DESIGNATION SHALL BE THE STANDARD OF REFERENCE FOR THE EVALUATION OF FUTURE DETERIORATION.**

G. BUILDING PERMITS.

- 1. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE CONSTRUCTION, ALTERATION, MODIFICATION, REHABILITATION, DEMOLITION, MAINTENANCE OR REPAIR OF A BUILDING(S), STRUCTURE(S), OR OBJECT(S) WITHIN A HISTORIC PRESERVATION OVERLAY, THE BUILDING OFFICIAL SHALL FIRST REFER SUCH APPLICATION TO THE HISTORIC PRESERVATION OFFICER FOR REVIEW AND DETERMINATION IF A CERTIFICATE OF APPROPRIATENESS IS REQUIRED UNDER SECTION 11-74-4 OF THE ZONING ORDINANCE.**
- 2. IF A CERTIFICATE OF APPROPRIATENESS IS REQUIRED NO BUILDING PERMIT SHALL BE ISSUED WITHOUT AN APPROVED CERTIFICATE OF APPROPRIATENESS AND AN ISSUED BUILDING PERMIT MUST BE IN CONFORMANCE WITH THE REQUIREMENTS SPECIFIED IN THE CERTIFICATE OF APPROPRIATENESS.**
- 3. IF A BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) IS DAMAGED AND REQUIRES EMERGENCY REPAIRS A CERTIFICATE OF APPROPRIATENESS, IF REQUIRED, SHALL BE ISSUED CONCURRENTLY WITH THE ISSUANCE OF THE REQUIRED BUILDING PERMIT.**

4. **EFFECTIVE DATES OF A CERTIFICATE OF APPROPRIATENESS.**
- A. **A CERTIFICATE OF APPROPRIATENESS IS 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.**
 - B. **A CERTIFICATE OF APPROPRIATENESS IS EFFECTIVE FOR TWO (2) YEARS FROM THE DATE IT IS ISSUED UNLESS THERE IS AN ACTIVE BUILDING PERMIT.**

H. **DEMOLITION PERMITS.**

- 1. **APPROVED HISTORIC PRESERVATION OVERLAY – HISTORIC LANDMARKS AND HISTORIC DISTRICT. ON PROPERTIES WITH AN APPROVED HISTORIC PRESERVATION OVERLAY, A REQUEST FOR A DEMOLITION PERMIT SHALL BE GRANTED ONLY IF EITHER OF THE FOLLOWING EXISTS:**
 - A. **THE BUILDING OFFICIAL, IN CONJUNCTION WITH THE HISTORIC PRESERVATION OFFICER AND THE CITY MANAGER, DETERMINES THAT THE BUILDING(S), STRUCTURE(S) OR OBJECT(S) IS CURRENTLY AN IMMINENT HAZARD TO THE PUBLIC SAFETY AND REPAIRS AND/OR RENOVATION WOULD BE IMPRACTICAL; OR**
 - B. **THE HISTORIC PRESERVATION BOARD DETERMINES THAT BOTH OF THE FOLLOWING ARE FOUND:**
 - I. **THE BUILDING(S), STRUCTURE(S), OBJECT(S) OR SITE(S) HAVE MINIMAL HISTORIC SIGNIFICANCE BECAUSE OF ITS LOCATION, CONDITIONS, MODIFICATIONS, OR OTHER FACTORS; AND**
 - II. **DEMOLITION OF THE BUILDING(S), STRUCTURE(S), OBJECT(S) OR SITE(S) WOULD BE INCONSEQUENTIAL TO THE PRESERVATION OF HISTORIC PROPERTIES IN THE VICINITY.**
- 2. **PROPOSED HISTORIC PRESERVATION OVERLAY – HISTORIC LANDMARKS AND HISTORIC DISTRICT. FOR A PERIOD OF ONE YEAR FROM THE DATE OF APPLICATION FOR A PROPOSED HISTORIC PRESERVATION OVERLAY, DEMOLITION OF BUILDING(S), STRUCTURE(S) OR OBJECT(S) WITHIN THE PROPOSED HISTORIC PRESERVATION OVERLAY SHALL NOT PROCEED, EXCEPT IN CONFORMANCE WITH THE FOLLOWING:**
 - A. **AN APPLICATION FOR A DEMOLITION PERMIT MUST BE SUBMITTED TO THE HISTORIC PRESERVATION OFFICER.**

