



**NOTICE OF A WORK SESSION OF THE HISTORIC PRESERVATION COMMISSION
OF THE TOWN OF CLARKDALE
THURSDAY, JULY 11, 2024 AT 6:30 PM**

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

OR

Join Zoom Meeting

<https://zoom.us/j/9554994085>

Meeting ID: 955 499 4085

Unless otherwise stated, the public will have physical access to the meeting place 15 minutes prior to the start of the meeting.

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 Work Session open to the public on Thursday, July 11, 2024, at 6:30 PM at 19 N. Ninth Street, Clarkdale, Arizona, Clark Memorial Clubhouse, Men's Lounge. A quorum of Town Council 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. DISCUSSION ITEMS ONLY - NO ACTION TAKEN

A. Final Draft Text Amendments for Definitions of Words and Terms to the Historic Preservation Ordinance

Discussion only with the Historic Preservation Commission and business/building owners in downtown Clarkdale regarding text amendments to add definitions of words and terms related to historic preservation to Chapter 2, Definitions, and add Article 3-170, Historic Preservation

Ordinance, to Chapter 3, Zoning Districts, of the Town of Clarkdale Zoning Code.

4. FUTURE AGENDA ITEMS

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

5. 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: 3.A.

Agenda Item:

Final Draft Text Amendments for Definitions of Words and Terms to the Historic Preservation Ordinance

Discussion only with the Historic Preservation Commission and business/building owners in downtown Clarkdale regarding text amendments to add definitions of words and terms related to historic preservation to Chapter 2, Definitions, and add Article 3-170, Historic Preservation Ordinance, to Chapter 3, Zoning Districts, of the Town of Clarkdale Zoning Code.

Staff Contact:

Ruth Mayday, Community Development Director

Meeting Date:

July 11, 2024

Strategic Goal:

Not applicable.

Background:

The purpose of this roundtable work session is to facilitate discussion of the proposed Historic Preservation Ordinance (HPO) between the Historic Preservation Commission (HPC) and the stakeholder group, comprised of building and business owners for properties within the boundaries of the Historic District, to facilitate agreement on the terms and conditions set forth in the ordinance.

Ordinance #424 sets forth the proposed text amendments that add words and terms related to historic preservation, define the boundary of the Clarkdale Historic Preservation District, delineate areas of responsibility for overseeing the activities of the Historic Preservation Commission, and provide procedures and design guidelines for the review and permitting of construction and revitalization activities within the Historic Preservation District. The Historic Preservation District does not affect the Clarkdale Historic District boundary as approved by the Secretary of Interior as part of the application for National Register status.

Upon its creation on July 28, 2020, the Town of Clarkdale Historic Preservation Commission (HPC) was tasked with a number of goals and objectives to carry out. The development of a Historic Preservation Ordinance (HPO) would fulfill the last requirement for the State Historic Preservation Office (SHPO)'s Certified Local Government (CLG) status, which will enable the Town to apply for grants through SHPO for brick-and-mortar and other projects. It also helps ensure consistency in the preservation of existing structures and provides guidance with respect to infill development.

The Town retained Froke Urban Planning to assist with the development of the Ordinance, and work began on Jan. 3, 2023. Staff and commissioners worked through several iterations to develop a final draft, which was approved by the HPC on Dec. 5, 2023.

A joint workshop was held on Feb. 29, 2024, between the Town Council and Planning Commission to review the draft with staff and discuss concerns and suggestions they had. After that meeting, the Planning Commission held a public hearing on April 16, 2024, after issuing a notice in conformance with A.R.S. 9-462.04. After a lengthy discussion and input from stakeholders, the Commission voted unanimously to return the proposed ordinance to staff and the HPC for additional work.

On May 21, 2024, the HPC discussed the Ordinance at a Special Meeting. Several business and building owners attended the meeting as well as members of the public. The ordinance was discussed, and language suggestions were made by both the public and the stakeholders. It was evident that there were significant concerns with both the stakeholders and the Commission.

Staff has scheduled this roundtable meeting to ensure an opportunity for HPC and the stakeholder group to discuss concerns in a less formal setting.

Section 2-010 Definitions:

Building Official: Person appointed by the Town Manager that oversees the responsibility of issuing construction and demolition permits and generally enforcing the provisions of the Building Code.

- Staff recommends changes to text as set forth in the attached redline.

Community Development Director: Person appointed by the Town Manager that oversees the Community Development Department.

Historic Preservation Specialist: Person appointed by the Community Development Director that oversees the Historic Preservation Commission and the activities of the Clarkdale Historic Preservation Program.

- Staff suggests changing “person” to staff member.
- Council asked if this was a new position or assignment of responsibilities to existing staff; ATM Mayday confirmed the latter.

Historic District: Includes areas of the Town which are recognized by either local historic preservation districts or the National Register of Historic Places and/or a combination of both. A map of the Clarkdale Historic District is on file with the Community Development Department.

- Staff recommends a rewrite of this definition to: The area defined by Exhibit 1: Historic Preservation District in Section 3-170, Historic Preservation Ordinance. A map of the Clarkdale Historic Preservation District is on file in the Community Development Department.

The Historic Preservation District is in addition to the existing Clarkdale Historic District as designated by the Secretary of the Interior upon approval of the application submitted in 1988. It does not affect the border of the Historic District, which would require a separate application to both SHPO and National Parks.

The Ordinance proposes adding the following seven (7) sections of code:

Section 3-170-010 Purpose: This section states the purpose for adopting the Ordinance and the rationale for doing so. There were no substantive changes suggested for this section.

Section 3-170-020 Historic District Overlay Designation: This section identifies the HPO as an overlay district and sets forth the boundaries for the district in graphic form. Discussion took place with respect to the benefits of the property owners electing to adhere to the regulations of the district, and whether participation was mandatory or optional. Language has been added that sets forth a specific Opt-In process and provided for the waiving of permit fees for those opting in to the district and availing themselves to the benefits of the District. Staff confirmed that the HPC would, upon adoption of the Ordinance, serve as Design Review for the Historic District. Should participation become opt-in, staff recommends removing the reference to Diminution of Value claims.

