



**NOTICE OF A SPECIAL MEETING OF THE HISTORIC PRESERVATION COMMISSION
OF THE TOWN OF CLARKDALE
TUESDAY, APRIL 18, 2023 AT 4:30 PM**

In Person: Clark Memorial Clubhouse, 19 N. Ninth St., Clarkdale AZ

Town of Clarkdale Vision

The Town of Clarkdale connects our unique history, proximity to the Verde River, and small-town charm to a future with a vibrant economy.

We cultivate an environment where residents and businesses can thrive; providing services and jobs for our residents and capitalizing upon tourism.

We sustainably enhance our infrastructure, support the arts and education, and develop recreational opportunities to create a bright future for our entire community.

PURSUANT TO A.R.S. §38-431.02, NOTICE IS HEREBY GIVEN that the Historic Preservation Commission will hold a Special Meeting open to the public on Tuesday, April 18, 2023, at 4:30 PM at 19 N. Ninth Street, Clarkdale, Arizona, Clark Memorial Clubhouse, Men's Lounge. **A quorum of Town Council members, Planning Commission members and Design Review Board members may be present at this meeting; however, they will not deliberate or take action on any items.** All members of the public are welcome to attend.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION, UNLESS OTHERWISE NOTED.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

The Historic Preservation Commission invites the public to provide comments at this time. Members of the Historic Preservation Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01, action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date. Persons interested in making comments on a specific agenda item are asked to complete a brief form and submit it to the Clerk or liaison during the meeting. Each speaker is asked to limit their comments to five minutes.

4. DISCUSSION ITEMS ONLY - NO ACTION TAKEN

A. Draft Historic Preservation Ordinance

Discussion only with the Town Council, the Planning Commission and the Design Review Board regarding the Historic Preservation Ordinance.

5. FUTURE AGENDA ITEMS

Historic Preservation Commission may propose items to be placed on a future agenda. This item is for discussion only.

6. ADJOURNMENT

Values

Values are the guiding principles that provide an organization with purpose and direction. The Town of Clarkdale's organizational values are:

COPPER

Customer focused

Open, transparent and equitable

Preserving our history, charm, and environment

Planning for a sustainable future

Economic and social resiliency

Resourceful and innovative

Mission

The Town of Clarkdale serves the community by providing amenities, infrastructure, services, and public safety to enhance quality of life. We are stewards of our history while we sustainably and resiliently plan for the future with an emphasis on community engagement and transparency.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at (928) 639-2400 (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.



Staff Report

Item Number: 4.A.

Agenda Item: **Draft Historic Preservation Ordinance**
Discussion only with the Town Council, the Planning Commission and the Design Review Board regarding the Historic Preservation Ordinance.

Staff Contact: Ruth Mayday, Community Development Director

Meeting Date: April 18, 2023

Strategic Goal: This agenda item supports the following strategic goal:

- Goal Area 1 - Preserve and celebrate Clarkdale's unique, complex history.

Background: The purpose of this ordinance is to support the Historic Resource Survey of Clarkdale (Ryden, 1989) and identify, preserve, and enhance the Town's significant historical, architectural, cultural, and archaeological resources in the interest of the welfare of the citizens of Clarkdale.

Budget Impact: No budget impact.

Recommendation: Work session only. No recommendation.

Section 3-170 Historic District (HD)

Section 3-170-010 Purpose

In general, the bullet points aren't clear enough. Suggest numbered narrative-like statements that combine and better explain the information included in the existing bullet points.

Language in the statement should more clearly define the ordinance's purpose of encouraging preservation of existing buildings/structures in the downtown area. Citing a ~35 year old, likely outdated Historic Resource Survey seems unnecessary. Perhaps it would be better to emphasize that the ordinance supports the Town's efforts to identify, preserve, and enhance significant historical, architectural...resources in the interest of the welfare of citizens. The language in the City of Williams purpose statement is succinct and to the point and may be a good example to work from.