- B. THE HISTORIC PRESERVATION OFFICER SHALL CONSIDER THE REQUEST AND EITHER APPROVE OR DENY THE REQUEST WITHIN 20 CITY BUSINESS DAYS.
- C. IF THE BUILDING(S), STRUCTURE(S), OBJECT(S) OR SITE(S) IS LESS THAN 40-YEARS OLD AND MEETS ONE OF THE FOLLOWING CIRCUMSTANCES THE HISTORIC PRESERVATION OFFICER SHALL APPROVE THE DEMOLITION:
 - I. THE BUILDING(S), STRUCTURE(S) OR OBJECT(S) IS DETERMINED NOT TO CONTAIN HISTORIC OR ARCHITECTURAL SIGNIFICANCE; OR,
 - II. THE BUILDING(S), STRUCTURE(S) OR OBJECT(S) IS DETERMINED NOT TO ESSENTIALLY CONTRIBUTE TO THE HISTORIC FEATURES OF THE AREA.
- D. IF THE BUILDING(S), STRUCTURE(S) OR OBJECT(S) IS 40-YEARS OLD OR GREATER AND/OR THE HISTORIC PRESERVATION OFFICER FINDS THAT THE CONDITIONS IN (C) ABOVE ARE NOT MET, THE REQUEST FOR DEMOLITION SHALL BE CONSIDERED FOLLOWING THE REQUIREMENTS OF SUBSECTION (1) ABOVE.
- E. IF THE PROPOSED HISTORIC PRESERVATION OVERLAY IS NOT APPROVED BY THE CITY COUNCIL WITHIN ONE YEAR OF THE APPLICATION FILING DATE, THE HISTORIC PRESERVATION OFFICER SHALL THEN APPROVE THE REQUEST FOR DEMOLITION.

3. SUPPLEMENTAL LIST

- A. AN APPLICATION FOR A DEMOLITION PERMIT FOR ANY BUILDING, STRUCTURE, OBJECT, OR SITE ON THE SUPPLEMENTAL LIST MUST BE SUBMITTED TO THE HISTORIC PRESERVATION OFFICER.
- B. THE HISTORIC PRESERVATION OFFICER SHALL CONSIDER THE REQUEST AND EITHER APPROVE OR DENY THE REQUEST WITHIN 20 CITY BUSINESS DAYS.
- C. ISSUANCE OF A DEMOLITION PERMIT BY THE BUILDING OFFICIAL WILL BE DELAYED 180-DAYS FROM THE APPLICATION FILING DATE.
- D. DURING THE 180-DAY PERIOD, THE HISTORIC PRESERVATION OFFICER AND THE APPLICANT SHALL MEET TO ATTEMPT TO NEGOTIATE AND DEVELOP AN AGREEMENT AND/OR PLAN TO PRESERVE THE BUILDING(S), STRUCTURE(S) OR OBJECT(S).
- E. ANY 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(S), STRUCTURE(S) OR OBJECT(S) WITHIN ITS HISTORICAL CONTEXT, ADAPTIVE REUSE OF THE SITE, OR PUBLIC OR PRIVATE PURCHASE OF THE PROPERTY.

F. 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 180-DAY PERIOD, UNLESS ALL PARTIES AGREE TO EXTEND THE 180-DAY PERIOD.

4. ACTIONS SUBSEQUENT TO DENIAL OF A REQUEST FOR DEMOLITION.

A. ISSUANCE OF A DEMOLITION PERMIT BY THE BUILDING OFFICIAL WILL BE DELAYED ONE YEAR FROM THE EFFECTIVE DATE OF THE DENIAL.

B. DURING THE ONE YEAR PEIOD, THE HISTORIC PRESERVATION OFFICER, HISTORIC PRESERVATION BOARD, AND THE APPLICANT SHALL MEET TO ATTEMPT TO NEGOTIATE AND DEVELOP AN AGREEMENT AND/OR PLAN TO PRESERVE THE BUILDING(S), STRUCTURE(S) OR OBJECT(S).

C. ANY 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(S), STRUCTURE(S) OR OBJECT(S) WITHIN ITS HISTORICAL CONTEXT, ADAPTIVE REUSE OF THE SITE, OR PUBLIC OR PRIVATE PURCHASE OF THE PROPERTY.