Section 3-170-030 Development Standards: This section sets forth the design and development standards for existing and infill projects in the district, and is separated into five (5) subsections:

- A. Siting: this describes how structures should be situated on lots or parcels. A duplicate reference to a main entrance from a public sidewalk should be removed.
- B. Exterior Wall Design, Materials, and Finishes: this subsection describes materials and architectural elements that should be preserved in existing structures and used in infill development. Suggestions from the joint meeting include deletion of the use of brick requirement, and adding stone, metal, limestone, and cut stone as accent materials.
- C. Roof and Parapet: this subsection calls attention to the varied roof lines present in the historic district and screening of roof-mounted mechanical equipment. Suggestions included adding clarifying language to the rooftop mechanical equipment screening to ensure it applies to mid-block as well as corner lots.
- D. Storefronts, Doors, Windows, and Awnings: this section discusses the inclusion of these features in both preservation and infill projects. The

only substantive change suggested at the joint meeting was to remove item 6, which expressed a strong preference for wood doors.

- E. Site Features: Lastly, this subsection discusses other details such as landscaping, lighting, street furniture and the like. No concerns were raised with this section at the joint meeting.

Section 3-170-040 Application Process: This section sets forth the requirements for a complete application, the steps for project approval, and a minor variance process.

Section 3-170-050 Certificate of Appropriateness: The Major and Minor Certificates of Appropriateness (COA) are determinations by either staff (Minor) or by recommendation of the HPC to Town Council, as to the degree to which projects are appropriate to the district and conform to the standards set forth in Section 3-170-030 Development Standards.

Discussion at the joint meeting centered on the Major COA around the language referring to interior space construction requiring a Major COA if the space was integral in its listing on the National Register of Historic Places. Other comments referred to the inclusion of the word recommendation when referencing HPC decisions. The one (1) year limit on approvals was also proposed to be eliminated.

Section 3-170-060 Certificate of Hardship: This section identifies the conditions under which a Certificate of Hardship (COH) can be issued, and generated much discussion in the joint meeting. Concerns were expressed about a lack of a reference to diminution of value (Prop 207); the reference to a reasonable rate of return as a basis for granting a COH and how that would be determined; and ensuring that the burden of proof is on the applicant to demonstrate hardship rather than staff or the HPC.

Should the Ordinance be made opt-in, staff recommends removal of the Certificate of Hardship from the Ordinance.

Section 3-170-070 Demolition and Moving of Buildings and Structures: This section discusses the circumstances when demolition of an historic structure may be necessary, and the requirement for a redevelopment plan. Clarifying language was requested for the portion of the ordinance that referred to vacant land or not redeveloping a site as non-responsive.

Staff strongly recommends that the election to participate in the Historic Preservation Ordinance should be an affirmative act on the part of the building owner, rather than the assumption that all structures are included unless there is a specific request to remove them. The burden of action should be on those who want to participate rather than those who do not.

Budget Impact:

No budget impact.

Recommendation: Staff recommends that the Historic Preservation Commission and Clarkdale Stakeholders review the Ordinance and discuss conflicts with the proposed language with the intent of resolving conflicts.



Town of Clarkdale
Community and Economic Development
Department
Post Office Box 308
Clarkdale, AZ 86324
Telephone: (928) 639-2500

June 21, 2024

[Insert Business]
[Insert Business Address]

Dear Property Owner,

The Historic Preservation Commission will hold a Work Session on Thursday July 11th, 2024, at 6:30 p.m. in the Clark Memorial Clubhouse located at 19 N 9th St, Clarkdale, AZ 86324 to provide the business and property owners included in the proposed Historic Preservation Ordinance the opportunity to participate in a round table discussion with the Historic Preservation Commission regarding any concerns or issues with the ordinance. As business and property owners in the proposed Historic Preservation Overlay District, your input is valuable for this process.

Enclosed please find two (2) copies of the ordinance. The first copy is the redline version which was presented to the Historic Preservation Commission and members of the public on May 21st, 2024. The second copy is the updated clean-text version of the ordinance, which will be presented during the upcoming Work Session. Additionally, please find one (1) copy each of the Work Session agenda, staff report, and a memo from the Clarkdale Town Attorney regarding Prop 207.

We look forward to your participation on July 11th.

Sincerely,

Ruth Mayday

Ruth Mayday
Community Development Director & Assistant Town Manager
Town of Clarkdale
Ruth.mayday@clarkdale.az.gov
928-639-2505

Encl.

Memorandum BOYLE, PECHARICH, CLINE, WHITTINGTON & STALLINGS, P.L.L.C.

To: Assistant Town Manager From: Stephen W. Polk, Esq. cc: Susan Guthrie
Ruth Mayday Clarkdale Town Attorney Town Manager

File: Town of Clarkdale – Legal Opinions File #: 5043.264

Re: Potential Exposure to Prop 207/A.R.S. § 12-1134 Diminution in Value Claims Due to Adoption of a Mandatory Historic Preservation Ordinance Date: June 6, 2024

Question: Would the adoption of a mandatory Historic Preservation Ordinance expose the Town to Prop 207/A.R.S. § 12-1134 Diminution in Value claims?

Answer: Yes, the adoption of a mandatory Historic Preservation Ordinance could expose the Town to Prop 207/A.R.S. § 12-1134 Diminution in Value claims.

Analysis

Under Arizona law, specifically Prop 207/A.R.S. § 12-1134, any land use law that reduces the fair market value of private property can lead to a diminution in value claim against the Town. If a property owner believes that the Historic Preservation Ordinance has decreased the value of their property, perhaps by making redevelopment more expensive and slower or through other means, they may submit a Diminution in Value Demand to the Town. The owner is not required to first submit a land use application to remove, modify, vary or otherwise alter the application of the land use law to the owner's property as a prerequisite to demanding or receiving just compensation pursuant to Prop 207.

Upon receiving a diminution in value claim, the Town has the option to exempt the affected property from the ordinance to avoid potential liability. This exemption would serve as a mitigation strategy to prevent financial and legal repercussions.

Should the Town choose not to exempt the property in question, the property owner has the right to sue the Town for the alleged diminution in value. The Town could defend on the basis that the Historic Preservation Ordinance did not, in fact, reduce the value of the property. This would be fact-specific, likely requiring an expert witness to support the Town's position.

If the property owner prevails in court, the Town would be liable for both the reduction in property value and the owner's attorney's fees. Conversely, if the Town wins the lawsuit, each party would bear its own attorney's fees.

