

## ORDINANCE NO. 4936

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING THAT DOCUMENT ENTITLED "2020 CODE AMENDMENTS – HISTORIC PRESERVATION" TO BE A PUBLIC RECORD; AMENDING CHAPTER 35 (ZONING), BY AMENDING SECTION 35-3205 (ARCHITECTURAL PLAN REVIEW); ADDING ARTICLE XXXIV HISTORIC PRESERVATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, A.R.S. § 9-462.01 authorizes a legislative body to establish districts of historical significance requiring that special permission be obtained for any development within the district; and

WHEREAS, A.R.S. § 9-462.01 further authorizes a legislative body to adopt overlay zoning districts and regulations applicable to particular buildings, structures, and land within individual zoning districts; and

WHEREAS, the City Council has determined that property owners within the City of Chandler should be afforded the opportunity to preserve and protect properties, districts, and sites that represent aspects of Chandler's historic, architectural, and cultural heritage.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That certain document known as "2020 Code Amendments – Historic Preservation," one paper copy and one electronic copy of which shall remain on file in the office of the City Clerk, is hereby declared to be a public record.

Section 2. That the Chandler City Code is hereby amended by adoption of the amendments set forth in "2020 Code Amendments – Historic Preservation," said document having been declared a public record.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 4. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. Providing for Penalties.

A violation of this ordinance is a class 1 misdemeanor and upon conviction shall be punishable as provided for in Chandler City Code Sections 1-8 and 35-2700.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona this 15 day of October, 2020.

ATTEST:

Dana R. DeBy  
City Clerk

Kevin Hartke  
Mayor Kevin Hartke

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this 2 day of November, 2020.

ATTEST:

Dana R. DeBy  
City Clerk

Kevin Hartke  
Mayor Kevin Hartke

APPROVED AS TO FORM:

J. J. Winkler for JFW  
City Attorney

PUBLISHED in the Arizona Republic on November 6 and November 13, 2020.



2020 Code Amendments – Historic Preservation  
{Public Record for Ordinance No. 4936}

Chapter 35 of the Chandler City Code is hereby amended as follows (additions in ALL CAPS, deletions in ~~strikeout~~):

35-3205. - Architectural plan review.

- A. *Approval required:* Prior to development, redevelopment, building or structure construction or reconstruction; building or structure expansion, enlargement, structural alteration, or facade renovation, upon any property within this District; or any expansion of a use permitted by right in this District exceeding ~~twenty (20)~~ percent of a building's or structure's existing floor area; or any sign installation that does not fully comply with the standards and requirements set forth in section 39-9.18 of the Chandler City Code; the property owner or agent shall secure approval of the building or structure exterior from the ~~Architectural Review Committee~~ HISTORIC PRESERVATION COMMISSION, except where design of the exterior has been approved as part of the use permit approval obtained under section 35-3204 above.
- B. *Reasonable repair and minor alteration:* Approval is not required for customary maintenance of building exteriors, such as repainting to the same color, crack sealing/patching, and structural repair, any or all of which is clearly for the purpose of retaining an existing appearance.
- ~~C. *Organization:* There is hereby created an Architectural Review Committee whose jurisdiction is limited solely to this District. The Architectural Review Committee shall consist of five (5) members. The membership shall consist of one (1) member of the Planning and Zoning Commission; one (1) member of the Planning and Development Department; and three (3) public members, at least one (1) of whom shall be either a person whose business or property is located within this District or a member of the Downtown Chandler Community Partnership, and at least one (1) of whom shall be an architect, landscape architect, historian, or an individual otherwise qualified by design background, training, or experience. The members shall be selected by the Mayor with the approval of the City Council. The terms of the members shall be for three (3) years and shall be so staggered that the terms of at least one (1), but not more than two (2) members, shall conclude in any given year. All members shall serve without compensation.~~
- ~~D. *Operation:* The Architectural Review Committee shall establish rules and procedures as are necessary for the performance of its duties; provided, that the rules and procedures shall not be in conflict with the provisions of this chapter, or any applicable local, state or federal laws. Meetings shall be open to the public and shall be at the call of the chairman or as may otherwise be established in the rules of the Committee. Minutes of the Committee's proceedings and actions shall be kept and filed in the Planning and Development Department. Three (3) members shall constitute a quorum of the Committee and three (3) affirmative votes shall be required to approve an application.~~

- ~~E.-C.~~ *Decision:* Approval or denial by the ~~Architectural Review Committee~~ HISTORIC PRESERVATION COMMISSION for such architectural plans shall be based solely on design considerations such as building materials, colors, forms, masses, fixtures, and features, for consistency with the existing Early Twentieth Century Commercial style of architecture.
- ~~F.-D.~~ *Appeal:* The decision of the ~~Architectural Review Committee~~ HISTORIC PRESERVATION COMMISSION on an application presented before it shall be final on the date it is made, unless, within ~~thirty~~ (30) calendar days from the date of the ~~Committee's~~ COMMISSION'S decision, the applicant, the ~~Planning and Development~~ SERVICES Department Director with the consent of the City Manager, or any member of the City Council, appeals the decision by filing written notice of the appeal with the City Clerk. The City Clerk shall schedule the appeal for a City Council agenda, not more than ~~forty~~ (40) nor less than ~~twenty~~ (20) days following the submittal of the appeal. Notice of the appeal and the date of its consideration by City Council shall be sent by mail to the applicant and published once, not less than seven (7) days prior to the City Council meeting at which the appeal is to be heard. At its meeting, the City Council shall uphold, modify or over-rule the decision of the ~~Architectural Review Committee~~ HISTORIC PRESERVATION COMMISSION. The decision of the City Council shall be final.
- ~~G.-E.~~ *Expiration of approval:* Any approval granted herein shall expire and become null and void one (1) year from the date of approval, providing that a building permit has not been issued, unless a different time period is made a condition of the approval. A one-time extension of approval for up to one (1) year may be granted by the Zoning Administrator if the applicant files for the extension prior to the approval becoming void.
- ~~H.-F.~~ *Building permit check:* Prior to issuance of a building permit, the ~~Planning and Development~~ SERVICES Department shall ascertain that the ~~Architectural Review Committee~~ HISTORIC PRESERVATION COMMISSION has approved the exterior design plans which are in conformance with those presented with the building permit application and that the time limitations imposed by this Code or BY the ~~Architectural Review Committee~~ HISTORIC PRESERVATION COMMISSION have not lapsed.

## ARTICLE XXXIV HISTORIC PRESERVATION

### 35-3401. PURPOSE.

- 1) THIS ARTICLE IS ADOPTED TO AFFORD PROPERTY OWNERS WITHIN THE CITY OF CHANDLER THE OPPORTUNITY TO PRESERVE AND PROTECT PROPERTIES, DISTRICTS, AND SITES THAT REPRESENT ASPECTS OF CHANDLER'S HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL AND CULTURAL HERITAGE. THE PURPOSES OF THIS ARTICLE INCLUDE:



- a. PRESERVE AND PROTECT PROPERTIES, DISTRICTS AND SITES THAT REPRESENT ASPECTS OF CHANDLER'S HISTORIC, ARCHITECTURAL AND CULTURAL HERITAGE;
  - b. ENCOURAGE THE RESTORATION AND UPKEEP OF HISTORIC PROPERTIES;
  - c. ENCOURAGE CIVIC PRIDE IN THE ACCOMPLISHMENTS OF THE PAST;
  - d. PROMOTE NEIGHBORHOOD PRESERVATION AND REVITALIZATION;
  - e. GUIDE ALTERATIONS OF DESIGNATED HISTORIC STRUCTURES TO MAINTAIN THE HISTORIC INTEGRITY OF THE STRUCTURES AND APPLICABLE DISTRICTS;
  - f. DISCOURAGE DEMOLITION OR INAPPROPRIATE ALTERATION OF BOTH DESIGNATED AND QUALIFYING HISTORIC PROPERTIES; AND
  - g. DOCUMENT AND RECOGNIZE LOCATIONS THAT REPRESENT EVENTS OR INDIVIDUALS SIGNIFICANT TO CHANDLER'S HISTORY OR NATIONAL HISTORY.
- 2) UNDER A.R.S. § 9-462.01(A)(10), MUNICIPALITIES MAY ESTABLISH DISTRICTS OF HISTORICAL IMPORTANCE AND REGULATIONS APPLICABLE TO BUILDINGS, STRUCTURES AND LAND WITHIN INDIVIDUAL DISTRICTS. A HISTORIC PRESERVATION DISTRICT IS A SPECIAL ZONING DISTRICT THAT INCLUDES REGULATIONS THAT MODIFY REGULATIONS IN ANOTHER ZONING DISTRICT WITH WHICH THE OVERLAY DISTRICT IS COMBINED. THE PURPOSE OF THESE REGULATIONS IS TO PROTECT HISTORIC PROPERTIES IN THE DISTRICT FROM DEMOLITION OR INAPPROPRIATE ALTERATIONS.
- 3) THE CITY MAY ALSO DESIGNATE PROPERTIES AND SITES AS LANDMARKS, CONSERVATION DISTRICTS AND HERITAGE SITES, AS DEFINED IN THIS ORDINANCE, TO PROMOTE THE PURPOSES OF HISTORIC PRESERVATION.
- 4) THE INCLUSION OF A SPECIFIC REGULATION OR REFERENCE TO CITY CODE IN THIS CHAPTER DOES NOT IMPLY THE EXCLUSION OF ANY OTHER APPLICABLE LAW.