D. 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 ONE YEAR PERIOD, UNLESS ALL PARTIES AGREE TO EXTEND THE ONE YEAR PERIOD.

11-74-5: - HISTORIC SIGNS

A. PURPOSE.

1. THIS SECTION PROVIDES STANDARDS AND PROCEDURES FOR A SIGN TO BE DESIGNATED AS HISTORIC AND ADDED TO THE MESA HISTORIC SIGN REGISTER.

2. THIS DESIGNATION RECOGNIZES THE HISTORIC CHARACTER OF MESA'S OLDER NEIGHBORHOODS THROUGH THE PRESERVATION OF HISTORIC SIGNS.

B. MESA HISTORIC SIGN REGISTER.

1. THE MESA HISTORIC SIGN REGISTER, AS MAY BE AMENDED FROM TIME TO TIME, IS THE OFFICIAL RECORD OF ALL HISTORIC SIGNS.
 2. THE HISTORIC PRESERVATION OFFICER SHALL MAINTAIN THE MESA HISTORIC SIGN REGISTER AND MAKE IT AVAILABLE TO THE PUBLIC.
- C. EFFECT OF DESIGNATION. WHEN A SIGN IS DESIGNATED AS A HISTORIC SIGN AND RESTORED TO ITS HISTORIC FUNCTION AND APPEARANCE AS REQUIRED IN SECTION 11-74-5(H) OF THE ZONING ORDINANCE:
1. THE HISTORIC SIGN IS EXEMPT FROM THE HEIGHT AND AREA REQUIREMENTS OF ARTICLE 5 OF THE ZONING ORDINANCE; AND
 2. THE HISTORIC SIGN IS CONSIDERED LEGAL, CONFORMING AND THE PROPERTY ON WHICH THE HISTORIC SIGN IS LOCATED MAY REDEVELOP WITHOUT HAVING TO BRING THE HISTORIC SIGN INTO CONFORMANCE WITH ARTICLE 5 OF THE ZONING ORDINANCE; AND
 3. THE AMOUNT OF SIGN AREA CONTAINED IN THE HISTORIC SIGN DOES NOT COUNT TOWARD THE SIGN AREA OR HEIGHT ALLOWED ON THE PROPERTY ON WHICH THE HISTORIC SIGN IS LOCATED.
- D. ELIGIBILITY CRITERIA FOR DESIGNATION. A SIGN IS ELIGIBLE FOR DESIGNATION AS HISTORIC IF IT MEETS THE FOLLOWING CRITERIA:
1. THE SIGN HAS CONTINUOUSLY EXISTED, AT ITS PRESENT LOCATION, FOR NOT LESS THAN 50 YEARS;
 2. THE APPEARANCE OF THE SIGN HAS REMAINED SUBSTANTIALLY THE SAME DURING ITS EXISTENCE AT ITS PRESENT LOCATION; AND
 3. IT MEETS ONE OF THE FOLLOWING:
 - A. THE SIGN IS OF EXEMPLARY TECHNOLOGY, CRAFTSMANSHIP, AND DESIGN FOR THE PERIOD IN WHICH IT WAS CONSTRUCTED;
 - B. THE SIGN USES HISTORIC SIGN MATERIALS FROM THE TIME PERIOD OF THE SIGN CONSTRUCTION, AND HAS RETAINED THOSE MATERIALS;
 - C. THE SIGN USES SOME FORM OF EXPOSED NEON LIGHTING, ELECTRIFIED GLASS TUBES, BULBS THAT CONTAIN RAREFIED NEON, OR ANOTHER MEANS OF ILLUMINATION FOR THE TIME PERIOD IN WHICH THE SIGN WAS CONSTRUCTED; OR
 - D. THE SIGN IS UNIQUE IN THAT IT DEMONSTRATES EXTRAORDINARY AESTHETIC QUALITY, CREATIVITY, OR INNOVATION.

E. APPLICATION PROCESS. AN APPLICANT REQUESTING A SIGN BE DESIGNATED HISTORIC MUST SUBMIT ALL THE FOLLOWING:

1. AN APPLICATION FILED WITH THE PLANNING DIVISION IN ACCORDANCE WITH THE APPLICATION REQUIREMENTS IN CHAPTER 67 OF THE ZONING ORDINANCE. ONLY THE SIGN OWNER MAY INITIATE A REQUEST FOR DESIGNATION.