Conclusion:

The Town should carefully consider the potential implications of adopting a mandatory Historic Preservation Ordinance.

Sincerely,
BOYLE, PECHARICH, CLINE
WHITTINGTON & STALLINGS, P.L.L.C.

A handwritten signature in blue ink, reading "Stephen W. Polk". The signature is fluid and cursive, with the first name "Stephen" and last name "Polk" clearly legible, and "W." as a middle initial.

Stephen W. Polk, Esq.
Clarkdale Town Attorney

12-1134. Diminution in value; just compensation

(Caution: 1998 Prop. 105 applies)

A. If the existing rights to use, divide, sell or possess private real property are reduced by the enactment or applicability of any land use law enacted after the date the property is transferred to the owner and such action reduces the fair market value of the property the owner is entitled to just compensation from this state or the political subdivision of this state that enacted the land use law.

B. This section does not apply to land use laws that:

1. Limit or prohibit a use or division of real property for the protection of the public's health and safety, including rules and regulations relating to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, and pollution control;
2. Limit or prohibit the use or division of real property commonly and historically recognized as a public nuisance under common law;
3. Are required by federal law;
4. Limit or prohibit the use or division of a property for the purpose of housing sex offenders, selling illegal drugs, liquor control, or pornography, obscenity, nude or topless dancing, and other adult oriented businesses if the land use laws are consistent with the constitutions of this state and the United States;
5. Establish locations for utility facilities;
6. Do not directly regulate an owner's land; or
7. Were enacted before the effective date of this section.

C. This state or the political subdivision of this state that enacted the land use law has the burden of demonstrating that the land use law is exempt pursuant to subsection B.

D. The owner shall not be required to first submit a land use application to remove, modify, vary or otherwise alter the application of the land use law to the owner's property as a prerequisite to demanding or receiving just compensation pursuant to this section.

E. If a land use law continues to apply to private real property more than ninety days after the owner of the property makes a written demand in a specific amount for just compensation to this state or the political subdivision of this state that enacted the land use law, the owner has a cause of action for just compensation in a court in the county in which the property is located, unless this state or political subdivision of this state and the owner reach an agreement on the amount of just compensation to be paid, or unless this state or political subdivision of this state amends, repeals, or issues to the landowner a binding waiver of enforcement of the land use law on the owner's specific parcel.

F. Any demand for landowner relief or any waiver that is granted in lieu of compensation runs with the land.

G. An action for just compensation based on diminution in value must be made or forever barred within three years of the effective date of the land use law, or of the first date the reduction of the existing rights to use, divide, sell or possess property applies to the owner's parcel, whichever is later.

H. The remedy created by this section is in addition to any other remedy that is provided by the laws and constitution of this state or the United States and is not intended to modify or replace any other remedy.

I. Nothing in this section prohibits this state or any political subdivision of this state from reaching an agreement with a private property owner to waive a claim for diminution in value regarding any proposed action by this state or a political subdivision of this state or action requested by the property owner.

Section 2-010 Definitions

Building Official: Person appointed by the Town Manager that oversees the responsibility of issuing construction and demolition permits and enforcing the provisions of the Building and Property Maintenance Codes.

Bulk Standards: Requirements which establish the maximum size of buildings and structures on a lot or parcel and the buildable area within which the structure may be placed, including lot coverage, height, floor area ratio, setbacks, and yard area.

Community Development Director: Person appointed by the Town Manager that oversees the Community Development Department.

Hardship: a restriction on a property located in the Historic Preservation District that results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

Historic Preservation Specialist: Town of Clarkdale Staff appointed by the Community Development Director that oversees the Historic Preservation Commission and the activities of the Clarkdale Historic Preservation Program.

Historic Preservation District: Includes areas of the Town within the boundary of the Historic District as identified in Exhibit 1, Historic Preservation District, in Section 3-170 Historic District, of the Town of Clarkdale Zoning Code. A map of the Clarkdale Historic Preservation District is on file with the Community Development Department.

Section 2-010 Definitions

Building Official: Person appointed by the Town Manager that oversees the responsibility of issuing construction and demolition permits and ~~generally enforcing the provisions of the Building~~ and Property Maintenance Codes.

Bulk Standards: ~~Controls~~ Requirements which establish the maximum size of buildings and structures on a lot or parcel and the buildable area within which the structure may be placed, including lot coverage, height, floor area ratio, setbacks, and yard area.

Community Development Director: Person appointed by the Town Manager that oversees the Community Development Department.

Hardship: a restriction on a property located in the Historic Preservation District so ~~unreasonable~~ that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

Historic Preservation Specialist: ~~Person~~ Town of Clarkdale Staff appointed by the Community Development Director that oversees the Historic Preservation Commission and the activities of the Clarkdale Historic Preservation Program.

Historic Preservation District: Includes areas of the Town within the boundary of the Historic District as identified in Exhibit 1, Historic Preservation District, in Section 3-170 Historic Preservation District, of the Town of Clarkdale Zoning Code. ~~which are recognized by either local historic preservation districts of the National Register of Historic Places, and/or a combination of both.~~ A map of the Clarkdale Historic District is on file with the Community Development Department.

Section 3-170 HISTORIC PRESERVATION DISTRICT (HD)

Section 3-170-010 Purpose

The purpose of this ordinance is to: support the preservation of buildings, structures, and sites identified in the Historic Resource Survey of Clarkdale (Ryden, 1989) and the National Register of Historic Places Designation (January 1, 1988), and to 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:

1. Protecting, preserving, and enhancing the significant elements of the historical, architectural, cultural, and archaeological heritage of the Town;
2. Encouraging the identification and recognition of significant historic resources;
3. Encouraging the sensitive adaptation of historic properties to modern uses;
4. Ensuring that new construction, additions, alterations, and demolitions to both historic and non-historic properties within the Clarkdale Historic District are carried out in a manner which is not detrimental to the historic integrity of the district;
5. Encouraging the identification and protection of prehistoric and historic archaeological resources and enhancing the value of the historic district and properties;
6. Protecting and preserving those properties within the Town which are valuable to the preservation of the community character and identity;
7. Preserving and enhancing the attractiveness of the Town to potential home buyers, and business interests; and
8. Supporting historic tourism and promoting commercial development and economic benefit to the Town.

Section 3-170-020 Historic Preservation Overlay District Designation

The Historic Preservation District is an overlay zone. Overlay zones supplement the existing zoning by establishing additional requirements that are applied to the underlying zoning district.