**35-3402. USES PERMITTED.**

THE HISTORIC PRESERVATION DISTRICT OVERLAY DOES NOT CHANGE, ALTER, EXPAND, DIMINISH OR OTHERWISE AFFECT ANY USES PERMITTED AS A MATTER OF RIGHT, OR IN ANY OTHER MANNER, IN ANY UNDERLYING ZONING DISTRICT FOR PROPERTY TO WHICH THE HISTORIC PRESERVATION DISTRICT OVERLAY APPLIES.

**35-3403. DEFINITIONS.**

THE FOLLOWING WORDS, TERMS, AND PHRASES, WHEN USED IN THIS ARTICLE, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT

WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING. WORDS NOT DEFINED SHALL BE GIVEN THEIR NORMAL, ORDINARY MEANING.

*AGGRIEVED PERSON:* A PERSON OWNING PROPERTY WITHIN 600 FEET OF A HISTORIC PROPERTY, A REGISTERED NEIGHBORHOOD ORGANIZATION LOCATED WITHIN ONE-QUARTER MILE OF A HISTORIC PROPERTY, A CITY OR OTHER GOVERNMENT OFFICIAL WHO DISAGREES WITH AN ACTION OF THE HISTORIC PRESERVATION OFFICER OR HISTORIC PRESERVATION COMMISSION CONCERNING DESIGNATION, DEMOLITION OF OR ALTERATIONS TO A HISTORIC PROPERTY.

*ALTERATION:* ANY AESTHETIC, ARCHITECTURAL, MECHANICAL, OR STRUCTURAL CHANGE TO THE EXTERIOR OF A DESIGNATED PROPERTY.

*ARCHAEOLOGICAL RESOURCES:* ANY MATERIAL REMAINS OF PAST HUMAN LIFE, ACTIVITIES, OR HABITATION THAT ARE OF PRE-HISTORIC OR HISTORIC SIGNIFICANCE, SUCH AS SETTLEMENT AND STRUCTURE REMNANTS, ARTIFACTS, TOOLS, IMPLEMENTS, ARTWORK, OR GRAVES.

*CERTIFICATE OF APPROPRIATENESS:* AN OFFICIAL DIGITAL OR PAPER DOCUMENT OF THE CITY STATING THAT PROPOSED WORK ON A HISTORIC PROPERTY IS COMPATIBLE WITH THE HISTORIC CHARACTER OF THE PROPERTY AND THEREFORE MAY BE COMPLETED AS SPECIFIED IN THE CERTIFICATE AND AUTHORIZING THE ISSUANCE OF ANY REQUIRED CONSTRUCTION PERMITS FOR THE PROPOSED WORK.

*CERTIFICATE OF NO EFFECT:* AN OFFICIAL DIGITAL OR PAPER DOCUMENT OF THE CITY STATING THAT PROPOSED WORK ON A HISTORIC PROPERTY WILL HAVE NO DETRIMENTAL EFFECT ON THE HISTORIC CHARACTER OF THE PROPERTY AND THEREFORE MAY PROCEED AS SPECIFIED IN THE CERTIFICATE WITHOUT OBTAINING ANY FURTHER AUTHORIZATION UNDER THIS ORDINANCE AND AUTHORIZING THE ISSUANCE OF ANY REQUIRED CONSTRUCTION PERMITS FOR THE PROPOSED WORK.

*CHANDLER HISTORIC PROPERTY REGISTER:* THE OFFICIAL CITY REGISTRY OF HISTORIC PROPERTIES AND DISTRICTS MAINTAINED BY THE HISTORIC PRESERVATION OFFICER THAT LISTS PROPERTIES AND DISTRICTS DESIGNATED BY THE CITY COUNCIL AS HISTORIC AND OTHER HISTORIC RESOURCES.

*CONTRIBUTOR OR CONTRIBUTING PROPERTY:* A BUILDING, PROPERTY, OR STRUCTURE WITHIN A HISTORIC PRESERVATION OR HISTORIC CONSERVATION DISTRICT WITH SUFFICIENT HISTORIC INTEGRITY THAT IT CONTRIBUTES TO THE HISTORIC CHARACTER OF THE DISTRICT.

*DEMOLITION:* AN ACT OR PROCESS WHICH DESTROYS IN WHOLE OR IN PART A HOUSE, BUILDING, OR OTHER STRUCTURE OTHER THAN SOLELY INTERIOR ELEMENTS.



*DEMOLITION APPROVAL:* AUTHORIZATION FOR REMOVAL OF ALL OR PART OF A STRUCTURE WHICH IS LOCATED WITHIN A HISTORIC PRESERVATION DISTRICT OR AN AREA UNDER CONSIDERATION FOR A HISTORIC PRESERVATION DISTRICT OVERLAY OR LANDMARK DESIGNATION.

*HERITAGE SITE:* A LOCATION OF A PAST EVENT, STRUCTURE, OR DISTRICT THAT NO LONGER PHYSICALLY EXISTS THAT WAS SIGNIFICANT TO THE HISTORY OF CHANDLER. A HERITAGE SITE CAN RECEIVE RECOGNITION BY SIGNAGE, PLAQUES, OR PYLONS.

*HISTORIC CONSERVATION DISTRICT:* AN AREA OF THE CITY DESIGNATED BY THE CITY COUNCIL AND DEFINED BY DOCUMENTED HISTORIC BOUNDARIES SUCH AS EARLY STREETS, CANALS, PLATS, OR OTHER PROPERTY LINES THAT CONTAINS ONE OR MORE HISTORIC PROPERTIES, HISTORIC ELIGIBLE PROPERTIES, OR HISTORIC PRESERVATION DISTRICTS OR IS ASSOCIATED WITH SIGNIFICANT EVENTS OR PERSONS OF THE CITY'S PAST WHERE PRESERVATION AND CONSERVATION OF THE REMAINING HISTORIC STRUCTURES AND CONTEXT IS ENCOURAGED.

*HISTORIC ELIGIBLE:* A PROPERTY, STRUCTURE, SITE, BUILDING, LANDMARK, OR DISTRICT THAT APPEARS TO MEET THE CRITERIA FOR DESIGNATION UNDER THIS ARTICLE.

*HISTORIC PRESERVATION COMMISSION:* THE COMMISSION AUTHORIZED BY THIS ARTICLE AND APPOINTED BY THE CITY COUNCIL TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

*HISTORIC PRESERVATION DISTRICT:* A ZONING OVERLAY OF AN AREA OF THE CITY DEFINED BY DOCUMENTED HISTORIC BOUNDARIES SUCH AS EARLY STREETS, CANALS, PLATS, OR OTHER PROPERTY LINES AND CONTAINING AT LEAST ONE HISTORIC PROPERTY, STRUCTURE, SITE, BUILDING, OR LANDMARK, THAT IS SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

*HISTORIC PRESERVATION OFFICER:* AN OFFICER OR EMPLOYEE OF THE CITY WHOM THE CITY MANAGER DESIGNATES TO ADMINISTER THIS ARTICLE AND MAINTAIN THE CHANDLER HISTORIC PROPERTY REGISTER.

*HISTORIC PROPERTY:* A PROPERTY, STRUCTURE, SITE, BUILDING, LANDMARK, OR DISTRICT DESIGNATED AS HISTORIC UNDER THIS ARTICLE.

*INTEGRITY:* THE ABILITY OF A PROPERTY TO CONVEY ITS HISTORIC SIGNIFICANCE.

*LANDMARK:* A STRUCTURE OR SITE THAT CONTAINS AN OUTSTANDING OR UNIQUE EXAMPLE OF AN ARCHITECTURAL STYLE; IS ASSOCIATED WITH A MAJOR HISTORIC EVENT, ACTIVITY OR PERSON; IS A SITE OR STRUCTURE OF UNIQUE VISUAL QUALITY AND IDENTIFICATION; OR IS OF HISTORICAL OR CULTURAL IMPORTANCE TO THE COMMUNITY AND IS EITHER LOCATED IN A

HISTORIC PRESERVATION DISTRICT OR MEETS ALL CRITERIA FOR DESIGNATION AS A HISTORIC PRESERVATION DISTRICT.

*MINOR WORK:* ANY CHANGE THAT MODIFIES, RESTORES, REHABILITATES, RENOVATES, SURFACES, OR RESURFACES THE FEATURES OF A HISTORIC PROPERTY THAT DOES NOT MATERIALLY CHANGE THE HISTORIC CHARACTERISTICS OF THE PROPERTY.

*NON-CONTRIBUTING PROPERTY:* A BUILDING, PROPERTY, OR STRUCTURE WITHIN A HISTORIC PRESERVATION DISTRICT OR CONSERVATION DISTRICT THAT DOES NOT CONTRIBUTE TO THE HISTORIC CHARACTER OF THE DISTRICT.