While the purpose of the Historic Preservation Commission is to identify and recognize historic properties and define/promote their significance, that doesn't appear to be the intent of the ordinance as drafted. The purpose statement and bullets that reference function of the ordinance as it is currently drafted. Another suggestion for the purpose statement would be to provide something like "define a process by which property owners, the HPC and the Town Council can promote and support mutually beneficial preservation and rehabilitation efforts within the district".

The purpose of this ordinance is to support the Historic Resource Survey of Clarkdale (Ryden, 1989) and identify, preserve, and enhance the Town's significant historical, architectural, cultural, and archaeological resources in the interest of the welfare of the citizens of Clarkdale by:

- Protecting, preserving, and enhancing the significant elements of the historical, architectural, cultural, and archaeological heritage of the Town;
- Encouraging the identification and recognition of significant historic resources;

The bullet on non-contributing properties is confusing to me. It seems to be outside the purview of the HPC to dictate a concept of "value" based on the town's goals for economic growth, tourism or neighborhood identity. All of these things are certainly tied to good historic preservation efforts, so maybe it just needs to be reworded in a way similar to the previous recommendation.

It is not clear how the drafted ordinance actually works towards the identification of prehistoric and historic archaeological resources. They are most certainly extant within the district, but how does the process identified in the draft ordinance support their identification? Additionally, the identification of these types of resources is outside the role of the HPC or the HPO to locate and identify arch sites (that is the job of a qualified professional archaeologist hired by the Town). The HPC and HPO can support best practices or actions designed to facilitate the protection and preservation of these resources, if they exist, but that is more of an operating guideline that should be adopted by the town to implement the ordinance and not something to be addressed specifically in the language of the ordinance itself. Maybe language should say something like “support a process designed to protect historic and prehistoric archaeological sites within the district that represent the unique and diverse history of Clarkdale”

- Encouraging the sensitive adaptation of historic properties to modern uses;
- Ensuring that new construction, additions, alterations, and demolitions to both historic and non-historic properties within the Clarkdale Historic District is carried out in a manner which is not detrimental to the historic integrity of the district;
- Encouraging the identification and protection of prehistoric and historic archaeological resources;

I agree that the ordinance should work toward efforts that promote and encourage tourism, but this is more appropriate in the “purpose” narrative and not as a lone bullet point. The statement should make it clear that promoting and encouraging tourism is a beneficial outcome of thoughtful historic preservation planning.

- ~~Encourage tourism and visitors to the Town; Supporting historic tourism;~~
- Protecting and preserving those properties within the Town which may ~~not be a contributing property, but is are~~ valuable to the ~~preservation of the~~ community ~~in terms of tourism, education, neighborhood~~ character and identity, ~~and economic development; and~~
- Preserving and enhancing the attractiveness of the Town to potential home buyers, and business interests, thereby supporting and promoting commercial development and economic benefit to the Town.

“Preserving and enhancing the attractiveness of the Town” is a subjective statement that doesn’t seem appropriately stated in the bullet. I would suggest being more direct and building on the latter part of the statement. Something like-supporting and promoting commercial development and economic development through thoughtful historic preservation.

Section 3-170-020 Effect of Historic District Designation

The Historic District is an overlay zone. Permitted land uses and development standards shall be regulated by the underlying zoning district.

- The development standards for the underlying zoning district may be superseded by the design guidelines adopted at the time of the district designation. This includes, but is not

Landscaping and off-street parking are requirements of the Historic District. Landscaping is not historic and is owned by the Town in the right of way.

limited to, the size, height, locations and number of signs, the location of off-street **parking**, required screening and landscaping, the height of fences and walls, and the number of required off-street parking and loading spaces.

- When a building permit is sought from the Town to demolish, alter, remodel, move, build, *renovate* or otherwise develop or landscape property in the Clarkdale Historic District, issuance of the permit shall be deferred until after a Certificate of No Effect is issued by the Historic Preservation Officer or a Certificate of Appropriateness is obtained from the Historic Preservation Commission.

Change "Certificate of Appropriateness is obtained from the Historic Preservation Commission" to "issued by the Historic Preservation Commission"

- Plans showing the scope of the proposed work shall be submitted at the time of application for a Certificate of No Effect or a Certificate of Appropriateness. An approved plan shall be binding upon the applicant and their successors and assignees. No building permit shall be issued for any building or structure not in accordance with the plan, except that temporary facilities shall be permitted in conjunction with construction.