A. Historic Preservation District Boundaries

The Historic Preservation District, which is subject to the regulations set forth herein, is designated by the boundaries identified in Exhibit 1: Historic Preservation District.

- 1) The provisions of this Section may be applied to properties within the Clarkdale Historic Preservation District identified in the map of the Clarkdale Historic Preservation District at

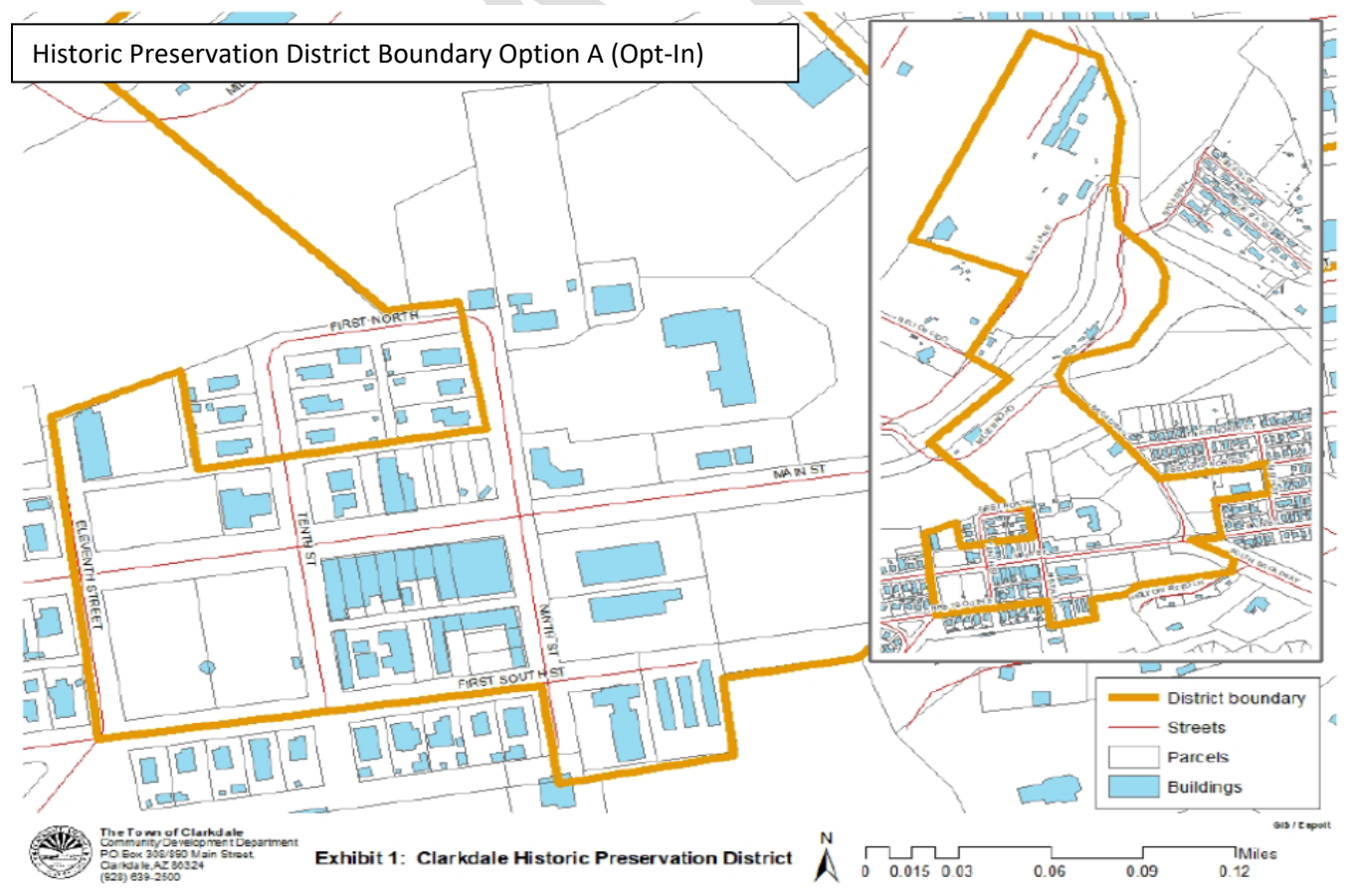
the option of the property owner. If the owner opts to apply the standards of this Section, all applicable standards in the Section shall be applied. An opt-in form must be signed by the property owner and submitted to the Town prior to issuance of any building permits under the Historic Preservation Ordinance.