*NON-INCOME PRODUCING PROPERTY:* AN OWNER-OCCUPIED SINGLE FAMILY DWELLING OR INSTITUTIONAL PROPERTY THAT DOES NOT GENERATE RENT OR OTHER FINANCIAL BENEFIT TO THE OWNER. A CITY-APPROVED HOME OCCUPATION IN AN OWNER-OCCUPIED SINGLE FAMILY DWELLING IS CONSIDERED A NON-INCOME PRODUCING PROPERTY FOR THE PURPOSES OF THIS ARTICLE.

*NATIONAL REGISTER OF HISTORIC PLACES:* THE NATIONAL REGISTER OF HISTORIC PLACES AS ESTABLISHED BY THE HISTORIC SITES ACT OF 1935 (16 U.S.C. § 461 *ET SEQ.*) AND EXPANDED BY THE NATIONAL HISTORIC PRESERVATION ACT OF 1966, (16 U.S.C. § 470 *ET SEQ.*), AS AMENDED.

*PROFESSIONAL HISTORIAN:* A PERSON WITH A DEGREE OR SIGNIFICANT COURSEWORK FROM AN ACCREDITED UNIVERSITY IN A DISCIPLINE OF HISTORICAL STUDY RELATED TO HISTORIC PRESERVATION, OR A PERSON WHO HAS ENGAGED IN ACTIVITIES RELEVANT TO HISTORIC PRESERVATION, SUCH AS PUBLISHING ARTICLES ON HISTORIC PRESERVATION, ACTIVELY REHABILITATING HISTORIC STRUCTURES, OR CONDUCTING RELEVANT STUDIES.

*REPLACEMENT/REUSE PLAN:* A PLAN FOR REDEVELOPMENT WITHIN A HISTORIC PRESERVATION DISTRICT THAT COMPLIES WITH EXISTING ZONING, THE GENERAL PLAN, HISTORIC PRESERVATION DESIGN GUIDELINES, AND MEETS THE CITY'S REQUIREMENTS FOR DEVELOPMENT AND REDEVELOPMENT.

*WORKMANSHIP:* THE PHYSICAL EVIDENCE OF THE CRAFTS OF A PARTICULAR CULTURE OR PEOPLE DURING ANY GIVEN PERIOD OF HISTORY OR PRE-HISTORY.



**35-3404. HISTORIC PRESERVATION COMMISSION.**

- 1) *HISTORIC PRESERVATION COMMISSION; ESTABLISHMENT; MEMBERS.* THE CHANDLER HISTORIC PRESERVATION COMMISSION IS HEREBY ESTABLISHED IN ACCORDANCE WITH ARTICLE VI OF THE CHANDLER CITY CHARTER. THE COMMISSION SHALL CONSIST OF SEVEN MEMBERS WHO ARE RESIDENTS OF THE CITY AT LARGE APPOINTED BY THE MAYOR WITH THE APPROVAL OF THE CITY COUNCIL. UPON ADOPTION OF THIS ORDINANCE, FOUR OF THE SEVEN SEATS SHALL BE FILLED BY THE THEN-SERVING PUBLIC MEMBERS OF THE ARCHITECTURAL REVIEW COMMITTEE, EACH OF WHOM SHALL SERVE THE REMAINDER OF THEIR TERM ON THE HISTORIC PRESERVATION COMMISSION. THE REMAINING THREE MEMBERS SHALL BE FILLED BY RESIDENTS OF THE CITY OF CHANDLER QUALIFIED AS SET FORTH IN THIS SECTION AND APPOINTED BY THE MAYOR WITH THE APPROVAL OF THE CITY COUNCIL.

THE TERMS OF THE MEMBERS SHALL BE FOR THREE YEARS AND SHALL BE STAGGERED SO THAT THE TERMS OF AT LEAST ONE, BUT NOT MORE THAN TWO, MEMBERS SHALL CONCLUDE IN ANY GIVEN YEAR. ANY VACANCY DURING A TERM SHALL BE FILLED BY THE MAYOR WITH THE APPROVAL OF THE COUNCIL FOR THE REMAINDER OF THE TERM. ALL MEMBERS SHALL SERVE WITHOUT COMPENSATION.

THE CHANDLER MUSEUM ADMINISTRATOR SHALL SERVE AS AN EX OFFICIO MEMBER OF THE COMMISSION.

THE MAYOR MAY APPOINT ADVISORY MEMBERS TO THE COMMISSION WITH THE APPROVAL OF THE CITY COUNCIL. ADVISORY AND EX OFFICIO MEMBERS MAY PARTICIPATE IN ALL DISCUSSIONS WHICH COME BEFORE THE COMMISSION BUT SHALL NOT VOTE ON ANY MATTER.

- 2) *QUALIFICATIONS OF MEMBERS.* MEMBERS OF THE COMMISSION SHALL BE PERSONS WHO HAVE DEMONSTRATED SPECIAL INTEREST, KNOWLEDGE, OR EXPERIENCE IN HISTORY AND HISTORIC PRESERVATION AND ARE OTHERWISE QUALIFIED BY BACKGROUND, TRAINING, EDUCATION, OR EXPERIENCE AS A PROFESSIONAL HISTORIAN, DESIGN PROFESSIONAL, ARCHITECT, LANDSCAPE ARCHITECT, REGISTERED ENGINEER, OR REAL ESTATE PROFESSIONAL. AT LEAST ONE MEMBER SHALL BE A PERSON WHO OWNS A HISTORIC PROPERTY OR A HISTORIC ELIGIBLE PROPERTY OR OPERATES A BUSINESS LOCATED IN A HISTORIC PROPERTY IN THE CITY OF CHANDLER. ONE MEMBER SHALL BE A MEMBER OF THE PLANNING AND ZONING COMMISSION. ONE MEMBER SHALL BE EITHER A PERSON WHOSE BUSINESS OR PROPERTY IS LOCATED WITHIN THE CITY CENTER DISTRICT OR A MEMBER OF THE DOWNTOWN CHANDLER COMMUNITY PARTNERSHIP.

- 3) *OFFICERS; MEETINGS; ADMINISTRATION OF OATH; QUORUM.* THE REGULAR COMMISSION MEMBERS SHALL ELECT A CHAIR AND VICE-CHAIR FROM AMONG THEIR MEMBERSHIP DURING THE FIRST MEETING OF THE COMMISSION IN THE CALENDAR YEAR. MEETINGS OF THE COMMISSION SHALL BE OPEN TO THE PUBLIC AND SHALL BE SCHEDULED AS NEEDED AT THE REQUEST OF THE CHAIR, THE HISTORIC PRESERVATION OFFICER, OR THE CITY MANAGER. AT LEAST ONE MEETING SHALL BE HELD IN EACH CALENDAR YEAR. THE CITY CLERK SHALL ADMINISTER OATHS. THE HISTORIC PRESERVATION OFFICER SHALL BE STAFF LIAISON TO THE COMMISSION. THE DEVELOPMENT SERVICES DIRECTOR SHALL APPOINT A STAFF MEMBER TO SERVE AS RECORDING SECRETARY TO THE COMMISSION. A MAJORITY OF THE REGULAR COMMISSION MEMBERS SHALL CONSTITUTE A QUORUM AT ANY MEETING.
- 4) *POWERS AND DUTIES.* THE POWERS AND DUTIES OF THE COMMISSION SHALL BE AS FOLLOWS:
- a. REVIEW AND RECOMMEND STANDARDS FOR THE DESIGNATION OF HISTORIC PROPERTIES TO THE CITY COUNCIL.
  - b. REVIEW APPLICATIONS FOR HISTORIC DESIGNATION AND MAKE RECOMMENDATIONS TO THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL ON THE DESIGNATION OF HISTORIC PRESERVATION DISTRICTS, HISTORIC CONSERVATION DISTRICTS, LANDMARKS, AND HERITAGE SITES.
  - c. CONDUCT PUBLIC HEARINGS TO DISCUSS AND ACT UPON APPLICATIONS FOR DESIGNATION.
  - d. SERVE AS AN APPEALS BOARD FOR REVIEW OF CERTIFICATES OF APPROPRIATENESS AND DEMOLITION REQUESTS.
  - e. PROVIDE ENCOURAGEMENT AND TECHNICAL GUIDANCE ON HISTORIC PRESERVATION AND DESIGNATIONS TO PROPERTY OWNERS AND CITY STAFF.
  - f. ADVISE THE CITY COUNCIL AND CITY STAFF ON HISTORIC PRESERVATION INITIATIVES AND PROGRAMS.
  - g. ACT AS COMMUNITY ADVOCATES TO ENCOURAGE PRESERVATION AND DESIGNATION OF HISTORIC PROPERTIES.
  - h. ACT AS A LIAISON WITH HISTORIC PRESERVATION COMMISSIONERS AND STAFF FROM OTHER MUNICIPALITIES.
  - i. ACT AS A LIAISON WITH THE STATE HISTORIC PRESERVATION OFFICE AS NEEDED.
  - j. RECOMMEND DESIGN GUIDELINES APPLICABLE TO THE ALTERATION OF THE EXTERIOR OF A DESIGNATED PROPERTY, INCLUDING, BUT NOT LIMITED TO, REHABILITATION OF OR ADDITIONS TO HISTORIC STRUCTURES AND NEW CONSTRUCTION ON VACANT LAND LOCATED IN HISTORIC PRESERVATION DISTRICTS TO THE CITY COUNCIL. DESIGN GUIDELINES MAY MODIFY THE STANDARDS SET FORTH IN CHAPTER 39 OF THE CITY



CODE FOR SIGNS THAT ARE CONSIDERED HISTORIC OR A HISTORIC FEATURE OF A HISTORIC STRUCTURE, BUT SHALL NOT AFFECT THE SAFETY OR PERMIT PROVISIONS OF THAT CHAPTER.