Are the requirements for the plans showing the "scope of proposed work" identified somewhere else? If so, it should be made clear where that information is located or it should be clearly listed within this section.

Maybe a bulleted list below this entry that specifically outlines what would be needed or required. Not suggesting it be extensive info, just basic expected documentation.

- Nothing in this ordinance shall be construed to prevent ordinary maintenance, cleaning, repair, including painting, of any structure in the Historic District, which does not alter or modify the historic character of the structure.

Some of the things on this list don't require HPO approval through a certificate, but some might. Would it be clearer to identify that difference? For instance, interior vs. exterior work or repainting certain elements of a building, but not the entire brick façade?

Section 3-170-030 Certificate of No Effect

All requests for building permits located within the Clarkdale Historic District shall be referred to the Historic ~~Preservation~~ Preservation Specialist Officer.

Its all there in the text, but it might be confusing to some readers as currently written. What about a separate section outlining criteria for considering alterations that require review? This would also be a good place to identify adverse impacts in a clear way and set up the process outlined in the sections below.

This reads as if the issuance of a building permit is the only mechanism that triggers the need for HPO review and issuance of a certificate. Are there circumstances where the process is triggered without a permit?

The Historic Preservation Officer shall issue a Certificate of No Effect if it is determined that:

1. The proposed work ~~is minor and is~~ clearly within the design guidelines; and
2. The proposed work will not diminish, eliminate, or adversely ~~affect impact~~ the historic character of the subject property or its effect on the Clarkdale Historic District.

Approval of a Certificate of No Effect authorizes the issuance of permits required by the Building Official.

If a Certificate of No Effect is not issued, a Certificate of Appropriateness shall be required.

Is it possible to include a flow chart of this process (that includes Certificates of No Affect and Appropriateness as well as Demolition? That would be a great tool for readers to reference as they move

Section 3-170-040 Certificate of Appropriateness

The Historic Preservation Commission shall review the application and shall conduct a public hearing within sixty (60) days of the filing of an application for a building permit. Notice of the application shall ~~follow statutory requirements for a be posted on the property at least fifteen (15) days before the date set for the~~ public hearing.

Are these time frames intended to fit within the normal monthly HPC or Design Review Board meetings, or are public hearings intended to be held separately? Does it even matter for how this is written?

The Historic Preservation Commission shall either grant or deny the application or grant it with stipulations. This application shall be deemed approved if the initial hearing is not held within sixty (60) days of the date of application.

The Historic Preservation Commission shall evaluate all proposals in accordance with the Secretary of the Interior Standards for Rehabilitation and the adopted design guidelines for the

district. A Certificate of Appropriateness shall be granted if the Historic Preservation Commission determines that the proposed work is:

1. Is compatible with the relevant historic, cultural, educational, or architectural qualities characteristic of the property; and

The cultural and education qualities that are characteristic of Clarkdale properties are inherent values that don't match directly up with the SOI standards for Rehabilitation. I agree that these values should be preserved, but where are these clearly defined for applicants? Is this language intended to give the HPC and HPO wiggle room in making decisions? Will the design guidelines be more clearly written to identify these types of "relevant qualities"? One way around this is may be to specify that relevant historic and cultural

2. Does not diminish or adversely impact the integrity of the Clarkdale Historic District;
or

Suggest changing "Does not diminish or adversely impact" to "Is not determined to diminish or adversely impact..."

3. Qualifies for a Certificate of Economic Hardship.

~~The applicant or any Town Council member~~ Any person aggrieved by the decision of the Historic Preservation Commission may, within fifteen (15) working days of this action appeal to the Town Council. If appealed, the matter shall be set for a public hearing before the Town Council. Notice of the hearing shall be sent to the applicant at least fifteen (15) days prior to the

Appeals to the Town Council should be 60 days, not 15 days.

This section should also include some indication of what is required for an appeal. For this section of the document it could just state that a written notification to the HPO is necessary to start the appeal process.