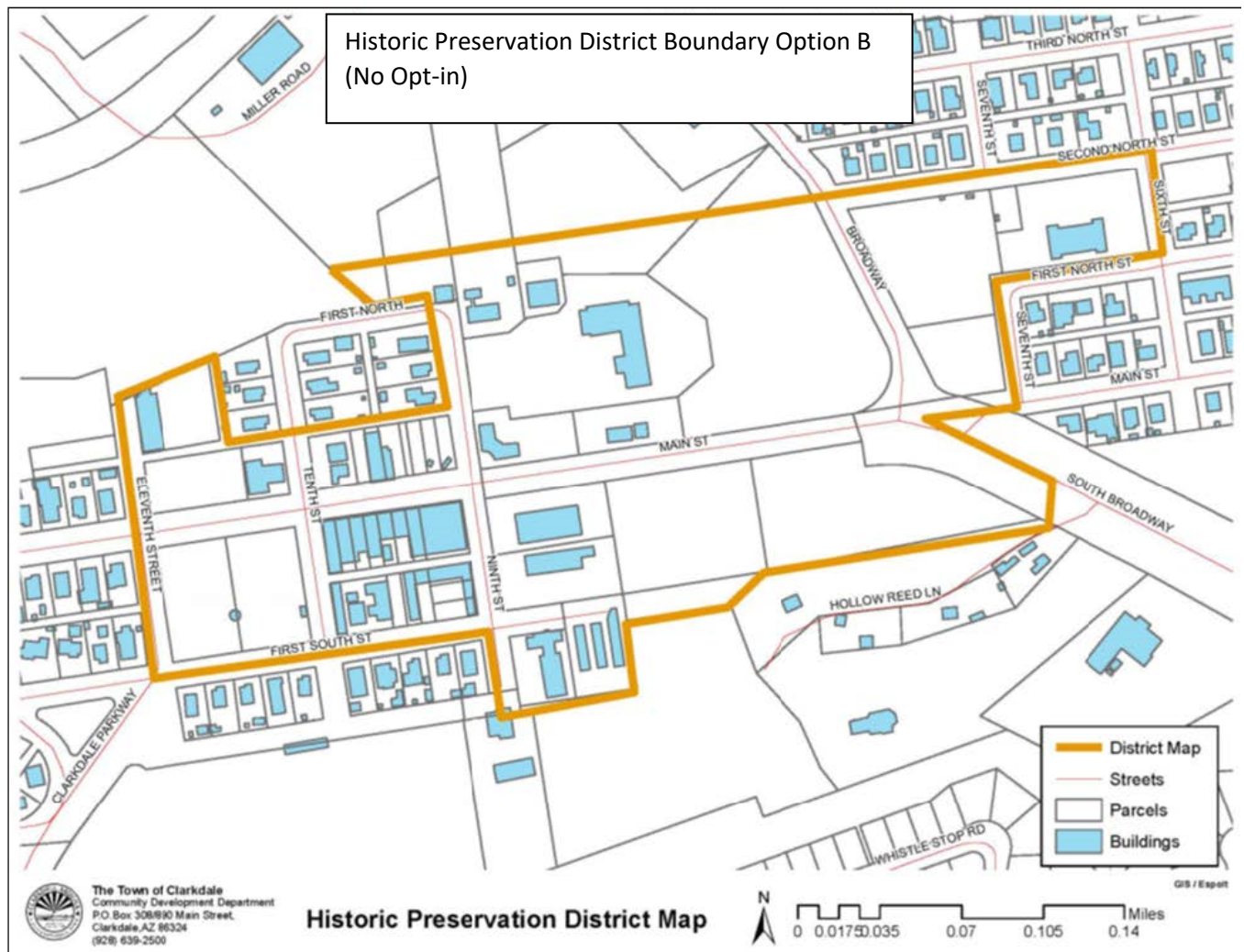
2. Those property owners that do not opt-in are subject to the development standards for the underlying zoning classification of the Historic District.

3. Historic properties electing to adhere to the requirements of the Historic Preservation Ordinance (HPO) shall inure to the following benefits:

- a) Waiver of building permit fees for applications that bring existing historic structures in compliance with adopted building codes
- b) Accelerated review of historic preservation projects
- c) Accelerated permitting of historic preservation projects
- d) Waived application fees for historic preservation projects

B. The regulations set forth herein apply to all existing structures and to all new construction within the Historic District.





C. The Historic Preservation Commission shall serve as the Design Review Board for the Historic Preservation District.

Section 3-170-030 Development Standards

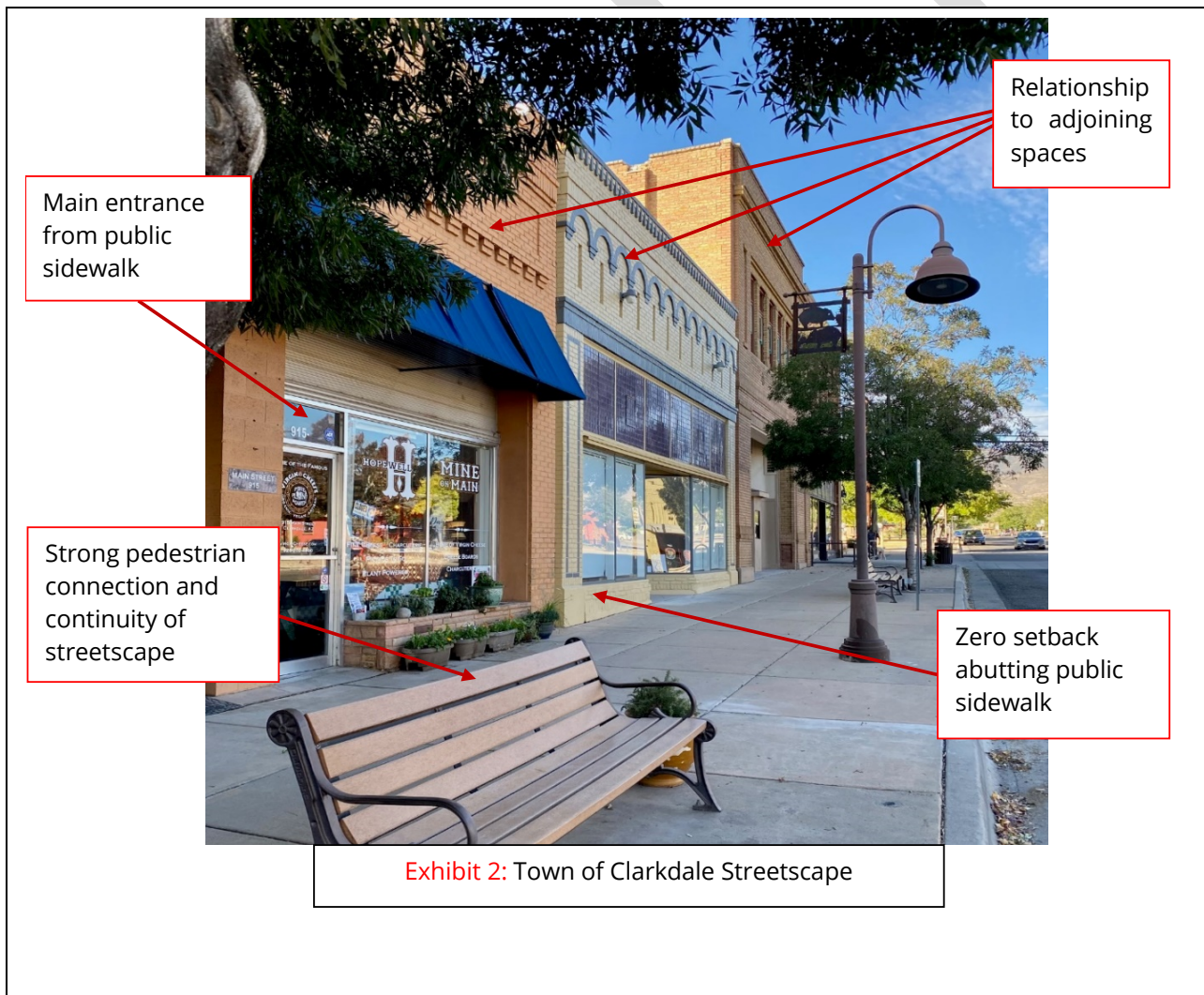
Properties within the Clarkdale Historic Preservation District shall consider the context of the surrounding and existing structures with respect to architectural style, building form, and building massing. Projects shall honor the Secretary of the Interior's *Standards for the Treatment of Historic Properties*.