- k. REVIEW ARCHITECTURAL PLANS SUBMITTED FOR APPROVAL UNDER SECTION 35-3205.
  - l. UPON RECOMMENDATION OF THE HISTORIC PRESERVATION OFFICER, THE COMMISSION MAY INITIATE THE DESIGNATION PROCESS FOR A HISTORIC PROPERTY THAT APPEARS TO MEET THE CRITERIA FOR DESIGNATION AND IS IN IMMINENT DANGER OF DEMOLITION OR ALTERATION.
- 5) *RULES, REGULATIONS, AND RECORDS.* THE COMMISSION SHALL MAKE AND PUBLISH RULES AND REGULATIONS, WITH THE APPROVAL OF THE CITY COUNCIL, TO GOVERN ITS PROCEEDINGS AND TO CARRY OUT THE PROVISIONS OF THIS CODE. THE RECORDING SECRETARY SHALL KEEP MINUTES OF THE PROCEEDINGS SHOWING THE VOTE ON EVERY QUESTION, OR IF A MEMBER IS ABSENT OR FAILS TO VOTE, INDICATING THAT FACT, AND SHALL KEEP RECORDS OF THE COMMISSION'S EXAMINATIONS AND OTHER OFFICIAL ACTIONS. MINUTES OF THE COMMISSION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK. THE MINUTES SHALL BE A PUBLIC RECORD.

### **35-3405. HISTORIC PRESERVATION OFFICER.**

THE POSITION OF HISTORIC PRESERVATION OFFICER IS HEREBY CREATED. THE HISTORIC PRESERVATION OFFICER SHALL BE APPOINTED BY THE CITY MANAGER AND WORK UNDER THE DIRECTION OF THE CITY MANAGER OR DESIGNEE. THE HISTORIC PRESERVATION OFFICER SHALL HAVE SOME BACKGROUND AND EXPERIENCE IN HISTORIC PRESERVATION AND MAY BE A PLANNER, ARCHITECT, ENGINEER, OR OTHER INDIVIDUAL DEEMED QUALIFIED BY THE CITY MANAGER TO PERFORM THE DUTIES OF THE POSITION. THE OFFICER SHALL:

- A. PERFORM ADMINISTRATIVE ACTS AS REQUIRED BY THE HISTORIC PRESERVATION ORDINANCE.
- B. SERVE AS STAFF LIAISON TO THE HISTORIC PRESERVATION COMMISSION.
- C. DEVELOP FORMS AND PROCEDURES FOR THE PROCESSING OF HISTORIC PRESERVATION DESIGNATION APPLICATIONS.
- D. MAINTAIN THE CHANDLER HISTORIC PROPERTY REGISTER.
- E. PROVIDE TECHNICAL AND POLICY RECOMMENDATIONS ON HISTORIC PRESERVATION MATTERS TO THE CITY MANAGER AND STAFF, HISTORIC PRESERVATION COMMISSION, PLANNING AND ZONING COMMISSION, AND CITY COUNCIL.
- F. REVIEW APPLICATIONS FOR HISTORIC PRESERVATION DESIGNATION AND MAKE RECOMMENDATIONS TO THE HISTORIC

- PRESERVATION COMMISSION, PLANNING AND ZONING COMMISSION, AND CITY COUNCIL.
- G. REVIEW APPLICATIONS FOR ALTERATION AND DEMOLITION OF DESIGNATED HISTORIC PROPERTIES AND PROPERTIES UNDER CONSIDERATION FOR HISTORIC DESIGNATION AND ISSUE APPROVALS, DENIALS, CERTIFICATES OF NO EFFECT, OR CERTIFICATES OF APPROPRIATENESS.
  - H. DEVELOP AND ADMINISTER, UNDER THE GUIDANCE OF THE CITY MANAGER AND HISTORIC PRESERVATION COMMISSION, PROGRAMS TO PROMOTE AND INCENT HISTORIC PRESERVATION.
  - I. ACT AS A LIAISON WITH THE STATE HISTORIC PRESERVATION OFFICE.

**35-3406. DESIGNATION OF HISTORIC PROPERTY.**

- 1) *CRITERIA FOR DESIGNATION.* A PROPERTY THAT MEETS THE FOLLOWING CRITERIA SHALL BE ELIGIBLE FOR DESIGNATION AS A HISTORIC PROPERTY:
  - a. SIGNIFICANCE:
    - 1. THE PROPERTY OR DISTRICT IS LISTED ON THE ARIZONA REGISTER OF HISTORIC PLACES AND HAS MAINTAINED ITS INTEGRITY; OR
    - 2. THE PROPERTY IS LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES AND HAS MAINTAINED ITS INTEGRITY; OR
    - 3. THE PROPERTY IS ASSOCIATED WITH EVENTS OR PERSONS SIGNIFICANT TO CHANDLER'S HISTORY OR NATIONAL HISTORY; OR
    - 4. THE PROPERTY INCLUDES EXAMPLES OF SIGNIFICANT ARCHITECTURAL STYLES OR CONSTRUCTION METHODS ASSOCIATED WITH THE PAST; OR
    - 5. THE PROPERTY HAS YIELDED OR IS LIKELY TO YIELD INFORMATION IN THE UNDERSTANDING OF THE HISTORY OR PRE-HISTORY OF THE CITY.
  - b. AGE:
    - 1. THE PROPERTY IS AT LEAST 50 YEARS OLD; OR
    - 2. THE PROPERTY HAS ACHIEVED SIGNIFICANCE IN THE PAST 50 YEARS IF THE PROPERTY IS OF EXCEPTIONAL IMPORTANCE.
  - c. INTEGRITY: THE PROPERTY RETAINS SUFFICIENT INTEGRITY OF LOCATION, DESIGN, SETTING, MATERIALS, WORKMANSHIP, FEELING, OR ASSOCIATION TO CONVEY SIGNIFICANCE.



- 2) *HISTORIC PRESERVATION DISTRICT AND HISTORIC CONSERVATION DISTRICT BOUNDARIES.* WHEN APPLYING THE CRITERIA FOR DESIGNATION SET FORTH IN THIS SECTION, THE HISTORIC PRESERVATION COMMISSION SHALL APPLY THE BOUNDARIES OF A HISTORIC PRESERVATION DISTRICT OR HISTORIC CONSERVATION DISTRICT TO ENSURE:
- a. THE DISTRICT CONTAINS DOCUMENTED HISTORIC, ARCHITECTURAL, OR ARCHAEOLOGICAL RESOURCES; AND
  - b. THE DISTRICT BOUNDARIES GENERALLY COINCIDE WITH DOCUMENTED HISTORIC BOUNDARIES SUCH AS EARLY STREETS, CANALS, PLATS, OTHER PROPERTY LINES, OR OTHER BOUNDARIES; AND
  - c. OTHER DISTRICT BOUNDARIES COINCIDE WITH APPROPRIATE PHYSICAL OR MANMADE FEATURES THAT REFLECT RECOGNIZED NEIGHBORHOOD OR AREA BOUNDARIES; AND
  - d. OTHER NON-HISTORIC RESOURCES AND/OR VACANT LAND ARE INCLUDED WHERE NECESSARY TO CREATE APPROPRIATE BOUNDARIES FOR THE DISTRICT.