How are time frames for review and appeal determined. Are they appropriate for the operation of the government and/or are they in the best interest of applicants?

hearing and shall be posted on the property fifteen (15) days prior to the hearing.

~~The Town Council shall limit its review of the case to the record of the Historic Preservation Commission, as established by the staff report, any exhibits, minutes and/or transcripts, and any audio/visual tape of the proceedings. New testimony will not be accepted for consideration, however, each side may make a limited presentation on the evidence in the record of the Historic Preservation Commission.~~

This may not be the right place for this, but "limited" should be defined somewhere-i.e time limits

The Town Council shall render its decision within sixty (60) days of the filing of an appeal, or the application is deemed approved. At this public hearing, the **Town** Council may:

1. Affirm the decision of the Historic Preservation Commission.
2. Reverse the decision of the Historic Preservation Commission; or
3. Remand the application to the Historic Preservation Commission for reconsideration.

If appeal is remanded back to the HPC, what does that actually mean. Does the process just start over? What is the burden to applicants or to the HPC? Can that be clarified in the ordinance or would it be defined by the Town Council at the time the decision was made?

Approval of a Certificate of Appropriateness authorizes the issuance of permits required by the Building Official. A Certificate of Appropriateness expires one (1) year from the date of issuance if a building permit is not issued for the project.

Section 3-170-050 Certificate of Economic Hardship

A Certificate of Economic Hardship may be granted by the Historic Preservation Commission or by the Town Council on appeal. Separate standards for obtaining a Certificate of Economic Hardship are established for investment or income producing and non-income producing properties. Non-income producing properties shall consist of owner-occupied single-family dwellings and non-income producing properties.

All references to residential properties should be removed to avoid confusion.

The purpose statement/explanatory narrative is super confusing. Suggest clarifying language to make it more accessible to readers. Same suggesting for paragraph 2.

A Certificate of Economic Hardship may be granted by the Historic Preservation Commission or by the Town Council on appeal. The purpose of a Certificate of Hardship is to grant leniency in applying standards or Historic Preservation Guidelines to a proposed rehabilitation project where a demonstrated economic hardship exists.

The basis to establish economic hardship for an income producing property shall be the inability of a property taken as a whole to obtain a reasonable rate of return in its present condition or if rehabilitated.

Economic hardship regarding a non-income producing property shall be found when the property owner demonstrates that the property has no beneficial use as a single-family dwelling or for an institutional use in its present condition or if rehabilitated.

Demonstration of an economic hardship shall not be based on or include any of the following circumstances:

1. Willful or negligent acts by the owner;

How is willful neglect determined? In the absence of citations, how would the Town determine "failure to perform normal maintenance and repairs". Additionally, how do you determine "failure to diligently solicit tenants". Some of these responsibilities, should they be retained in the ordinance, seem to be the job of a paid Town employee, a building inspector or some outside entity. Suggest that the ordinance reflect that position informing HPC of willful neglect and failure to perform maintenance in a written statement.

2. Purchase of the property for substantially more than market value;
3. Failure to perform normal maintenance and repairs;
4. Failure to diligently solicit and retain tenants; or
5. Failure to provide normal tenant improvements.

~~Demonstration of an economic hardship may be considered including the ability and diligence of the property owner at the time of acquisition, to determine the potential historic significance of the subject property within the Clarkdale Historic District.~~

In order to properly assess a request for Certificate of Economic Hardship, the Historic Preservation Specialist Commission shall request and receive from the applicant all information it deems necessary. This shall/should may include, but is not limited to, the following:

1. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the building(s) on the property, their suitability for rehabilitation, and possible new uses for the property;
2. The assessed value of the land and improvements according to the two (2) most recent assessments;
3. The real estate taxes paid during the previous two (2) years;
4. All appraisals obtained by the owner or applicant in connection with his purchase, financing, or ownership of the property;
5. Any listing of the property for sale or rent, price asked and offers received, if any;
6. All building and fire code violations which have been listed on the property for the last two (2) years.