When designing new or remodeled buildings or considering an adaptive reuse of an existing building, the following design features and elements shall be incorporated:

A. Siting

Please refer to Exhibit 2: Town of Clarkdale Streetscape for a graphic representation of the requirements of this subsection.

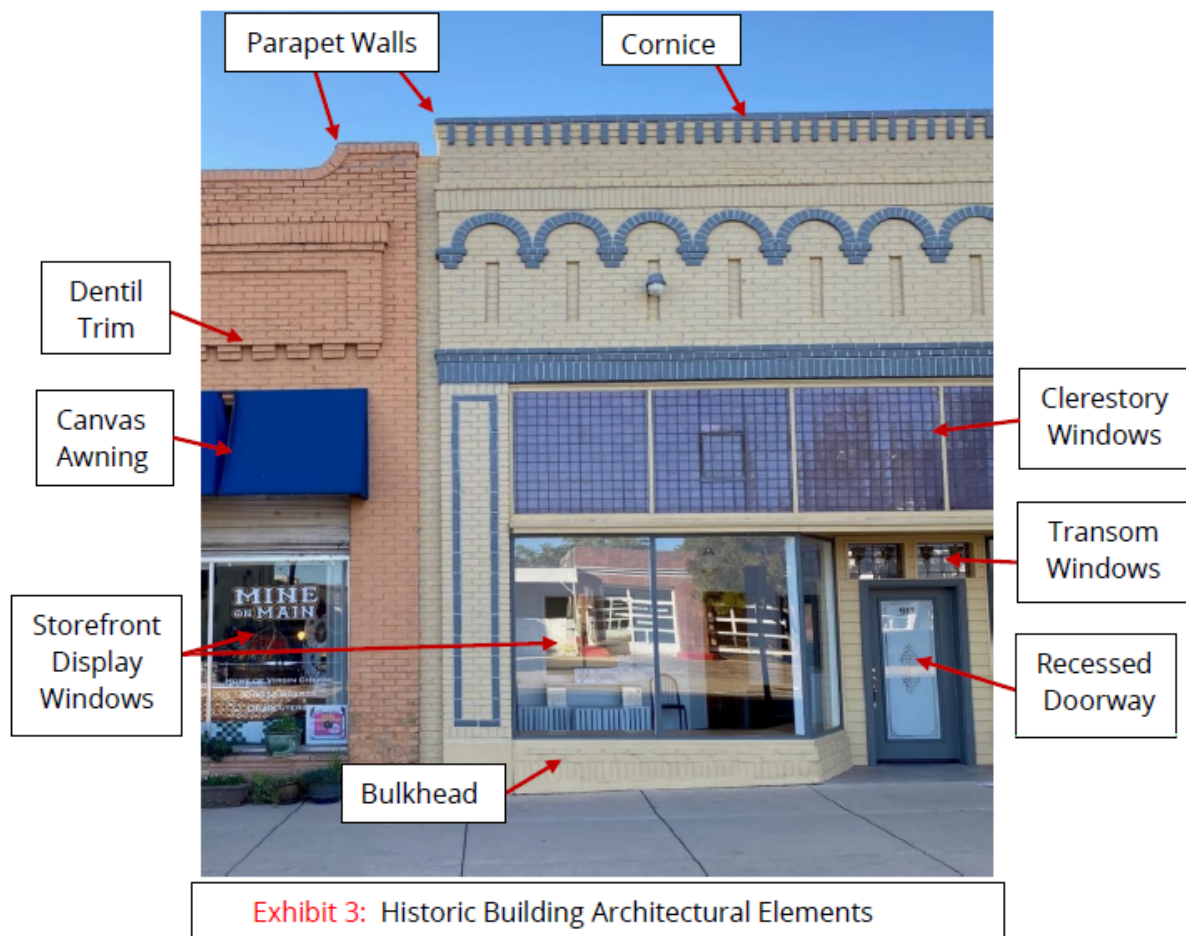
- 1) Establishment of a relationship to adjoining spaces. For new construction, one and two-story buildings are encouraged.
- 2) A connection to existing sidewalks or an extension of the sidewalk system.
- 3) Continuity of streetscape along Main Street.
- 4) The main entrance shall be from a public sidewalk.
- 5) The front yard setback shall be reduced to zero if the main building abuts a public sidewalk.



B. Exterior Wall Design, Materials & Finishes

Please refer to Exhibit 3: Historic Building Architectural Elements for a graphic representation of the requirements of this subsection.

- 1) Incorporation of design features such as parapet walls, cornices, friezes, dentil trim, metal canopies, canvas awnings, clerestory windows, transom windows, storefront display windows, recessed doorways and bulkheads are required for new construction.
- 2) Preservation of these features is required for rehabilitation or repair of existing structures.



- 3) Masonry may be structural or veneer. Brick façades and/or partial brick inlays are encouraged.
- 4) Painting of brick is discouraged, unless replicating historic signage or installation of murals.
- 5) Stucco, wood, stone, limestone, metal and other materials may be used as an accent.

C. Roof and Parapet

Please refer to Exhibit 4: Rooflines and Parapet Walls for a graphic representation of the requirements of this subsection.

- 1) Varied roof lines and parapet walls are required for new construction.
- 2) Preservation and restoration of existing parapet walls are required.
- 3) Metal roofing is acceptable.
- 4) Rooftop mechanical equipment shall be screened from public view. For corner lots, equipment shall be screened from both front and side elevation.



Exhibit 4: Rooflines and Parapet Walls

D. Storefronts, Doors, Windows & Awnings

Please refer to Exhibits 5A Wood Door Frame and 5B Entry Features for a graphic representation of the requirements of this subsection.

