

Division 10-30.30: Heritage Preservation

Final Planning and Zoning Commission Recommendation

Sections:

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10-30.30.010 Purpose

The purpose of this Division is to protect and enhance the cultural, historical, and archaeological heritage of the City of Flagstaff by recognizing, preserving, enhancing, and perpetuating the use of those objects, structures, sites, and landscape features that represent distinctive elements of the City's cultural, political, architectural, and archaeological history. The Council finds and intends that preservation of the City's heritage is in the interest of the health, economic prosperity, education, cultural enrichment, and general welfare of the public. This Division implements the City's General Plan and is implemented pursuant to the provisions of the *National Historic Preservation Act of 1966*, as amended, the Certified Local Government program (16 U.S.C. 470a 101(c)(1)), and A.R.S. § 9-462.01, providing the standards and procedures for heritage preservation. Information on the benefits to a property owner and the various incentive programs that are available to assist a property owner to preserve and protect cultural resources on their properties is available from the City Historic Preservation Officer.

10-30.30.020 Applicability

- A. In addition to all other development standards provided in this Zoning Code, compliance with the requirements of this Division, and review and approval pursuant to this Division is required for the following:
1. Designation of Landmark Properties or Historic Overlay Zones (Section 10-30.30.040);
 2. Cultural Resource Studies (Section 10-30.30.050.A); and
 3. Development of a Landmark Property and Property within a Historic Overlay Zone (Section 10-30.30.060).

B. Exceptions

Compliance with the requirements of this Division is not required for the following:

1. Work that the Building Official certifies as correcting an imminent hazard, for which no temporary corrective measures will suffice in protecting the public safety;
2. Ordinary maintenance or repair of a property or structure, including public infrastructure, that does not involve a change in any element of design and that does not have an impact that is greater than that of the original construction; and,
3. Changes to the interior of structures that do not alter the exterior, the site, or the setting of the cultural resource.

10-30.30.030 General Provisions**A. Conflicting Provisions**

When the provisions of this Division conflict with any other laws, codes, or regulations, then the provisions of this Division shall govern, except for matters of life safety where the more restrictive of such laws, codes, or regulations shall apply.

B. Application Requirements

In addition to any specific provisions, for all reviews, considerations, or approvals sought by this Division, an applicant shall submit a completed application on a form prescribed by the City in compliance with Section 10-20.30.020 (Application Process). The application shall include the information and materials specified in the submittal checklist, together with the required fee established in Appendix 2, Planning Fee Schedule.

C. Consent Approval**1. Applicability**

The Historic Preservation Officer may review and approve or conditionally approve the following:

- a. Cultural Resource Studies that are Letter Reports; and
- b. Certificates of No Effect for minor work that has a limited impact in relation to the total cultural resource, including:
 - (1) Conforming signs excluding comprehensive sign programs;
 - (2) A remodel, addition, deck or porch that does not expand the floor area or any outdoor activity area by more than 10 percent or 200 square feet;

- (3) An accessory structure that is not more than the lesser of 10 percent of the main building's footprint or 400 square feet;
 - (4) Minor alterations such as storefront windows or doors, other fenestration, awnings, shutters, gutters, porch rails, accessible features and facilities, paint colors, lighting, roofing, fencing, retaining walls, walkways, driveways, or landscaping;
 - (5) Demolition or removal of inappropriate features that are non-original, including additions, accessory structures, and structures that are not cultural resources; and
 - (6) Modifications to support systems (mechanical, electrical, satellite dishes, and so forth) that are properly sited and screened.
- c. Any matter that the Heritage Preservation commission refers to the Historic Preservation Officer for approval.

2. Process

Consent approval by the Historic Preservation Officer is an administrative review and approval that occurs outside of a public meeting.

a. Referral to Heritage Preservation Commission

The Historic Preservation Officer may refer any matter to the Heritage Preservation Commission for any reason, and shall refer any matter to the Heritage Preservation Commission when a denial appears appropriate.

b. Heritage Preservation Commission Oversight

The Historic Preservation Officer shall regularly review consent matters with the Heritage Preservation Commission.

D. Concurrent Development Application Review

At the applicant's option, development proposals that require an approval pursuant to this Division may proceed concurrently with other development reviews and processes. However, no permit shall be granted, and no work shall commence, until an approval pursuant to this Division has been granted and mitigation measures have been incorporated into the final design and documentation of the development.

E. Expiration of Approvals

1. Any approval pursuant to this Division shall automatically expire if the plans are altered or construction proceeds in a manner such that the documentation submitted as the basis of the approval no longer accurately represents the work. See also Section 10-30.30.070 (Violations and Enforcement).

2. Any approval pursuant to this Division automatically expires one year after the date of approval, unless the work associated with the approval is underway and due diligence toward completion of the work can be demonstrated.