7. Any federal, state, or local citation(s) which have determined the building to be a nuisance under applicable law; and

8. ~~If the property is income producing. One of the following financial statements to verify economic non-viability of project.~~

a. Annual gross income from the property for the previous two (2) years;

b. Itemized operating and maintenance expenses for the previous two (2) years;

or

c. Annual cash flow, if any, for the previous two (2) years.

Is the HPC the most appropriate mechanism to determine and issue a Certificate of Economic Hardship? Seems like HPC should recommend this to Town Council , furthermore I feel that it is outside the HPC's responsibilities to review financial documents and it makes me uncomfortable. Suggest that the Town Council is responsible for this level of review and decision making.

The procedures for obtaining a Certificate of Economic Hardship shall be the same for obtaining a Certificate of Appropriateness.

The procedures for obtaining a Certificate of Hardship should be specifically listed for clarity, instead of referring back to process for the Certificate of Appropriateness.

If a Certificate of Economic Hardship is issued, a Certificate of Appropriateness shall be granted.

There needs to be another section for "Post demolition". This could include post demo plans and requirements for maintaining vacant lots, etc.

This section is generally kind of confusing. Suggest citing existing citation for universal nuisance property code adopted by Clarkdale. Some of what is in the draft language seems redundant to what is already in the adopted code.

-Post demolition plans should be considered as a part of this process. Reference to how the lot will be treated after demolition and plans for new construction should be considered.

Section 3-170-060 Demolition & Moving of Buildings & Structures

It is the intent of this ordinance to preserve the historic and architectural resources within the Historic District. However, it is recognized that there can be circumstances beyond the control of a property owner which may result in the necessary demolition of a structure within the Historic District. These circumstances include a building which constitutes an imminent safety hazard, which involves a resource whose loss does not diminish or adversely affect the integrity of the district, or which imposes an economic hardship on its owners as follows:

1. No permit shall be issued to move or demolish all or any part of a house, building, or other structure in the Historic District without approval of a Certificate of Appropriateness as established in Section 3-170-040.

Is this section stating that the HPC has the responsibility for approving permits to demolish non-historic or non-contributing properties? Is the intent that HPC should determine or confirm the property's status as a contributing or non-contributing element to the district as a part of the larger process?

Remove the first sentence that reiterates the intent of the ordinance. It should already be clearly stated in the purpose statement. Consider starting the narrative with "There can be circumstances..."

It seems important to state that moving and demolishing contributing buildings or structures is always an adverse effect to the district.

2. A request for a demolition permit shall be exempt from these requirements if the Building Official determines, according to the criteria set forth in **adopted codes the Uniform Code for the Abatement of Dangerous Buildings**, that the building is an imminent safety hazard to the public and that necessary repairs would be impractical. The Building Official shall first notify the Historic Preservation **Officer Specialist** in writing before issuing the demolition permit.
3. If demolition approval is not granted, then no demolition permit shall be issued for a period of one (1) year, unless a subsequent demolition approval has been requested and granted. A subsequent demolition application may be made and granted for a property which has previously been the subject of a one (1) year demolition permit denial if new facts or circumstances can be presented in support of the application.

*Residential properties are excluded from this district, so this is not necessary. Remove above paragraph: **If demolition is not granted...in support of the application.***

4. Upon denial of a demolition approval, the Historic Preservation Officer shall contact the property owner to determine what assistance might be available to place the property into productive use. If a feasible rehabilitation or use is not found for the property, the Historic Preservation Specialist Officer shall investigate methods of private or public acquisition of the property. (Move this section to Economic Hardship)

Seems like there should be a time frame on how long the HPO investigates before the property can be moved or demolished. Since private or public acquisition could take a long time, it is likely a long period.

5. If demolition approval is granted on any basis other than that of an imminent hazard, economic hardship, or upon expiration of a restraint of demolition, a demolition permit shall not be issued until a redevelopment or reuse plan for the property has received a Certificate of Appropriateness. Vacant land or non-use shall not be considered responsive to this requirement. A redevelopment or reuse plan shall consist of a site plan illustrating the location of building, parking, walls, and landscaping, as well as building elevations which depict roof lines, doors, windows, and other architectural details. A redevelopment or reuse plan shall also meet the requirements of Design Review as outlined in Chapter 11.