1. Large storefront display windows are required.
2. Wood is recommended for doors, trim and accenting the doorway and entry.
3. Windows shall be glass and shall be vertical in orientation and may be single, double hung, or fixed.
4. Steel may be used for doors and window frames if painted to match or anodized and compatible with the building.
5. Transom and clerestory windows are required for new construction and their restoration is required for existing buildings.
6. Rounded arches are encouraged when feasible in new construction and preserved or restored in existing structures.
7. The use of wood for doors is strongly encouraged.
8. The use of canopies and awnings is allowed.



Exhibit 5A: Wood Door Configuration



Exhibit 5B: Storefront Detail

E. Site Features:

1. The purpose of this section is to provide instruction for site features to enhance new construction and maintain continuity within the district. These features include but are not limited to walkways, benches, street lighting, paving materials, walls, stairs and landscaping. These features must be appropriate to the scale and character of the Historic Preservation District as follows:
 - a. Landscaping shall be drought tolerant. Building planter beds or containers are allowed and drip irrigation is recommended. The Property owner is responsible for maintaining plants in live condition.
 - b. Lighting shall not detract from the historic character of the structure and must comply with the Town of Clarkdale Zoning Code, Section 8-070.
 - c. Benches shall be of similar form and character with existing benches on Main Street and shall be securely fastened to concrete footings or sidewalk and shall not detract from the character of the Historic Preservation District.
 - d. Outdoor sidewalk cafes are allowed and regulated through a separate permit application and shall be compliant with the Town of Clarkdale Zoning Code, Section 4-160. The application can be submitted concurrent with the review process set forth in Section 3-170-030.
2. All other development and performance standards are as found in the underlying zoning district.

Section 3-170-040 Application Process

- A. Prior to submitting a building permit application, in the Historic Preservation District, the applicant shall schedule a Pre-Application Review (PAR) meeting with the Community Development Department staff to review the required application submittals and review process.
- B. All building permit applications for existing structures located in the Historic Preservation District, or proposed new construction located in the Historic Preservation District, shall be reviewed by the Community Development Director or designee ("Staff"), for classification as either a Minor or Major Certificate of Appropriateness as set forth in Section 3-170-040.
- C. Plans showing the full scope of the proposed work shall be submitted at the time of application for a Major or Minor 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 after approval of temporary facilities by staff.

1. 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 Preservation District, issuance of the permit shall be deferred until after a Certificate of Appropriateness is obtained.
2. Permits with special circumstances that require a variance, including but not 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 may be recommended for approval through the Certificate of Appropriateness process. Such variances shall meet the following findings of fact:
 - a. Are not contrary to health, safety, or best interest of the public.
 - b. Enforcement of the provision shall cause an unnecessary hardship that is neither economic nor a self-imposed harm.
 - c. Condition unique to the property which was not created by the property owner.
 - d. The variance has no adverse effect on surrounding properties or the general public.
 - e. The variance does not conflict with the characteristics that make the property eligible for the National Register of Historic Places.
 - f. Practical difficulties or unnecessary hardship would result by having to comply strictly with the Zoning Ordinance.
 - g. No changes are made to underlying zoning districts or General Plan land use designations.
3. All other development and performance standards not found listed herein shall comply with the underlying zoning district.
4. Nothing in this ordinance shall be construed to prevent ordinary maintenance, cleaning, or repair of any structure in the Historic Preservation District, which does not alter or modify the historic character of the structure.

Section 3-170-050 Certificate of Appropriateness

A. Applications for Certificates of Appropriateness shall be submitted to the Town of Clarkdale Community Development Department. Staff will review the application for completeness and provide review comments to the Commission.

Applications shall include the following items:

1. Site Plan: Shall include topography, vegetation, property lines, building, on-site circulation, and adjacent building footprints, streets, right of ways, curb cuts, driveways, sidewalks, signage, lighting, fences, and walls.
2. Exterior Elevations: Shall include doors, windows, architectural features, and elevation marks from finished grade to highest point of eaves, roof ridge, or parapet walls.
3. Rehabilitation, Remodel, or Restoration Plans: Shall include identification of features proposed for preservation and proposed for replacement.
4. Floor Plans: For reference only, to help understand the overall plan.
5. Materials and Colors: Shall depict proposed building facade, materials and colors.
6. Historic Photographs: Shall provide project context, elements and compatibility with adjacent properties.
7. Color Renderings: Provide finished project illustrations to show post-improvement compatibility with adjacent properties.
8. Landscape Plan: May be required; Zoning Code Section 9, Landscape Design Standards will apply.
9. Other requirements, depending on scope of project and at the discretion of the Community Development Director:
 - a. Traffic impact analysis.
 - b. Preliminary and Final Plats or Development Plans.

B. Minor Certificate of Appropriateness

The Minor Certificate of Appropriateness (Minor COA) is subject to the review and approval of the Community Development Department and the Building Official. All proposed work will not diminish, eliminate, or adversely affect the historic character of the subject property or its effect on the Clarkdale Historic Preservation District as per the following Minor Certificate Standards:

1. The proposed work is clearly within the Development Standards.
2. Limited to work that does not significantly alter the character and appearance of the property.
3. Approval authorizes the issuance of permits required by the Building Official.
4. Approval of a Minor COA also serves as Design Review approval.
5. The public will be notified of approval, approval with stipulations, or denial of application at the next regular meeting of the HPC after approval by staff.
6. If a Minor COA is not issued, a Major Certificate of Appropriateness (MCOA) shall be required.

C. Major Certificate of Appropriateness

The Major Certificate of Appropriateness (Major COA) shall be subject to the review and approval of the Historic Preservation Commission for all major new construction, significant restoration, alteration, demolition, or other major construction activity in the Clarkdale Historic Preservation District. Interior space construction may require a Major COA when specific interior features were an important component in approval to the structure's historic designation.

1. All proposed work shall not diminish, eliminate, or adversely affect the historic character of the subject property or its effect on the Clarkdale Historic Preservation District.
2. All work is subject to review and approval by the Building Official, Public Works Director, Town Engineer, and any other agency having jurisdiction over the project.
3. The Major COA includes anything that constitutes substantial work including but not limited to alteration, restoration, new construction, demolition, or other significant activities.
4. The Major COA requires a public hearing before the Historic Preservation Commission. Notice shall be given in conformance with the notification process for public hearings before the Planning Commission.
5. The Historic Preservation Commission shall recommend approval of the application, approval with stipulations, or recommend denial of the application. The Commission may also send the application back to staff for additional work.
6. The application shall then be forwarded to Town Council with a recommendation of approval, approval with stipulations, or denial.