F. Unknown or Undiscovered Conditions

During the course of any work all work that could impact a cultural resource shall be stopped immediately and the Historic Preservation Officer shall be notified if;

1. A potential cultural resource is discovered which was previously unknown; or
2. Any conditions are discovered that prohibit conformance with any approval or conditional approval issued pursuant to this Division; or
3. Any conditions are discovered that warrant any deviation from plans that served as the basis of any approval or conditional approval issued pursuant to this Division.

The work shall remain stopped until the applicant has obtained new, additional, or revised approvals pursuant to this Division.

G. Flagstaff Register of Historic Places

The Flagstaff Register of Historic Places identifies properties or zones designated by the Council as Landmark Properties or Historic Overlay Zones, which are depicted as such on the official Zoning Map of the City.

Supplemental to the Flagstaff Register of Historic Places, the Historic Preservation Officer shall maintain lists, maps and other data of areas likely to contain cultural, historic, or archaeological resources and properties believed to be eligible for designation as Landmark Properties or Historic Overlay Zones but not yet designated as such (Refer to Map 10-90.20.010 (Cultural Resource Sensitivity Map)).

Information concerning the nature and/or location of any archaeological resource shall not be made available to the public, pursuant to Federal and State laws.

10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones

A. Purpose

Designation of a property as a Landmark Property or Historic Overlay Zone formally recognizes its significance, and the need to preserve its historic features.

B. Applicability

1. **Landmark Property:** An individual property, object, structure, site, sign, or landscape feature may be designated as a Landmark Property within the Landmark Overlay Zone if it is significant in accordance with the provisions of this Division.
2. **Historic Overlay Zone:** A group of properties may be designated as a Historic Overlay Zone if a majority of the properties are significant in accordance with the provisions of this Section or if they provide the necessary setting for a Landmark Property.

C. Process for Designation of a Landmark Property

The designation of a Landmark Property shall follow the procedural steps represented in Figure A (Processes for Designation of a Landmark Property and Historic Overlay Zone) and described below:

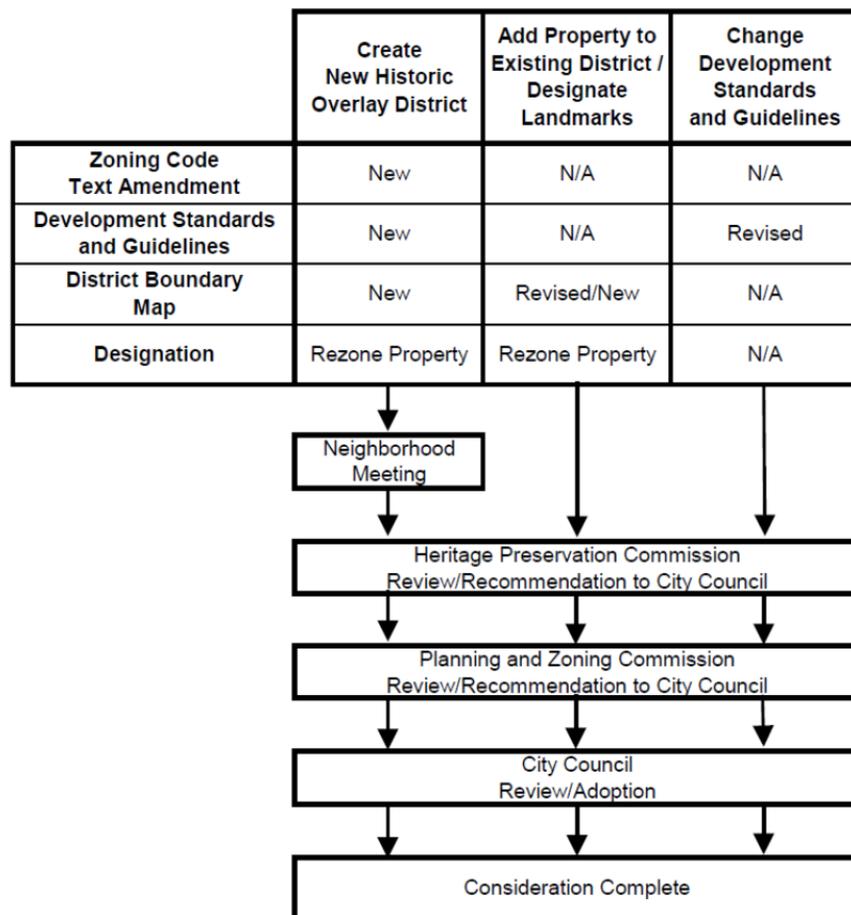


Figure A. Processes for the Designation of a Landmark Property and Historic Overlay Zone