**35-3407. PROCEDURE FOR DESIGNATING A HISTORIC CONSERVATION DISTRICT OR HERITAGE SITE.**

- 1) *APPLICATION.* THE CITY OR A PROPERTY OWNER OR AUTHORIZED DESIGNEE SHALL FILE AN APPLICATION TO DESIGNATE A HISTORIC CONSERVATION DISTRICT OR HERITAGE SITE AS DIRECTED BY THE HISTORIC PRESERVATION OFFICER. THE APPLICATION SHALL INCLUDE THE FOLLOWING:
  - a. FOR A HISTORIC CONSERVATION DISTRICT CONTAINING MORE THAN ONE PROPERTY, IDENTIFY BOTH CONTRIBUTING AND NON-CONTRIBUTING STRUCTURES.
  - b. FOR A HERITAGE SITE, IDENTIFY THE PAST EVENT, STRUCTURE, OR DISTRICT THAT NO LONGER PHYSICALLY EXISTS THAT WAS SIGNIFICANT TO THE HISTORY OF CHANDLER.
- 2) *REVIEW AND RECOMMENDATION.* THE HISTORIC PRESERVATION OFFICER SHALL REVIEW THE APPLICATION AND DEVELOP A REPORT WITH A RECOMMENDATION TO THE HISTORIC PRESERVATION COMMISSION.
- 3) *PUBLIC HEARING.* THE HISTORIC PRESERVATION COMMISSION SHALL SET A DATE FOR A PUBLIC HEARING ON THE APPLICATION. NOTICE OF THE HEARING SHALL BE MAILED TO ALL PROPERTY OWNERS WITHIN THE PROPOSED DISTRICT AND TO THE APPLICANT AT LEAST 30 CALENDAR DAYS BEFORE THE HEARING. NOTICE OF THE HEARING SHALL BE POSTED AT LEAST 15 CALENDAR DAYS PRIOR TO THE HEARING ON OR NEAR THE PROPERTY OR WITHIN THE PROPOSED DISTRICT IN ONE OR MORE

LOCATIONS, AS DETERMINED BY THE HISTORIC PRESERVATION OFFICER. THE NOTICE SHALL BE ON A FOUR FOOT BY EIGHT FOOT WOODEN SIGN CLEARLY VISIBLE TO PERSONS LIVING IN OR PASSING THROUGH THE NEIGHBORHOOD OR PROPOSED DISTRICT.

- 4) *COMMISSION DETERMINATION.* THE HISTORIC PRESERVATION COMMISSION SHALL EVALUATE EACH APPLICATION AND MAKE A DETERMINATION AND RECOMMENDATIONS IN THE PUBLIC HEARING BASED ON THE CRITERIA FOR DESIGNATION.
- 5) *COUNCIL ACTION.* FOLLOWING THE HEARING, THE HISTORIC PRESERVATION COMMISSION SHALL TRANSMIT TO THE CITY COUNCIL ITS DECISION AND RECOMMENDATION. THE CITY COUNCIL MAY ADOPT BY RESOLUTION THE RECOMMENDATIONS OF THE HISTORIC PRESERVATION COMMISSION.
- 6) *HISTORIC PROPERTY REGISTER.* CONTRIBUTING PROPERTIES WITHIN A HISTORIC CONSERVATION DISTRICT OR HERITAGE SITE SHALL BE ADDED TO THE CHANDLER HISTORIC PROPERTY REGISTER.
- 7) *REVERSION.* THE CITY OR AN OWNER OF PROPERTY WITHIN A HISTORIC CONSERVATION DISTRICT CAN INITIATE REVERSION OF A HISTORIC CONSERVATION DISTRICT DESIGNATION BY FILING AN APPLICATION FOR THAT PURPOSE. THE APPLICATION SHALL FOLLOW THE PROCEDURES FOR HEARING AND DETERMINATION SET FORTH IN THIS SECTION. REASONS FOR REVERSION MAY INCLUDE LOSS OF INTEGRITY, DEMOLITION, DESTRUCTION, AND/OR OWNER DESIRE TO REMOVE HISTORIC CONSERVATION DISTRICT DESIGNATION.

**35-3408. PROCEDURE FOR ESTABLISHING HISTORIC PRESERVATION DISTRICT OVERLAY ZONING AND LANDMARK DESIGNATION.**

- 1) *APPLICATION.* AN OWNER OR AUTHORIZED DESIGNEE SHALL FILE AN APPLICATION TO ESTABLISH HISTORIC PRESERVATION DISTRICT OVERLAY ZONING OR TO DESIGNATE A LANDMARK AS DIRECTED BY THE HISTORIC PRESERVATION OFFICER. THE APPLICATION SHALL INCLUDE THE FOLLOWING:
  - a. IDENTIFY BOTH CONTRIBUTING AND NON-CONTRIBUTING STRUCTURES WITHIN THE PROPOSED HISTORIC PRESERVATION DISTRICT.
  - b. FOR LANDMARK DESIGNATION, DOCUMENTATION OF THE UNIQUENESS AND SIGNIFICANCE OF THE BUILDING OR SITE THAT JUSTIFIES DESIGNATION.



- c. A DECLARATION AND WAIVER IN A FORM PRESCRIBED BY THE HISTORIC PRESERVATION OFFICER SIGNED BY THE RECORD OWNERS OF AT LEAST 90 PERCENT OF THE CONTRIBUTING PROPERTIES IN THE PROPOSED DISTRICT.
  - d. CONTRIBUTING PROPERTIES WITHIN A HISTORIC PRESERVATION DISTRICT FOR WHICH THE RECORD OWNER HAS NOT SIGNED A DECLARATION AND WAIVER SHALL BE EXEMPT FROM REGULATION UNDER THIS SECTION.
  - e. THE RECORD OWNER OF AN EXEMPT CONTRIBUTING PROPERTY WITHIN A HISTORIC PRESERVATION DISTRICT MAY APPLY TO HAVE THE EXEMPTION REMOVED BY FILING AN APPLICATION IN A FORM PRESCRIBED BY THE HISTORIC PRESERVATION OFFICER. THE HISTORIC PRESERVATION OFFICER SHALL SCHEDULE THE APPLICATION FOR A HEARING BEFORE THE HISTORIC PRESERVATION COMMISSION. FOLLOWING THE HEARING, THE HISTORIC PRESERVATION COMMISSION SHALL ISSUE ITS WRITTEN RECOMMENDATION AND REPORT TO THE CITY COUNCIL. THE CITY COUNCIL MAY ADOPT THE COMMISSION'S RECOMMENDATION BY ORDINANCE.
- 2) *REVIEW AND RECOMMENDATION.* THE HISTORIC PRESERVATION OFFICER SHALL REVIEW THE APPLICATION AND DEVELOP A REPORT WITH A RECOMMENDATION TO THE HISTORIC PRESERVATION COMMISSION.
  - 3) *CITIZEN REVIEW PROCESS.* AN APPLICATION FOR HISTORIC PRESERVATION DISTRICT OVERLAY ZONING AND LANDMARK DESIGNATION SHALL FOLLOW THE CITIZEN REVIEW PROCESS AS SET FORTH IN CODE SECTION 35-2601.1. THE HISTORIC PRESERVATION OFFICER SHALL DISCHARGE THE DUTIES AND RESPONSIBILITIES OF THE ZONING ADMINISTRATOR.
  - 4) *PUBLIC HEARING.* THE HISTORIC PRESERVATION COMMISSION SHALL SET A DATE FOR A PUBLIC HEARING ON THE APPLICATION. NOTICE OF THE HEARING SHALL BE PROVIDED AS SET FORTH IN CODE SECTION 35-2602(A).
  - 5) *COMMISSION DETERMINATION.* THE HISTORIC PRESERVATION COMMISSION SHALL EVALUATE EACH APPLICATION AND MAKE A DETERMINATION AND RECOMMENDATION IN THE PUBLIC HEARING BASED ON THE CRITERIA FOR DESIGNATION. FOR LANDMARK DESIGNATION, THE COMMISSION SHALL ADOPT A SET OF FINDINGS THAT DOCUMENT THE UNIQUENESS AND SIGNIFICANCE OF THE BUILDING OR SITE.
  - 6) *PLANNING AND ZONING COMMISSION.* FOLLOWING THE HEARING, THE HISTORIC PRESERVATION COMMISSION SHALL TRANSMIT ITS DECISION AND RECOMMENDATION TO THE PLANNING AND ZONING COMMISSION. THE PLANNING AND ZONING COMMISSION SHALL SCHEDULE A PUBLIC HEARING ON THE APPLICATION. NOTICE OF THE HEARING SHALL BE

PROVIDED AS SET FORTH IN CODE SECTION 35-2602(A). AFTER THE HEARING, THE PLANNING AND ZONING COMMISSION SHALL RENDER ITS DECISION IN THE FORM OF A WRITTEN REPORT AND RECOMMENDATION TO THE CITY COUNCIL.

- 7) *COUNCIL ACTION.* THE CITY COUNCIL MAY ADOPT BY ORDINANCE THE RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION.
- 8) *HISTORIC PROPERTY REGISTER AND ZONING MAP.* PROPERTIES GRANTED HISTORIC PRESERVATION DISTRICT OVERLAY ZONING AND LANDMARK DESIGNATION SHALL BE ADDED TO THE CHANDLER HISTORIC PROPERTY REGISTER AND THE ZONING MAP MAINTAINED BY THE CITY.
- 9) *REVERSION.* THE CITY OR AN OWNER OF PROPERTY WITHIN A HISTORIC PRESERVATION DISTRICT CAN INITIATE REVERSION OF THE HISTORIC PRESERVATION DISTRICT OVERLAY ZONING BY FILING AN APPLICATION FOR THAT PURPOSE. THE APPLICATION SHALL FOLLOW THE PROCEDURES FOR HEARING AND DETERMINATION SET FORTH IN THIS SECTION. REASONS TO REMOVE HISTORIC PRESERVATION DISTRICT OVERLAY ZONING MAY INCLUDE: LOSS OF INTEGRITY, DEMOLITION, DESTRUCTION, OR OWNER'S DESIRE TO REMOVE THE HISTORIC PRESERVATION DISTRICT OVERLAY ZONING.