2. IN ADDITION TO THE REQUIREMENTS IN CHAPTER 67 OF THE ZONING ORDINANCE, THE APPLICANT MUST SUBMIT THE FOLLOWING:

A. A PROJECT NARRATIVE THAT INCLUDES:

I. THE ORIGINAL CONSTRUCTION DATE AND LOCATION OF THE SIGN;

II. STATEMENTS AND EVIDENCE OF THE HEIGHT, SIZE, LOCATION, MATERIALS, AND DESIGN OF THE SIGN, SUCH AS PHOTOGRAPHS, ORIGINAL DRAWINGS, APPROVED PERMITS, SITE PLANS, OR OTHER MATERIALS; AND

III. ANY OTHER INFORMATION THE HISTORIC PRESERVATION OFFICER MAY REASONABLY DEEM NECESSARY TO DETERMINE THE SIGN MEETS THE ELIGIBILITY REQUIREMENTS IN SECTION 11-74-5(D) OF THE ZONING ORDINANCE.

B. A RESTORATION AND MAINTENANCE PLAN DEMONSTRATING:

I. THE SIGN IS IN OPERATIONAL ORDER, OR IF THE SIGN IS NOT IN OPERATIONAL ORDER, THE STEPS AND TIME FRAME NECESSARY TO MAKE THE SIGN OPERATIONAL WITHIN 180-DAYS OF SUBMITTAL OF THE APPLICATION, INCLUDING A LIST OF ANY PARTS AND MATERIALS THAT NEED TO BE REPLACED;

II. THE SIGN IS STRUCTURALLY SOUND, OR IF THE SIGN IS NOT STRUCTURALLY SOUND, OUTLINE THE STEPS AND THE TIME FRAME NECESSARY TO MAKE THE SIGN STRUCTURALLY SOUND, INCLUDING AN EXPLANATION OF THE PROCESS THAT WILL BE USED TO ENSURE THE SIGN MAINTAINS ITS HISTORIC CHARACTER; AND

III. HISTORIC MATERIALS ARE AVAILABLE TO CONTINUE MAINTENANCE OF THE SIGN AND SUPPORTING STRUCTURE IN ITS HISTORIC CHARACTER.

F. REVIEW PROCESS.

1. FOLLOWING SUBMITTAL OF A COMPLETE APPLICATION WITH THE REQUIRED FEES, A PUBLIC HEARING SHALL BE SCHEDULED BEFORE

THE HISTORIC PRESERVATION BOARD WITHIN 30-DAYS OF THE COMPLETION OF THE SUBSTANTIVE REVIEW OF THE APPLICATION.

- 2. THE HISTORIC PRESERVATION BOARD MAY APPROVE A SIGN AS HISTORIC IF THE SIGN SATISFIES THE CRITERIA IN SECTION 11-74-5(D) OF THE ZONING ORDINANCE.**
- 3. THE HISTORIC PRESERVATION BOARD MAY IMPOSE REASONABLE CONDITIONS TO SATISFY THE CRITERIA, INCLUDING A STATEMENT OF THE CHARACTER DEFINING ELEMENTS THAT MUST BE MAINTAINED.**

G. NOTICE OF PUBLIC HEARINGS. NOTICE OF THE PUBLIC HEARING BEFORE THE HISTORIC PRESERVATION BOARD INCLUDES THE FOLLOWING:

- 1. THE SAME NOTICE OF PUBLIC HEARING AS REQUIRED BY A.R.S. § 9-462.04; AND**
- 2. POSTING THE SUBJECT PROPERTY, NO LESS THAN 15-DAYS PRIOR TO THE FIRST SCHEDULED HEARING; AND**
- 3. PROVIDING ADDITIONAL NOTICE BY FIRST CLASS MAIL A MINIMUM OF 15-DAYS PRIOR TO THE FIRST SCHEDULED HEARING DATE TO ALL OWNERS OF PROPERTY LOCATED WITHIN 500 FEET OF THE EXTERIOR BOUNDARY OF THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION, BASED ON THE LAST COUNTY ASSESSMENT.**