1. An application for designation of a Landmark Property, or an amendment to a Landmark Property, shall be submitted to the Historic Preservation Officer, and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section. The designation of a Landmark Property requires submittal of the application requirements for a Small Scale Zoning Map amendment as specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map) and as modified by the submittal requirements established for an application for designation of a Landmark Property.
2. The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation. Property owner consent is required for designation of a Landmark Property.
3. The Historic Preservation Officer's recommendation shall be transmitted to the Heritage Preservation Commission in the form of a staff report prior to a scheduled public meeting. The staff report shall include the following:
 - (1) An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and
 - (2) A recommendation on whether the proposed Landmark Property designation should be granted, granted with conditions to mitigate any anticipated impacts, or denied.
4. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.
5. Prior to the Planning Commission public hearing as required in Section 10-20.50.040.H (Planning Commission Public Hearing), the Heritage Preservation Commission shall conduct a public meeting which shall serve in lieu of the required neighborhood meeting pursuant to Section 10.20.30.060 (Neighborhood Meeting). Notice of the Heritage Preservation Commission's public meeting shall be in compliance with Section 10-20.30.060 (Neighborhood Meeting).
6. The Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. The Heritage Preservation Commission may recommend approval, approval with conditions, or denial of the Landmark Property request.
7. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.010 (Public Hearing Procedures). The Planning Commission and Council shall act on the

Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).

D. Process for Designation of a Historic Overlay Zone

The designation of property or properties as a Historic Overlay Zone is represented in Figure A (Processes for Designation of a Landmark Property and Historic Overlay Zone) and shall follow the procedural steps described below:

- a. An application for designation of property or properties as a Historic Overlay Zone, or an amendment to a Historic Overlay Zone, shall be submitted to the Historic Preservation Officer, and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section. The designation of a Historic Overlay Zone requires submittal of the application requirements for a Small Scale Zoning Map amendment as specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map) and as modified by the submittal requirements established for an application for designation of a Historic Overlay Zone.
- b. The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation. If the proposal includes property other than that owned by the applicant, then, a petition in favor of the request, and on a form prescribed by the City, must be signed by affected property owners representing at least 51 percent of the included parcels;
- c. The Historic Preservation Officer's recommendation shall be transmitted to the Heritage Preservation Commission in the form of a staff report prior to a scheduled public meeting. The staff report shall include the following:
 - (1) An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and
 - (2) A recommendation on whether the text amendment or Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.
4. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.
5. Prior to the Heritage Preservation Commission public meeting, the applicant shall conduct a neighborhood meeting pursuant to Section 10.20.30.060 (Neighborhood Meeting). The Heritage Preservation Commission's public meeting shall be noticed in compliance with Section 10-20.30.080 (Notice of Public Hearings).

6. The Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. The Heritage Preservation Commission may recommend approval, approval with conditions, or denial of the Landmark Property request.
7. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.010 (Public Hearing Procedures). The Planning Commission and Council shall act on the Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).
8. In addition to the above procedures, new Historic Overlay Zones also require a text amendment to the Zoning Code to create the new zone following the procedures outlined in Section 10-20.50.040.B.2.
9. Modification(s) to the boundaries of designated Historic Overlay Zones by including or excluding properties shall be adopted in accordance with this process.
10. New Historic Overlay Zones require the adoption of development standards and design guidelines that are specific to the district.
 - a. Adoption of development standards and design guidelines associated with a new Historic Overlay Zone shall be a fully integrated part of the process for designation of the zone and adopted by an ordinance of the Council.
 - b. Modification(s) to adopted development standards and guidelines shall be adopted in accordance with the process for designation of a new zone, except that the application requirements exclude the need for all other documentation.
11. **Interim Protection for Nominations**

Commencing with the Historic Preservation Commission making a recommendation for approval of a Historic Overlay Zone, Building or Demolition Permits for any property within the proposed Historic Overlay Zone shall not be issued until any one of the following occurs:

 - a. The Historic Preservation Officer has reviewed the proposed work and determined that the proposed work is not subject to the provisions of this Division, or will clearly not have a major impact on a significant resource.
 - b. The Council has approved or denied the proposed Historic Overlay Zone. In the case of zone approval, all work in the new Historic Overlay Zone shall be subject to the provisions of this Division.

- c. Six months have transpired since the Historic Preservation Commission's recommendation for approval of the Historic Overlay Zone with no approval or denial.

E. Individual Signs of Historic or Cultural Significance

1. Signs which may be unusual, significant, or meaningful to the City streetscape and the City's history may be worthy of special recognition and may be designated as a Landmark Property in accordance with the provisions of this Division if they meet the following criteria:
 - a. The sign has been in continuous existence at its present location for not less than 50 years;
 - b. The sign is of exemplary technology, craftsmanship or design for the period in which it was constructed; uses historic sign materials or means of illumination; and/or is unique in that it demonstrates extraordinary aesthetic quality, creativity, or innovation;
 - c. The sign is structurally safe or is capable of being made so without substantially altering its historical character or significance;
 - d. If the sign has been altered, it must be restorable to its historic function and appearance; and
 - e. The sign complies with movement, bracing, and illumination requirements contained in Section 10-50.100.050.D (Structure and Installation).
2. **Effect of Designation**

When a sign is found to be significant, designated as a Landmark Property (Section 10-30.30.040.C), and restored to its historic function and appearance, the sign shall not be subject to the provisions of Division 10-50.100 (Sign Regulations).