**35-3409. DEMOLITION OR ALTERATION OF STRUCTURES ON PROPERTIES LISTED ON THE CHANDLER HISTORIC PROPERTY REGISTER OR PROPERTIES THAT ARE THE SUBJECT OF A PENDING APPLICATION FOR DESIGNATION.**

- 1) *IDENTIFICATION.* THE HISTORIC PRESERVATION OFFICER SHALL DIRECT THAT THE PARCEL NUMBERS AND ADDRESSES OF PROPERTIES LISTED ON THE CHANDLER HISTORIC PROPERTY REGISTER, AND PROPERTIES THAT ARE THE SUBJECT OF A PENDING APPLICATION FOR A HISTORIC CONSERVATION DISTRICT, HERITAGE SITE, HISTORIC PRESERVATION DISTRICT OVERLAY ZONING, OR LANDMARK DESIGNATION BE NOTED AS SUCH IN THE CITY'S PERMIT DATABASE.
- 2) *MANDATORY REVIEW AND CONSULTATION.* THE BUILDING OFFICIAL SHALL REFER ALL APPLICATIONS FOR DEMOLITION OR CONSTRUCTION PERMITS ASSOCIATED WITH A PROPERTY LISTED ON THE CHANDLER HISTORIC PROPERTY REGISTER OR A PROPERTY THAT IS THE SUBJECT OF A PENDING APPLICATION FOR A HISTORIC CONSERVATION DISTRICT OR HERITAGE SITE TO THE HISTORIC PRESERVATION OFFICER FOR REVIEW AND CONSULTATION. WITHIN TEN BUSINESS DAYS AFTER RECEIVING THE REFERRAL, THE HISTORIC PRESERVATION OFFICER SHALL DETERMINE, USING THE DESIGNATION CRITERIA SET FORTH AT SECTION 35-3406, WHETHER THE STRUCTURE HAS HISTORIC OR ARCHITECTURAL SIGNIFICANCE OR IS ESSENTIAL TO THE HISTORIC FEATURES OF THE AREA



SUCH THAT FURTHER CONSULTATION PRIOR TO APPROVAL OF DEMOLITION OR CONSTRUCTION IS WARRANTED.

- a. IF THE HISTORIC PRESERVATION OFFICER DETERMINES THAT NO FURTHER CONSULTATION IS WARRANTED, HE SHALL DIRECT THE BUILDING OFFICIAL TO PROCEED WITH THE PROCESSING OF THE PERMIT.
  - b. IF THE HISTORIC PRESERVATION OFFICER DETERMINES THAT FURTHER CONSULTATION IS WARRANTED, THEN PRIOR TO ANY FURTHER PROCESSING OF THE PERMIT HE SHALL ACT PROMPTLY TO CONSULT WITH THE APPLICANT REGARDING ALTERNATIVES TO THE PROPOSED DEMOLITION OR OTHER SCOPE OF WORK THAT MAY MINIMIZE THE EFFECT ON THE HISTORIC FEATURES OF THE BUILDING OR PRESERVE SOME ASPECT OF IT. THE HISTORIC PRESERVATION OFFICER SHALL CONCLUDE CONSULTATION AND DIRECT SUCH FURTHER PROCESSING OF THE PERMIT AS IS APPROPRIATE 90 DAYS AFTER INITIATING CONSULTATION WITH THE APPLICANT.
- 3) *STAY OF DEMOLITION OR ALTERATION OF PROPERTIES UNDER CONSIDERATION FOR HISTORIC PRESERVATION DISTRICT OVERLAY ZONING OR LANDMARK DESIGNATION.* NO PERMIT FOR DEMOLITION OR ALTERATION OF STRUCTURES ON PROPERTIES UNDER CONSIDERATION FOR HISTORIC PRESERVATION DISTRICT OVERLAY ZONING OR LANDMARK DESIGNATION SHALL ISSUE WHILE AN APPLICATION FOR DESIGNATION IS PENDING EXCEPT AS FOLLOWS.
- a. *REVIEW.* THE BUILDING OFFICIAL SHALL REFER ALL APPLICATIONS FOR DEMOLITION OR CONSTRUCTION PERMITS ASSOCIATED WITH THE PROPERTY TO THE HISTORIC PRESERVATION OFFICER FOR REVIEW AND DETERMINATION USING THE CRITERIA FOR DESIGNATION SET FORTH IN SECTION 35-3406.
  - b. *DETERMINATION; CONDITIONS FOR APPROVAL.* THE HISTORIC PRESERVATION OFFICER SHALL ISSUE A WRITTEN DETERMINATION ON THE DEMOLITION OR CONSTRUCTION PERMIT WITHIN 20 BUSINESS DAYS AFTER THE DATE THE BUILDING OFFICIAL RECEIVES THE APPLICATION.
    1. THE HISTORIC PRESERVATION OFFICER SHALL ISSUE DEMOLITION PERMIT APPROVAL IF THE BUILDING DOES NOT HAVE HISTORIC OR ARCHITECTURAL SIGNIFICANCE, IS NOT ESSENTIAL TO THE HISTORIC FEATURES OF THE AREA, AND IS A NON-CONTRIBUTING STRUCTURE; OR THE BUILDING HAS HISTORIC OR ARCHITECTURAL SIGNIFICANCE BUT DENIAL OF THE

- PERMIT WILL RESULT IN AN ECONOMIC HARDSHIP TO THE PROPERTY OWNER UNDER CODE SECTION 35-3413.
2. THE HISTORIC PRESERVATION OFFICER SHALL ISSUE CONSTRUCTION PERMIT APPROVAL IF THE BUILDING DOES NOT HAVE HISTORIC OR ARCHITECTURAL SIGNIFICANCE, THE WORK WILL HAVE ONLY MINIMAL EFFECT ON THE HISTORIC FEATURES OF THE BUILDING, THE BUILDING HAS HISTORIC OR ARCHITECTURAL SIGNIFICANCE BUT THE SCOPE OF WORK IS LIMITED TO STABILIZING OR REPAIRING THE BUILDING, OR THE WORK IS LIMITED TO THE INTERIOR AND WILL NOT IMPACT THE BUILDING'S EXTERNAL APPEARANCE.
  3. FOR ANY DEMOLITION OR CONSTRUCTION PERMIT APPLICATION THAT DOES NOT MEET THE CONDITIONS FOR APPROVAL SET FORTH ABOVE, THE HISTORIC PRESERVATION OFFICER SHALL DIRECT FURTHER PROCESSING OF THE PERMIT UNDER SUBSECTION (c) BELOW.
- c. A DEMOLITION OR CONSTRUCTION PERMIT APPLICATION THAT DOES NOT MEET ANY OF THE CONDITIONS FOR APPROVAL SET FORTH IN SUBSECTION (b) SHALL BE HELD FOR A PERIOD OF ONE YEAR FOR A STRUCTURE ON A PROPERTY UNDER CONSIDERATION FOR HISTORIC PRESERVATION DISTRICT OVERLAY ZONING OR FOR A PERIOD OF THREE YEARS FOR A STRUCTURE UNDER CONSIDERATION FOR LANDMARK DESIGNATION. IF HISTORIC PRESERVATION DISTRICT OVERLAY ZONING IS PLACED ON THE PROPERTY WITHIN ONE YEAR OR THE STRUCTURE RECEIVES LANDMARK DESIGNATION WITHIN THREE YEARS, THE PERMIT SHALL BE PROCESSED FOR A CERTIFICATE OF NO EFFECT, CERTIFICATE OF APPROPRIATENESS, OR DEMOLITION APPROVAL, AS APPLICABLE. IF HISTORIC PRESERVATION DISTRICT OVERLAY ZONING IS NOT PLACED ON THE PROPERTY WITHIN ONE YEAR OR THE STRUCTURE HAS NOT RECEIVED LANDMARK DESIGNATION WITHIN THREE YEARS, THE HOLD SHALL BE REMOVED AND THE PERMIT SHALL BE PROCESSED IN THE NORMAL COURSE.
- d. *REQUEST FOR HEARING.* THE APPLICANT MAY REQUEST A PUBLIC HEARING WITHIN FIVE BUSINESS DAYS OF THE HISTORIC PRESERVATION OFFICER'S WRITTEN DETERMINATION. THE HISTORIC PRESERVATION OFFICER SHALL SCHEDULE A PUBLIC HEARING WITHIN 30 CALENDAR DAYS OF RECEIPT OF THE REQUEST AT WHICH THE HISTORIC PRESERVATION OFFICER SHALL REVIEW THE PERMIT APPLICATION UNDER THE STANDARDS SET FORTH IN CODE SECTION 35-3406 AND ANY EVIDENCE PRESENTED AT THE HEARING. NOTICE OF THE HEARING SHALL BE POSTED ON THE



PROPERTY AT LEAST TEN BUSINESS DAYS BEFORE THE DATE OF THE HEARING. THE HISTORIC PRESERVATION OFFICER SHALL ISSUE A WRITTEN DECISION CONFIRMING, REVERSING, OR MODIFYING THE WRITTEN DETERMINATION WITHIN TEN CALENDAR DAYS AFTER THE HEARING. THE HISTORIC PRESERVATION OFFICER MAY APPOINT AN INDEPENDENT HEARING OFFICER TO CONDUCT THE HEARING AND RENDER THE DECISION.