H. RESTORATION.

- 1. A HISTORIC SIGN IS SUBJECT TO THE SIGN BEING OPERATIONAL AND RESTORED TO ITS HISTORIC FUNCTION AND APPEARANCE CONSISTENT WITH ANY CONDITIONS IMPOSED BY THE HISTORIC PRESERVATION BOARD.**
- 2. IF A SIGN IS NOT RESTORED CONSISTENT WITH THE CONDITIONS IMPOSED BY THE HISTORIC PRESERVATION BOARD OR IF THE SIGN IS NOT OPERATIONAL WITHIN 180-DAYS OF THE HISTORIC PRESERVATION BOARD APPROVAL, THE HISTORIC SIGN DESIGNATION IS AUTOMATICALLY REVOKED.**
- 3. THE OWNER OF THE HISTORIC SIGN CAN APPEAL THE AUTOMATIC REVOCATION TO THE HISTORIC PRESERVATION BOARD AS PROVIDED IN CHAPTER 77 OF THE ZONING ORDINANCE.**

I. MAINTENANCE AND REPAIR.

- 1. THE OWNER OF A HISTORIC SIGN IS RESPONSIBLE FOR MAINTAINING THE HISTORIC SIGN. THE MAINTENANCE CANNOT CHANGE THE MATERIAL OR DESIGN OF THE HISTORIC SIGN OR ALTER THE HISTORIC SIGN'S CHARACTER DEFINING ELEMENTS AS PER THE HISTORIC PRESERVATION BOARD APPROVAL.**

2. IF A HISTORIC SIGN IS DAMAGED OR PARTIALLY DESTROYED, THE OWNER OF THE HISTORIC SIGN MUST EITHER REMOVE, RESTORE, OR REBUILD THE HISTORIC SIGN CONSISTENT WITH THE CHARACTER DEFINING ELEMENTS OF THE HISTORIC PRESERVATION BOARD'S APPROVAL.
- J. MODIFICATIONS. THE HISTORIC PRESERVATION OFFICER MAY APPROVE MODIFICATIONS TO A HISTORIC SIGN THAT ARE CONSISTENT WITH THE ORIGINAL FINDINGS AND CONDITIONS IMPOSED BY THE HISTORIC PRESERVATION BOARD AS DESCRIBED IN SECTION 11-74-5(F)(3) OF THE ZONING ORDINANCE.
- K. REVOCATION OF HISTORIC SIGN DESIGNATION.
1. THE HISTORIC PRESERVATION OFFICER MAY REVOKE A HISTORIC SIGN DESIGNATION FOR THE FOLLOWING REASONS:
 - A. THE HISTORIC SIGN IS NOT MAINTAINED OR REPAIRED ACCORDING TO SECTION 11-74-5(I) OF THE ZONING ORDINANCE OR IS NOT MODIFIED ACCORDING TO SECTION 11-74-5(J) OF THE ZONING ORDINANCE; OR
 - B. THE HISTORIC SIGN IS MODIFIED OR REPAIRED INCONSISTENT WITH THE HISTORIC PRESERVATION BOARD'S FINDINGS, CONDITIONS IMPOSED BY THE HISTORIC PRESERVATION BOARD, OR BOTH; OR
 - C. THE PROPERTY OWNER SUBMITS A WRITTEN REQUEST THAT INCLUDES A SUMMARY OF THE REASONS FOR THE REVOCATION REQUEST INCLUDING A SUMMARY OF WHY THE SIGN NO LONGER MEETS THE HISTORIC SIGN CRITERIA OUTLINED IN SECTION 11-74-5(D) OF THE ZONING ORDINANCE. A SIGN OWNER MAY APPEAL THE HISTORIC PRESERVATION OFFICER'S DECISION FOR REVOCATION OF THE HISTORIC SIGN DESIGNATION TO THE HISTORIC PRESERVATION BOARD, AS PROVIDED IN CHAPTER 77 OF THE ZONING ORDINANCE.
- L. DEMOLITION OF A HISTORIC SIGN.
1. PRIOR TO APPLYING FOR A PERMIT TO DEMOLISH THE HISTORIC SIGN, THE HISTORIC SIGN DESIGNATION MUST BE REVOKED PER SECTION 11-74-5(L) OF THE ZONING ORDINANCE.
 2. AN APPLICANT REQUESTING APPROVAL TO DEMOLISH A SIGN MUST SUBMIT THE FOLLOWING:
 - A. AN APPLICATION FILED WITH THE PLANNING DIVISION IN ACCORDANCE WITH THE APPLICATION PROCEDURES IN CHAPTER 67 OF THE ZONING ORDINANCE; THE CONSENT OF THE SIGN OWNER; AND