The requirements for a reuse or redevelopment plan should be listed out as bullets or numbered entries.

6. A demolition approval may be conditioned on stipulations which provide for rights of access to the property for the purposes of documentation or for agreed upon removal of artifacts.

Demolition should be tied to existing ordinance for things like "Property Maintenance During Construction (7-14)" or "Abatement of Rubish and Dilapidated Structures (7-21-1)"

Section 3-160-070 Design Guidelines

Should be 3-170, not 3-160?

Per earlier discussions and examples provided by staff, please develop picture definitions (photos or drawings) included in these guidelines, a la the cities of Williams and Silver City and our own ordinance.

I'm not sure how to review this. As written, I don't think it is adequate for assisting property owners.

Per the 2012 Clarkdale General Plan: 'The context of a place considers its history as well as its future.'

Properties within the Clarkdale Historic District shall closely consider the surrounding context of the existing structures **style, form, colors per Clarkdale historic period 1912-30**

Revise to: District shall ~~closely~~ consider the surrounding context...

This is a good concept to include, but I don't think that citing the 2012 plan is necessary. I would suggest synthesizing this into a statement that makes the same point but with better wording.

when designing new or remodeled buildings or **considerating considering** an adaptive reuse of an existing building. Incorporation of the following features is recommended:

- Establishment of a relationship to adjoining spaces.
- Continuity of streetscape along Main Street through inclusion of benches, decorative poles and banners **and appropriate landscaping.**

Shade Trees are not historic to Clarkdale; Town of Clarkdale should be responsible for installation and maintenance of all improvements on right of way. Note existing trees planted in 2005 are not historic and have damaged the sidewalks. They also block the view of signs and architectural features. Also easily damaged by food trucks, busses and larger pickup trucks that are more prevalent today than 18 years ago.

- Brick façades and/or partial brick inlays.
- Clerestory windows.
- A strong pedestrian connection to existing sidewalks or extension of the sidewalk system.
- A main entrance from a public sidewalk.
- Rounded arches.

- Large storefront windows.
- Varied roof lines.

Where feasible, as determined during the Site Plan Review process, new development in the Historic District shall conform to the following standards:

- Place public parking behind buildings or participate in the development of new central public parking areas.

It was well discussed that parking seems to be a problem very far into the future based on current supply. Clarkdale should not be a huge parking lot just to allow for unlimited personal car-centric destination. Prefer tour buses unloading walking tourists over parking lots (without shade) that are empty most of the time.

Remove: ~~Place public parking behind buildings or participate in the development of new central parking areas.~~

Historic District commercial lots should allow full coverage by the structure; Requiring owner to develop public parking will discourage development and rehabilitation; The parking issue should be a town problem. The town owns land that could be used for parking near downtown.

- The front yard setback shall be reduced to zero if the main building abuts a public sidewalk.
- Landscaping shall include shade trees along the front boundary. These trees shall be from the approved plant list in Chapter Nine of the Zoning Code.

Although street shade trees are not historical elements, climate resiliency demands this amenity if we expect tourists to walk around and hang out spending money.

~~Landscaping shall include shade trees....plant list in...~~

Shade Trees are not historic to Clarkdale; Town of Clarkdale should be responsible for installation and maintenance of all improvements on right of way. Note existing trees planted in 2005 are not historic and have damaged the sidewalks. They also block the view of signs and architectural features. Also easily damaged by food trucks, busses and larger pick up trucks that are more prevalent today than 18 years ago.

All other development and performance standards are as found in the underlying zoning district. (Prior code § 3-16-3).

Chapter 2 Definitions

Historic ~~Preservation~~ Preservation Specialist ~~Officer~~: Person appointed by the Community Development Director that oversees the Historic Preservation Commission and the activities of the Town's Historic Preservation Program. (manages or advises may be better)

Curious about the exact nature of this relationship. Can the HP Officer act without consulting the Commission and confirming the particular action before it is finalized or will the Officer operate above the Commission?