- e. *APPEAL.* THE APPLICANT OR ANY AGGRIEVED PERSON OF INTEREST MAY, WITHIN FIVE BUSINESS DAYS AFTER ISSUANCE OF THE HISTORIC PRESERVATION OFFICER'S WRITTEN DECISION CONFIRMING, REVERSING, OR MODIFYING THE WRITTEN DETERMINATION, APPEAL TO THE HISTORIC PRESERVATION COMMISSION. THE APPEAL STAYS ALL PROCEEDINGS AND ACTION IN THE MATTER APPEALED. THE COMMISSION SHALL FIX A REASONABLE TIME FOR THE HEARING OF THE APPEAL, PROVIDED THAT IF THE HEARING IS NOT HELD WITHIN 60 CALENDAR DAYS OF THE DATE THE APPEAL WAS FILED WITH THE COMMISSION, THE APPLICATION SHALL BE DEEMED APPROVED AND PERMITS ISSUED WITHIN 10 DAYS THEREAFTER. NOTICE OF THE HEARING SHALL BE POSTED ON THE PROPERTY AT LEAST TEN BUSINESS DAYS BEFORE THE DATE OF THE HEARING.
- f. *FINAL ACTION.* THE COMMISSION SHALL ISSUE ITS WRITTEN DECISION ON THE APPEAL WITHIN TEN CALENDAR DAYS AFTER THE HEARING AND SUCH DECISION SHALL BECOME FINAL WITHIN FIVE BUSINESS DAYS THEREAFTER UNLESS APPEALED BY THE APPLICANT OR ANY AGGRIEVED PARTY OF INTEREST TO THE SUPERIOR COURT OF THE STATE OF ARIZONA. UPON FILING OF AN APPEAL, ACTION ON THE PERMIT SHALL BE STAYED PENDING ISSUANCE OF A DECISION BY THE SUPERIOR COURT.

**35-3410. EFFECT OF HISTORIC PRESERVATION DISTRICT OVERLAY ZONING AND LANDMARK DESIGNATION.**

PROPERTIES SUBJECT TO A HISTORIC PRESERVATION DISTRICT ZONING OVERLAY AND LANDMARK DESIGNATION MAY NOT BE ALTERED OR DEMOLISHED EXCEPT IN COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.

- 1) THE OWNERS OF CONTRIBUTING PROPERTIES WITHIN A HISTORIC PRESERVATION DISTRICT SHALL MAINTAIN THE HISTORIC INTEGRITY OF THEIR PROPERTIES. ANY ALTERATION TO THE EXTERIOR OF THESE PROPERTIES OR NEW CONSTRUCTION ON VACANT LAND SHALL MEET THE DESIGN GUIDELINES ADOPTED BY THE CITY COUNCIL.
- 2) THE OWNER OF A PROPERTY IN A HISTORIC PRESERVATION DISTRICT SHALL MAINTAIN AND PRESERVE THE PROPERTY AT A LEVEL SUFFICIENT

TO ENSURE THAT THE PROPERTY DOES NOT PRESENT A SAFETY HAZARD TO THE OCCUPANTS OR TO THE PUBLIC IN ACCORDANCE WITH APPLICABLE CONSTRUCTION AND FIRE CODES.

- 3) THE OWNER OF A PROPERTY IN A HISTORIC PRESERVATION DISTRICT SHALL MAINTAIN THE PROPERTY IN ACCORDANCE WITH THE PROPERTY MAINTENANCE CODES AND ORDINANCES OF THE CITY OF CHANDLER.
- 4) THE BUILDING OFFICIAL SHALL NOT ISSUE A CONSTRUCTION PERMIT FOR THE DEMOLITION OR ALTERATION OF A LANDMARK OR CONTRIBUTING PROPERTY IN A HISTORIC PRESERVATION DISTRICT UNTIL A CERTIFICATE OF NO EFFECT, A CERTIFICATE OF APPROPRIATENESS, OR A DEMOLITION APPROVAL IS ISSUED. THE BUILDING OFFICIAL MAY PERMIT TEMPORARY FACILITIES IN CONJUNCTION WITH CONSTRUCTION APPROVED UNDER THIS SECTION.
- 5) ALL NEW BUILDINGS ON VACANT LAND, PERMANENT SIGNS OR OTHER STRUCTURES IN A HISTORIC PRESERVATION DISTRICT MUST FOLLOW DESIGN GUIDELINES ADOPTED BY THE CITY COUNCIL.
- 6) ORDINARY MAINTENANCE AND REPAIR OF ANY CONTRIBUTING PROPERTY IN A HISTORIC PRESERVATION DISTRICT WHICH DOES NOT ALTER OR MODIFY THE HISTORIC CHARACTER OF THE STRUCTURE ARE ALLOWED.

**35-3411. CERTIFICATE OF NO EFFECT OR CERTIFICATE OF APPROPRIATENESS.**

- 1) THE BUILDING OFFICIAL SHALL REFER AN APPLICANT FOR A CONSTRUCTION PERMIT FOR ALTERATION OF A CONTRIBUTING PROPERTY IN A HISTORIC PRESERVATION DISTRICT TO THE HISTORIC PRESERVATION OFFICER. THE HISTORIC PRESERVATION OFFICER SHALL REVIEW WITH THE APPLICANT THE PROPOSED SCOPE OF WORK AND DETERMINE WHETHER A CERTIFICATE OF NO EFFECT OR CERTIFICATE OF APPROPRIATENESS IS REQUIRED.
- 2) *CERTIFICATE OF NO EFFECT.* THE HISTORIC PRESERVATION OFFICER SHALL ISSUE A CERTIFICATE OF NO EFFECT IF:
  - a. THE PROPOSED WORK IS MINOR AND CLEARLY WITHIN ADOPTED DESIGN GUIDELINES, AND
  - b. ANY MODIFICATION TO THE PROPOSED WORK REQUESTED BY THE HISTORIC PRESERVATION OFFICER IS ACCEPTED BY THE APPLICANT, AND
  - c. THE PROPOSED WORK WILL NOT DIMINISH, ELIMINATE, OR ADVERSELY AFFECT THE HISTORIC CHARACTER OF THE CONTRIBUTING STRUCTURE OR THE HISTORIC PRESERVATION



DISTRICT, AS DETERMINED BY THE HISTORIC PRESERVATION OFFICER.

- 3) IF A CERTIFICATE OF NO EFFECT IS NOT ISSUED, THE APPLICANT SHALL APPLY FOR A CERTIFICATE OF APPROPRIATENESS.
- 4) CERTIFICATE OF APPROPRIATENESS; HEARING REQUIRED. THE HISTORIC PRESERVATION OFFICER SHALL SCHEDULE A HEARING WITHIN 30 CALENDAR DAYS AFTER THE FILING OF AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS. NOTICE OF THE HEARING SHALL BE POSTED ON THE PROPERTY AT LEAST TEN BUSINESS DAYS BEFORE THE DATE OF THE HEARING. THE HISTORIC PRESERVATION OFFICER SHALL ISSUE A CERTIFICATE OF APPROPRIATENESS IF:
  - a. THE PROPOSED WORK IS COMPATIBLE WITH THE RELEVANT HISTORIC, CULTURAL, EDUCATIONAL, AND ARCHITECTURAL QUALITIES CHARACTERISTIC OF THE STRUCTURE, SITE, OR DISTRICT; AND
  - b. THE PROPOSED WORK CONFORMS TO THE DESIGN GUIDELINES AND STANDARDS APPROVED BY THE HISTORIC PRESERVATION COMMISSION.
- 5) *APPEAL*. THE APPLICANT OR ANY AGGRIEVED PERSON OF INTEREST MAY APPEAL THE HISTORIC PRESERVATION OFFICER'S DECISION WITHIN THE TIMEFRAMES AND PURSUANT TO THE PROCEDURES SET FORTH AT SECTION 35-3409(3)(e) AND (f).
- 6) NO CHANGE SHALL BE MADE IN THE APPROVED PLANS OF THE PROJECT AFTER THE ISSUANCE OF A CERTIFICATE OF NO EFFECT OR CERTIFICATE OF APPROPRIATENESS WITHOUT RESUBMITTAL TO THE HISTORIC PRESERVATION OFFICER AND APPROVAL OF THE CHANGE IN THE SAME MANNER AS PROVIDED IN THIS SECTION.
- 7) ALL CERTIFICATES APPROVED IN ACCORDANCE WITH THIS SECTION SHALL EXPIRE ONE YEAR FROM THE DATE OF ISSUANCE UNLESS THE WORK IS STARTED IN THAT TIMEFRAME.
- 8) THE APPLICANT SHALL OBTAIN ALL REQUIRED CONSTRUCTION PERMITS TO PERFORM THE WORK DESCRIBED BY THE CERTIFICATE OF NO EFFECT OR CERTIFICATE OF APPROPRIATENESS.
- 9) IF WORK REQUIRING A CERTIFICATE OF NO EFFECT OR CERTIFICATE OF APPROPRIATENESS OCCURS PRIOR TO THE ISSUANCE OF SUCH CERTIFICATE, THE BUILDING OFFICIAL SHALL ISSUE A STOP WORK ORDER AND CONSTRUCTION SHALL CEASE UNTIL SUCH TIME AS THE REQUIRED CERTIFICATE IS OBTAINED.