10-30.30.050 Cultural Resources

Cultural Resources are an important consideration in an application for development. Professionally prepared Cultural Resource Studies are therefore a requirement of an application for development. The type and format of studies required are determined based on the particular circumstances of the property on which development is proposed. Cultural Resource Studies assess the significance and integrity of potential resources, major impacts that would result from the proposed work, and mitigation measures that could eliminate or offset any major impacts. This Section provides detailed requirements for Cultural Resource Studies and explains how such assessments are performed.

A. Cultural Resource Studies**1. Purpose**

To identify significant cultural resources and potential impacts of proposed development so that mitigation measures can be established for major impacts prior to development of the property.

2. Applicability

- a. Cultural Resource Studies are required for all public and private developments involving:
 - (1) Properties listed on the Flagstaff Register of Historic Places; or
 - (2) Properties listed on the Arizona Register of Historic Places; or
 - (3) Properties listed on the National Register of Historic Places; or
 - (4) Undeveloped land; or
 - (5) Structures over 50 years old at the time of application.
- b. When warranted by the specific conditions of the site or proposed work, the Historic Preservation Officer may determine that a Cultural Resource Study is not required based on the following conditions:
 - (1) The land, while undeveloped, is relatively small, surrounded by development, and unlikely to contain resources; or
 - (2) The structure is not significant or lacks integrity; or
 - (3) The proposed work is excepted from this Division pursuant to Section 10-30.30.030.C.1; or
 - (4) The proposed work does not have major impacts, diminish the significance or integrity of the resource, is reversible, or is temporary; or
 - (5) The structure is post World War II (1945) production housing; or
 - (6) Other circumstances under which it is reasonable to conclude that a Cultural Resource Study is not warranted.
- c. The requirement to prepare a Cultural Resource Study does not in and of itself mean that the resources are significant (See Subsection B below).

3. Specific Application Requirements

a. Types of Studies

Upon consultation with the Historic Preservation Officer and based on the resources that are known or likely to be present, the applicant shall provide an Archeological Resource Study and/or a Historic Resource Study.

b. Preparation

Cultural Resource Studies shall be prepared by professionals qualified in accordance with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (36 CFR 61 Appendix A)* as currently amended and annotated by the National Park Service.

c. Report Format

The Historic Preservation Officer will work with the professional conducting the study to determine which one of the following report formats, it is appropriate:

(1) Letter Reports

A Letter Report is appropriate when;

- (a) Site conditions, historic records, or previous research or studies indicate that cultural resources are not likely to be present; or
- (b) The integrity of a cultural resource is already severely compromised; or
- (c) The proposed work will not compromise the significance or integrity of the cultural resource; and
- (d) When no mitigation measures are warranted.

The report need only demonstrate that one of these conditions exists.

(2) Phase 1 Cultural Resource Studies

When a Letter Report is not appropriate, a Phase 1 Cultural Resource Study shall be prepared. A Phase 1 Cultural Resource Study shall;

- (a) Identify the presence of cultural resources;
- (b) Evaluate the potential for additional cultural resources being discovered;
- (c) Assess the significance of identified and potential cultural resources;

- (d) Assess the integrity of identified resources;
- (e) Assess identified and potential impacts proposed;
- (f) Provide measures to mitigate major impacts on cultural resources; and
- (g) Advise whether Phase 2 or Phase 3 Cultural Resource Studies will be required.

(3) **Phase 2 Cultural Resource Studies**

A Phase 2 Cultural Resource Study is required when major impacts are proposed for a significant resource that has integrity and when no other mitigation measures are proposed that would maintain the significance and integrity of the resource. A Phase 2 Cultural Resource Study includes all of the contents of a Phase 1 Cultural Resource Study plus complete text descriptions, as-built plans, and archival grade photography that fully document all physical aspects of the resource(s), including its setting. For Archeological Resource Studies, the required field research shall also include sampling subsurface exploration to the satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.

(4) **Phase 3 Cultural Resource Studies**

A Phase 3 Cultural Resource Study is only used for archeological resources and requires complete data recovery, which must be systematically excavated, inventoried, recorded, and mapped. The planned recovery must be designed to the satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.

(5) **National Historic Preservation Act Section 106 Documentation**

Documentation prepared pursuant to Section 106 of the National Historic Preservation Act of 1966 and approved by the Arizona State Historic Preservation Officer may serve as one of the above report formats. This alternate format is appropriate when the level of review and content of the Section 106 documentation meets the requirements of this Division.

d. **Content**

A Cultural Resource Study shall be submitted as a bound document and in an electronic format in a form as determined by the Historic Preservation Officer, and shall contain text, plans, photographs, and other appropriate documentation.

4. **Process**

(1) **Heritage Preservation Commission Review**

The Heritage Preservation Commission shall review and accept

Cultural Resource Studies, and may approve or conditionally approve proposed mitigation measures. Alternatively, the Heritage Preservation Commission may require additional research, documentation, or mitigation measures prior to acceptance. Letter Reports may be accepted by a consent approval process described in Section 10-30.30.030.C.