B. SUMMARY OF THE REASONS TO DEMOLISH THE HISTORIC SIGN.

11-74-6: - APPEALS

- A. APPEALS FROM THE HISTORIC PRESERVATION OFFICER. DECISIONS MADE BY THE HISTORIC PRESERVATION OFFICER MAY BE APPEALED TO THE HISTORIC PRESERVATION BOARD SUBJECT TO CHAPTER 77 OF THE ZONING ORDINANCE.**
- B. APPEALS FROM THE HISTORIC PRESERVATION BOARD. DECISIONS MADE BY THE HISTORIC PRESERVATION BOARD UNDER THIS CHAPTER MAY BE APPEALED TO CITY COUNCIL SUBJECT TO THE APPEAL PROVISIONS OF CHAPTER 77 OF THE ZONING ORDINANCE.**

Section 5: That Title 11, Chapter 87, is hereby amended to include the following definitions which are arranged in alphabetical order. All the other definitions in Chapter 87 shall remain the same.

HISTORIC DISTRICT: BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) WHICH CONTAIN A CONCENTRATION, LINKAGE, OR CONTINUITY OF CULTURAL RESOURCES WHICH CONTRIBUTE TO EACH OTHER AND ARE UNIFIED AESTHETICALLY BY A PLAN OR PHYSICAL DEVELOPMENT.

HISTORIC LANDMARK: ANY BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S) THAT IS AN EXCEPTIONAL EXAMPLE OF THE HISTORICAL, ARCHAEOLOGICAL, CULTURAL, ARCHITECTURAL, COMMUNITY, AESTHETIC, OR ARTISTIC HERITAGE OF THE CITY.

HISTORIC PRESERVATION OFFICER: THE CITY STAFF, AS DESIGNATED BY THE CITY MANAGER OR THEIR DESIGNEE, THAT ADMINISTERS THE HISTORIC PRESERVATION PROGRAM, PROVIDES SUPPORT TO THE HISTORIC PRESERVATION BOARD, MANAGES THE HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS AND THE CERTIFICATE OF APPROPRIATENESS PROCESS.

HISTORIC PRESERVATION OVERLAY: A ZONING DESIGNATION THAT IS USED IN CONJUNCTION WITH AN UNDERLYING ZONING DISTRICT AND INCLUDES REGULATIONS FOR A HISTORIC LANDMARK OR HISTORIC DISTRICT TO PRESERVE THE HISTORICAL SIGNIFICANCE OF BUILDING(S), STRUCTURE(S), OBJECT(S), OR SITE(S). FOR THE PURPOSES OF THE ZONING ORDINANCE, HISTORIC PRESERVATION OVERLAY MEANS A HISTORIC PRESERVATION OVERLAY THAT HAS BEEN APPROVED BY CITY COUNCIL UNLESS A DIFFERENT MEANING CLEARLY APPEARS FROM THE CONTEXT OR IS SPECIFIED AS A PROPOSED HISTORIC PRESERVATION OVERLAY.

HISTORIC 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 BUILDING IN A HISTORIC DISTRICT OR ON A HISTORIC LANDMARK WHICH WOULD HAVE A DETRIMENTAL EFFECT ON THE DISTINCTIVE CHARACTER OF THE PROPERTY 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: REPEAL OF CONFLICTING ORDINANCES AND PRESERVATION OF RIGHTS AND DUTIES. That any sections of the Mesa Zoning Ordinance or parts of such sections in conflict herewith, are hereby repealed; provided that such repeal shall not affect suits pending, rights and duties that matured or were existing, penalties that were incurred or proceedings that were initiated prior to the effective date of this Ordinance.

Section 8: EFFECTIVE DATE. The effective date of this Ordinance is thirty (30) days after the adoption of this Ordinance.

Section 9: 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 10: PENALTY.

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.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 20th day of November 2023.

APPROVED:

Mayor

ATTEST:

City Clerk