**35-3412. DEMOLITION OR REMOVAL OF STRUCTURES.**

- 1) THE BUILDING OFFICIAL SHALL REFER AN APPLICANT FOR A CONSTRUCTION PERMIT TO DEMOLISH OR REMOVE A CONTRIBUTING PROPERTY IN A HISTORIC PRESERVATION DISTRICT TO THE HISTORIC PRESERVATION OFFICER. WITHIN TEN BUSINESS DAYS AFTER RECEIVING THE APPLICATION AND ANY REQUESTED ANALYSIS OR REPORTS, THE HISTORIC PRESERVATION OFFICER SHALL ISSUE DEMOLITION OR REMOVAL APPROVAL IF:
  - a. THE CONTRIBUTING PROPERTY HAS LOST ITS HISTORIC SIGNIFICANCE OR VALUE THROUGH CIRCUMSTANCES BEYOND CONTROL OF THE OWNER, OR
  - b. THE CONTRIBUTING PROPERTY PRESENTS A DANGER TO THE PUBLIC HEALTH, SAFETY, AND WELFARE DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF THE OWNER, OR
  - c. THE LOSS OF THE CONTRIBUTING PROPERTY WOULD NOT ADVERSELY AFFECT THE INTEGRITY OF THE HISTORIC PRESERVATION DISTRICT AND ITS DEMOLITION WOULD BE INCONSEQUENTIAL TO THE HISTORIC PRESERVATION NEEDS OF THE CITY, OR
  - d. THE APPLICANT DEMONSTRATES ECONOMIC HARDSHIP UNDER SECTION 35-3413.
- 2) AT THE REQUEST OF THE HISTORIC PRESERVATION OFFICER, THE APPLICANT SHALL PROVIDE ANALYSIS AND REPORTS FROM AN ARCHITECT OR ENGINEER LICENSED IN THE STATE OF ARIZONA TO SUPPORT THE APPLICATION. THE HISTORIC PRESERVATION OFFICER MAY ALSO COMMISSION AND OBTAIN, AS RESOURCES ALLOW, INDEPENDENT REPORTS FROM AN ARCHITECT OR ENGINEER LICENSED IN THE STATE OF ARIZONA TO DETERMINE THE CONDITION AND SAFETY OF A CONTRIBUTING PROPERTY.
- 3) IF DEMOLITION OR REMOVAL APPROVAL IS DENIED, THEN THE APPLICATION SHALL BE HELD FOR A PERIOD OF ONE YEAR FROM THE DATE OF DENIAL FOR A CONTRIBUTING PROPERTY OR FOR A PERIOD OF THREE YEARS FROM THE DATE OF DENIAL FOR A LANDMARK. THE HISTORIC PRESERVATION OFFICER MAY CONTACT THE PROPERTY OWNER TO DETERMINE IF A REHABILITATION OR REUSE PLAN IS FEASIBLE FOR THE PROPERTY. THE HISTORIC PRESERVATION OFFICER MAY PROVIDE THE OWNER WITH ANY AVAILABLE ASSISTANCE TO PLACE THE PROPERTY INTO PRODUCTIVE USE. AT THE END OF THE APPLICABLE HOLD PERIOD, THE DEMOLITION OR REMOVAL MAY PROCEED.



- 4) *APPEAL*. THE APPLICANT OR ANY AGGRIEVED PERSON OF INTEREST MAY APPEAL THE HISTORIC PRESERVATION OFFICER'S DECISION WITHIN THE TIMEFRAMES AND PURSUANT TO THE PROCEDURES SET FORTH AT SECTION 35-3409(3)(e) AND (f).
- 5) A DEMOLITION PERMIT MAY INCLUDE STIPULATIONS THAT LIMIT THE EXTENT OF DEMOLITION OR ALLOW ACCESS TO A PROPERTY PRIOR TO DEMOLITION FOR DOCUMENTATION OR REMOVAL OF ARTIFACTS AND ARCHITECTURAL FEATURES.
- 6) ANY IMPROVEMENTS CONSTRUCTED ON THE PROPERTY FOLLOWING DEMOLITION SHALL BE IN ACCORDANCE WITH THIS ARTICLE AND ALL OTHER CITY CODES AND ORDINANCES AS APPLICABLE.

### **35-3413. ECONOMIC HARDSHIP.**

- 1) AN APPLICANT SEEKING DEMOLITION OR REMOVAL APPROVAL BASED ON ECONOMIC HARDSHIP SHALL DEMONSTRATE THE FOLLOWING:
  - a. FOR AN INCOME-PRODUCING PROPERTY, DEMONSTRATE THAT A REASONABLE RATE OF RETURN CANNOT BE OBTAINED FROM A CONTRIBUTING PROPERTY THAT RETAINS ITS HISTORIC FEATURES AND REMAINS IN ITS PRESENT CONDITION OR THAT RETAINS ITS HISTORIC FEATURES AND IS REHABILITATED.
  - b. FOR A NON-INCOME PRODUCING PROPERTY, DEMONSTRATE THAT THE CONTRIBUTING PROPERTY HAS NO BENEFICIAL USE AS A SINGLE FAMILY DWELLING, CANNOT BE REHABILITATED FOR AN INSTITUTIONAL USE, AND IS IN SUCH A DILAPIDATED CONDITION THAT THE COST TO REHABILITATE OR RESTORE IT TO ITS HISTORIC INTEGRITY IS UNREASONABLE.
- 2) A FINDING OF ECONOMIC HARDSHIP SHALL NOT BE BASED ON ANY OF THE FOLLOWING:
  - a. WILLFUL OR NEGLIGENT ACTS OF THE OWNER OR TENANTS.
  - b. PURCHASE OF THE PROPERTY FOR SUBSTANTIALLY MORE THAN FAIR MARKET VALUE.
  - c. FAILURE TO PERFORM ROUTINE MAINTENANCE AND REPAIRS.
  - d. FAILURE TO DILIGENTLY SOLICIT AND RETAIN TENANTS.
  - e. FAILURE TO PROVIDE USUAL AND CUSTOMARY TENANT IMPROVEMENTS.
- 3) THE HISTORIC PRESERVATION OFFICER OR HISTORIC PRESERVATION COMMISSION MAY REQUIRE AN OWNER TO SUBMIT REPORTS AND OTHER ACCEPTABLE DATA TO SUPPORT THE REQUEST FOR ECONOMIC HARDSHIP. THE HISTORIC PRESERVATION OFFICER OR HISTORIC PRESERVATION

COMMISSION MAY COMMISSION, AS RESOURCES ARE AVAILABLE, INDEPENDENT REPORTS TO SUPPORT OR REBUT THE REQUEST FOR ECONOMIC HARDSHIP.

**35-3414. CHANDLER HISTORIC PROPERTY REGISTER.**

- 1) THE CHANDLER HISTORIC PROPERTY REGISTER IS ESTABLISHED FOR THE PURPOSE OF RECORDING THE HISTORIC SITES, STRUCTURES, BUILDINGS, OBJECTS, AND AREAS THAT EXIST IN THE CITY OF CHANDLER.
- 2) THE REGISTER SHALL CONSIST OF ALL DESIGNATED HISTORIC SITES, STRUCTURES, BUILDINGS, OBJECTS, AND DISTRICTS.
- 3) THE REGISTER SHALL INCLUDE SITES, STRUCTURES, BUILDINGS, OBJECTS, AND AREAS THAT ARE ELIGIBLE FOR DESIGNATION AS HISTORIC PRESERVATION DISTRICTS, HISTORIC CONSERVATION DISTRICTS, HERITAGE SITES, AND LANDMARKS.
- 4) THE REGISTER MAY INCLUDE HISTORIC RESOURCES THAT NO LONGER PHYSICALLY EXIST.
- 5) THE HISTORIC PRESERVATION OFFICER SHALL MAINTAIN THE HISTORIC PROPERTY REGISTER AND UPDATE IT AS PROPERTIES AND DISTRICTS RECEIVE DESIGNATION AND INFORMATION IS ACCUMULATED ON PROPERTIES AND AREAS THAT MAY BECOME OR ARE ELIGIBLE.

**35-3415. ENFORCEMENT, VIOLATIONS, AND PENALTIES.**

ANY PERSON WHO VIOLATES, DISOBEYS, OMITTS, NEGLECTS, REFUSES TO COMPLY WITH, OR RESISTS THE ENFORCEMENT OF ANY OF THE PROVISIONS OF THIS ARTICLE SHALL BE SUBJECT TO THE PENALTIES SET FORTH IN ARTICLE XXVII OF THIS CHAPTER. VIOLATIONS OF THIS ARTICLE SHALL ALSO BE SUBJECT TO ABATEMENT UNDER ARTICLE XXVII OF THIS CHAPTER.