- (2) When a Cultural Resource Study has been accepted, it shall be offered for curation to the appropriate repository as directed by the Historic Preservation Officer or the State Historic Preservation Office, and in accordance with the standards set forth in 36 CFR 79.9 and 79.10.
- (3) The processes for consideration of cultural resources are provided in Figure B (Processes for Consideration of Cultural Resources).

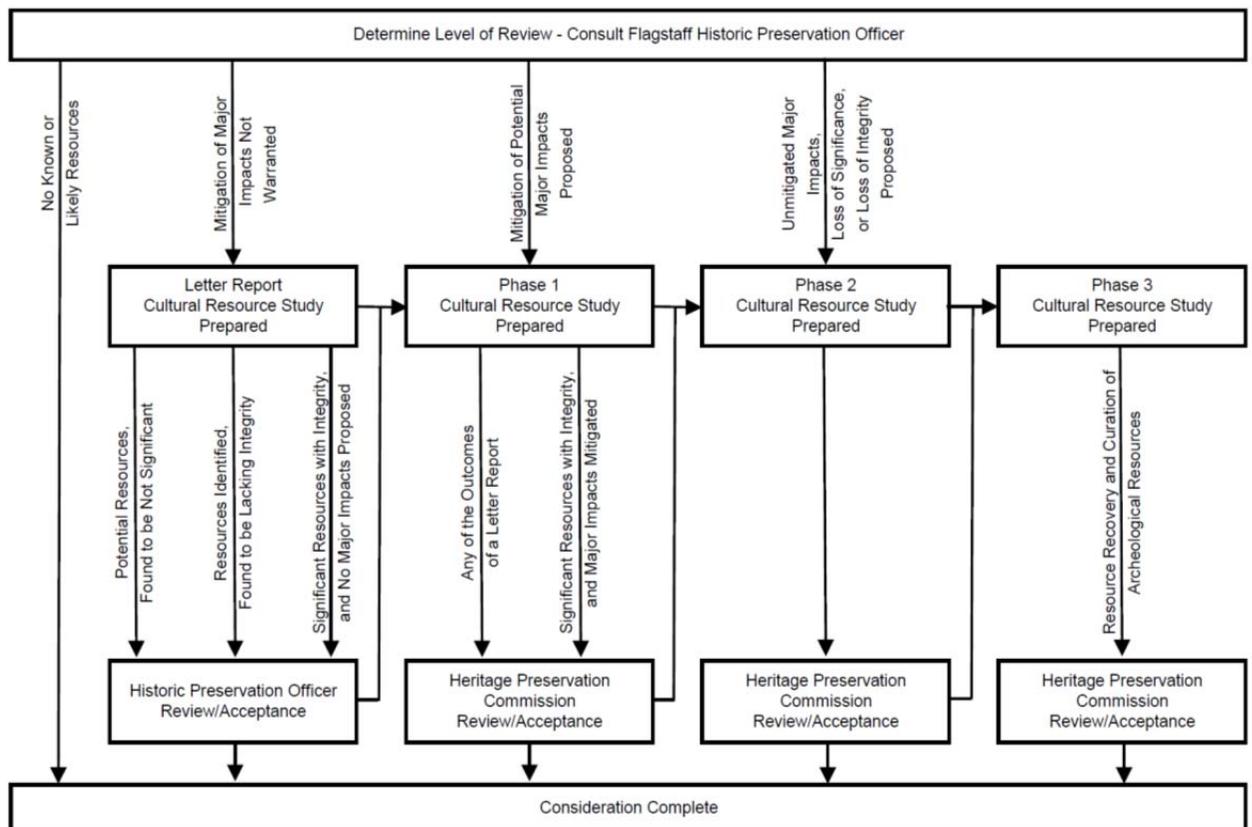


Figure B. Processes for Consideration of Cultural Resources

5. Required Recommendations by the Report Preparer

- a. A Phase 1 Cultural Resource Study shall include a recommendation for the preparation of a Phase 2 Cultural Resource Study when:
 - (1) The assessment of whether a cultural resource’s presence or significance is indeterminate; or

- (2) Major impacts are proposed for a significant resource that has integrity and when no other mitigation measures are proposed that maintain the significance and integrity of the resource.
- b. A Phase 2 Cultural Resource Study shall include a recommendation for the preparation of a Phase 3 Cultural Resource Study when:
 - (1) Significant archeological resources are present in the development area; and
 - (2) Actual or potential impacts are major impacts; and
 - (3) When no other mitigation measures are proposed that maintain the significance and integrity of the resource.

B. Determination of Significance of Cultural Resources

The criteria for determining the significance of a cultural resource is based on the potential of the cultural resource to contribute to our understanding of the past.

1. A cultural resource is significant if:
 - a. It is listed or eligible as a National Historic Landmark, or for the National Register of Historic Places, or the Arizona Register of Historic Places; or
 - b. It is associated with events or persons in the architectural, engineering, archeological, scientific, technological, economic, agricultural, educational, social, political, military, or cultural annals of the City, the State of Arizona, or the United States of America; or
 - c. It represents the work of, or for, an important individual; or
 - d. It embodies distinctive characteristics of type, period, region, artistic values or methods of construction, including being the oldest of its type or the best example of its type; or
 - e. It has yielded, or may be likely to yield, information needed for scientific research, such as important archaeological resources.
2. A resource is generally not significant if:
 - a. It is less than 50 years old at the time of application; or
 - b. The features, materials, patterns and relationships that contributed to its significance are no longer present or no longer have integrity.
3. Requirement to Meet the Criteria, Regardless of Age: Properties that are 50 years old are not automatically significant. In order to be significant,

all resources, regardless of age, must be demonstrated to meet the criteria for determining the significance of a cultural resource.

C. Determination of Integrity

Integrity is the ability of a property to convey its significance and is based on significance, i.e. why, where, and when a property is important. Integrity is the authenticity of a property's physical identity clearly indicated by the retention of characteristics that existed during the property's period of significance. Ultimately, the question of integrity is answered by whether or not the property retains the identity for which it is significant.

1. Historic properties either retain integrity (convey their significance) or they do not.
2. The historic physical features that represent the significance of a property must remain and must be visible enough to convey their significance. However, it is not necessary for a property to retain all its historic physical features or characteristics. The property must retain sufficient physical features, historic character, and appearance that enable it to convey its historic identity and the reasons for its significance.
3. To retain historic integrity a property will always possess several, and usually most, of the following seven aspects of integrity:
 - a. **Location:** The place where the historic property was constructed or the place where the historic event occurred.
 - b. **Design:** The combination of elements that create the form, plan, space, structure, and style of a property. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.
 - c. **Setting:** The physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role.
 - d. **Materials:** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. A property must retain the key exterior materials dating from the period of its historic significance.
 - e. **Workmanship:** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

- f. **Feeling:** A property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.
 - g. **Association:** The direct link between an important historic event or person and a historic property.
4. Integrity is not the same as condition. Integrity relates to the presence or absence of historic materials and character defining features. Condition relates to the relative state of physical deterioration of the property. Integrity is generally more relevant to the significance of a property than condition. However, if a property is in such poor condition that original materials and features may no longer be salvageable, then the property's integrity may be adversely impacted and compromised.
 5. To be considered authentic, a property must incorporate a substantial amount of the original features and materials. While new material can exactly copy significant features, if too much historic material is replaced with new material, the integrity of the property is lost and integrity can never be re-created. The precise replication of features with new materials may produce a building that looks like a historic building, but without substantial retention of actual historic materials, the integrity of the property is lost.

D. Determination of Major Impacts to Cultural Resources

Impacts to resources are major when they directly or indirectly alter or destroy any of the characteristics that make the resource significant, including when they may diminish the integrity of the resource including its location, design, setting, materials, workmanship, feeling or association.

1. Major impacts include:
 - a. Physical destruction or damage to all or part of the resource;
 - b. Alteration to all or part of the resource that is not consistent with applicable standards and guidelines;
 - c. Relocation or isolation of the cultural resource from its setting;
 - d. Excessive replacement of original materials;
 - e. Alteration of the character of the cultural resource's setting;
 - f. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting; or
 - g. Neglect of a cultural resource resulting in its deterioration or destruction.

2. An impact is generally not major if:
 - a. It does not alter the resource; or,
 - b. It is reversible; or,
 - c. It is temporary.

E. Mitigation Measures

1. Purpose

To the greatest extent feasible, mitigation measures minimize or offset major impacts on resources with a general threshold of reducing the impacts to a level that is less than a major impact.

2. Applicability

All proposed work that will or may have a major impact on a significant cultural resource, as determined by an appropriate Cultural Resource Study shall incorporate mitigation measures.

3. Professional Design Required

The preparer of a Cultural Resource Study shall design the appropriate mitigation measures. These may include alternative projects, alternative designs, additional work, or other means. The appropriate type and scope of measures varies depending on the cultural resource and impacts, and shall be recommended based on the professional expertise of the preparer and the following:

a. For Potential Resources or Potential Impacts

Construction monitoring by the report preparer is an acceptable mitigation measure. If monitoring indicates that the work will produce a major impact to a significant cultural resource, construction shall cease in the area of the resource and the report preparer, subject to approval pursuant to this Division, shall develop and apply appropriate mitigation measures.

b. For Identified Major Impacts

The following mitigation measure designs are presented in order of general preference:

- (1) Avoidance of significant cultural resources or impacts by not taking a certain action or parts of an action;
- (2) Preservation of cultural resources in place;
- (3) Minimizing major impacts by limiting the degree or magnitude of the action and its implementation;
- (4) Allow other parties to acquire cultural resources, cultural resource sites, or conservation easements;

(5) Data recovery.

c. **Human Remains**

Federal and State laws provide standards and regulations for the handling, care and removal of human remains.

F. **Standards and Guidelines**

The following standards and guidelines apply to the preparation, review, and acceptance of Cultural Resource Studies pursuant to this Section;

1. *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* as currently amended and annotated by The National Park Service.
2. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*
3. *Preservation Briefs* and other similar best practice documents published by the National Park Service

10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone

A. **Purpose**

This Section provides standards and procedures for the preservation, reconstruction, rehabilitation, or restoration of designated Landmark Properties and properties within a Historic Overlay Zone.

B. **General Applicability**

Except as provided in Section 10-30.30.020.B, all proposed work on a Landmark Property and within a Historic Overlay Zone, whether or not any other approval or permit is required, including demolition, shall be approved pursuant to this Division.

C. **Process**

Except as provided in Section 10-30.30.030.B, prior to the granting of any required approvals or permits and prior to the commencement of any work on a Landmark Property or within a Historic Overlay Zone, the Heritage Preservation Commission or the Historic Preservation Officer shall review all work proposed and approve or conditionally approve the work in the form of a Certificate of No Effect, Certificate of Appropriateness, or Certificate of Economic Hardship. The process for review and approval of work within a Historic Overlay Zone is represented in Figure C (Processes for Review of Development in a Landmark Property and Historic Overlay Zone).

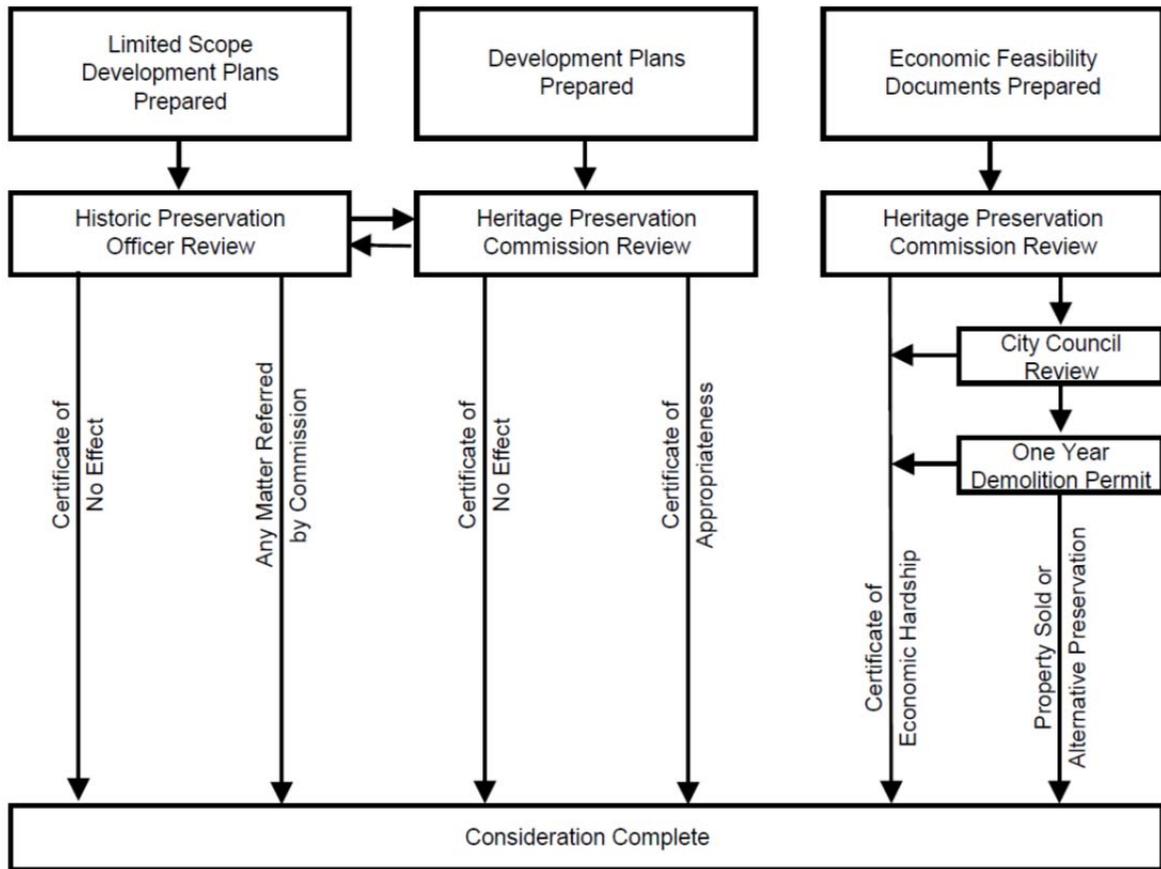


Figure C. Processes for Review of Development in a Landmark Property and Historic Overlay Zone

D. Certification of No Effect

1. Applicability

This approval is appropriate if the proposed work is compatible with the historic or archaeological character of a cultural resource, such that there will be no major impact on the resource, thereby not diminishing, eliminating, or adversely affecting the significance or integrity of the resource.

2. Criteria for Approval

When approving a Certification of No Effect, the Historic Preservation Officer or Heritage Preservation Commission shall find that:

- a. The proposed work is consistent with the purpose and intent of this Division;
- b. The proposed work is compatible with its context:

- (1) The appropriate context for a Landmark or a Historic Property is the property itself and to a much lesser extent, the surrounding properties, and neighborhood;
 - (2) The appropriate context of work in a Historic Overlay Zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;
- c. The cultural resources associated with the proposed work have been sufficiently identified and evaluated;
 - d. There are no major impacts to any on-site cultural resources; and
 - e. The proposed work is consistent with applicable Development Standards and Design Guidelines (Subsection G - Development Standards and Guidelines).

E. Certification of Appropriateness

1. Applicability

This approval is appropriate if the proposed work alters a cultural resource, but does so in such a way that is compatible with the historic or archaeological character of the resource and all major impacts are mitigated such that the work does not diminish, eliminate, or adversely affect the significance or integrity of the resource.

2. Criteria for Approval

When approving a Certification of Appropriateness, the Heritage Preservation Commission shall find that:

- a. The proposed work is consistent with the purpose and intent of this Division;
- b. The proposed work is compatible with its context:
 - (1) The appropriate context for a Landmark or a Historic Property is the property itself and to a much lesser extent, the surrounding properties, and neighborhood;
 - (2) The appropriate context of work in a Historic Overlay Zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;
- c. The cultural resources associated with the proposed work have been sufficiently sought, identified, and evaluated;
- d. Major impacts on cultural resources are sufficiently mitigated; and
- e. The proposed work is consistent with applicable Development Standards and Design Guidelines (Subsection G).

F. Certification of Economic Hardship

1. Applicability

This approval is appropriate if the proposed work, including demolition, and appropriate mitigation measures, will deprive the property owner of reasonable use of or a reasonable economic return on the property; or, will result in a substantial reduction in the economic value of the property; or, will result in a substantial economic burden on the property owner because the property owner cannot reasonably maintain the property in its current form.

2. Criteria for Approval

When approving a Certification of Economic Hardship, the Heritage Preservation Commission shall find that:

- a. The cultural resources associated with the proposed work have been sufficiently identified, and evaluated;
- b. An economic hardship exists (a lack of reasonable use or return, a substantial reduction in the value, or a substantial burden);
- c. Preservation is economically infeasible;
- d. The economic hardship is not a self-created hardship;
- e. Alternative development has been fully explored; and
- f. Alternative financing has been fully explored.

3. Temporary Delay of Demolition

If a Certificate of Economic Hardship is denied by the Heritage Preservation Commission, no demolition shall be permitted for a period of one year from the date of the public meeting when the request was denied. During the temporary delay period, the applicant shall consult in good faith with the Heritage Preservation Commission, state and local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in the preservation or sale of the property. The property owner shall advertise the property for sale at a fair market value based on appraisals. Following the temporary delay period, if no other plan demonstrates a reasonable alternative, and no purchaser has been found, the proposed demolition will be allowed, subject to the issuance of the appropriate permit by the Building Official.

G. Development Standards and Guidelines

The following standards and guidelines apply to all approvals granted pursuant to this Section:

1. City Code, Title 10 Zoning Code

The Heritage Preservation Commission and the Historic Preservation Officer shall apply the development standards and guidelines provided in

Section 10-30.60.080 (Compatibility) as criteria for determining the appropriateness of a development proposal.

2. Industry Standards and Guidelines

- a. *The Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* as currently amended and annotated by The National Park Service.
- b. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.
- c. *Preservation Briefs* and other similar best practice documents published by the National Park Service.

3. Zone Specific Development Standards and Guidelines

These standards and guidelines are available from the Planning Section.

- a. *Design Handbook for Downtown Flagstaff* (1997);
- b. *Townsite Historic Overlay Zone Design Standards and Guidelines* (June 2007);
- c. *Landmark Zone Design Standards and Guidelines* (March 2008); and,
- d. Others as may be adopted in association with any designation of a new Historic Overlay Zone.

10-30.30.070 Violations and Enforcement

- A. All work authorized as a result of an approval granted pursuant to this Division shall conform to any requirements included with it. Deviations from the plans that served as the basis of the approval of a Certificate of Appropriateness, or from any conditions of approval, constitute a violation of the provisions of this Division. Violations shall be governed by the provisions of Division 10-20.110 (Enforcement).
- B. It shall be the duty of the Heritage Preservation Officer and/or the City Building Inspector to inspect periodically and assure compliance of any work performed pursuant to the provisions of this Division. Enforcement shall be governed by the provisions of Division 10-20.110 (Enforcement).

10-30.30.080 Appeals

Any person, firm, or corporation aggrieved by a decision of the Historic Preservation Officer or the Heritage Preservation Commission in interpreting, applying, or enforcing this Division, may file an appeal in accordance with the appeal provisions established in Section 10-20.80.030 (Appeals of Permits and Other Approvals).

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