D. The Historic Preservation Commission shall evaluate all proposals in accordance with the *Secretary of the Interior Standards for the Treatment of Historic Properties* and the adopted design guidelines for the district. A Certificate of Appropriateness shall be recommended if the Historic Preservation Commission determines that the proposed work:

1. Is compatible with the relevant historic, cultural, educational, or architectural qualities and characteristics of the property; and
2. Does not diminish or adversely impact the integrity of the Clarkdale Historic Preservation District.
3. Prior to forwarding the decision of the Historic Preservation Commission to the Town Council, the Historic Preservation Commission shall affirm whether the project conforms to the following findings of fact:
 - a. Conforms to the Design Guidelines for the Historic Preservation District
 - b. Meets all applicable, adopted building codes of the Town of Clarkdale.
 - c. Does not diminish or adversely impact the integrity of the Historic Preservation District.

E. Approval of a Certificate of Appropriateness authorizes the issuance of permits required by the Building Official.

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 Preservation District. However, it is recognized there can be circumstances beyond the control of a property owner which may result in the necessary demolition of a structure within the Historic Preservation 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 hardship on its owners as follows:

A. No permit shall be issued to move or demolish all or any part of a building, or other structure in the Historic Preservation District without approval of a Certificate of Appropriateness as established in Section 3-170-050.

B. 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, 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 Specialist in writing before issuing the demolition permit.

C. If demolition approval is not granted, then no demolition permit shall be issued for a period of one (1) year. 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.

D. If demolition approval is granted on any basis other than that of an imminent hazard, 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.

1. The redevelopment or reuse plan cannot be comprised of vacant land or propose no use to replace the demolished structure.
2. 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.
3. A redevelopment or reuse plan shall also meet the requirements for Site Plan Review as set forth in Chapter 11, Section 11-110 of the Zoning Code.
4. A demolition approval may be conditioned on stipulations which provide for rights of access to the property for the purposes of documentation, including photo documentation, or for agreed upon removal of artifacts.

E. Relocation of structures shall follow the process set forth in Section 3-170-060 (D), and also obtain a Certificate of Appropriateness as set forth in Section 3-170-050.

Historic District Certificate of Appropriateness Flow Chart

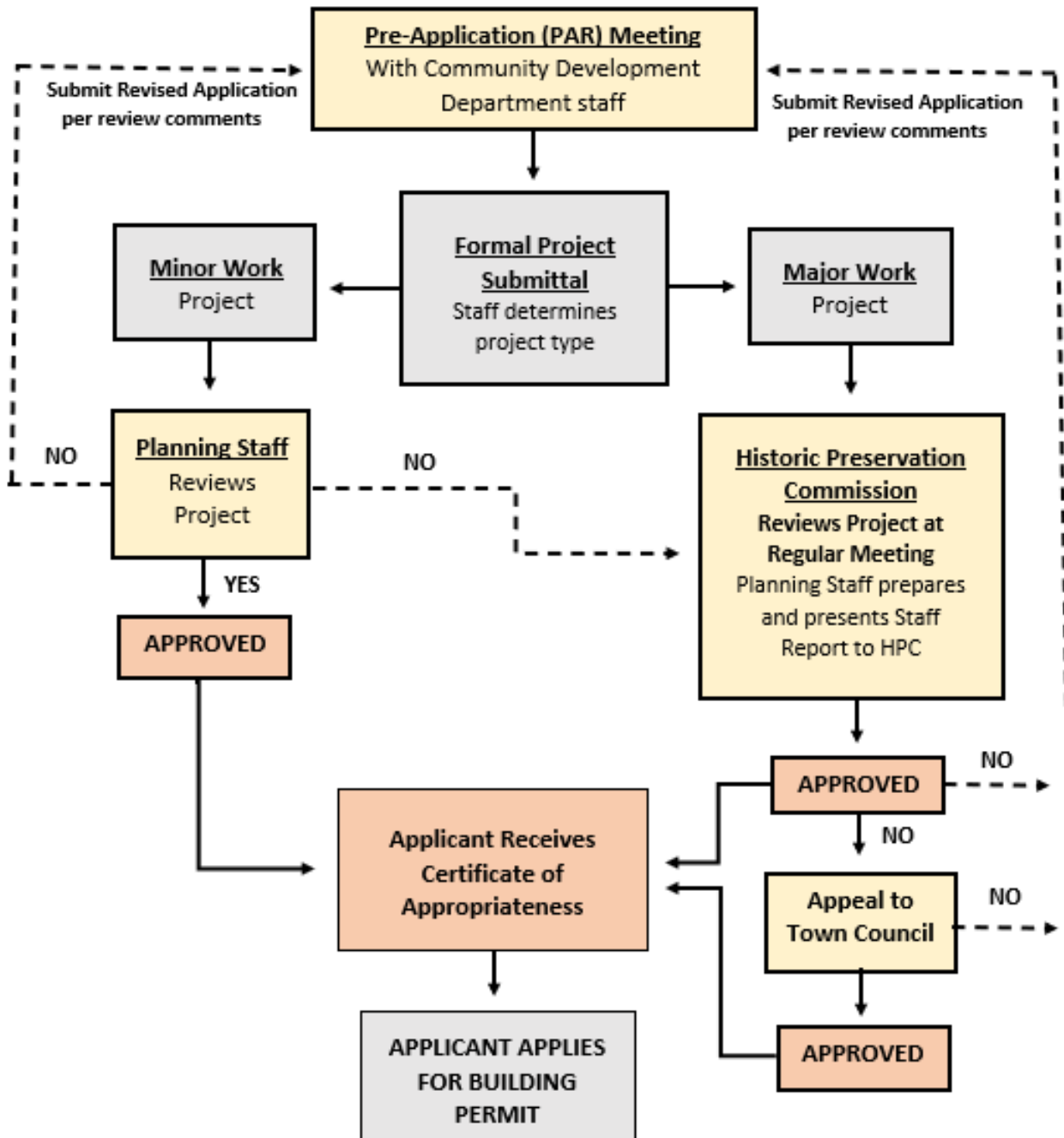


EXHIBIT 6: CERTIFICATE OF APPROPRIATENESS PROCESS

Historic Main Street

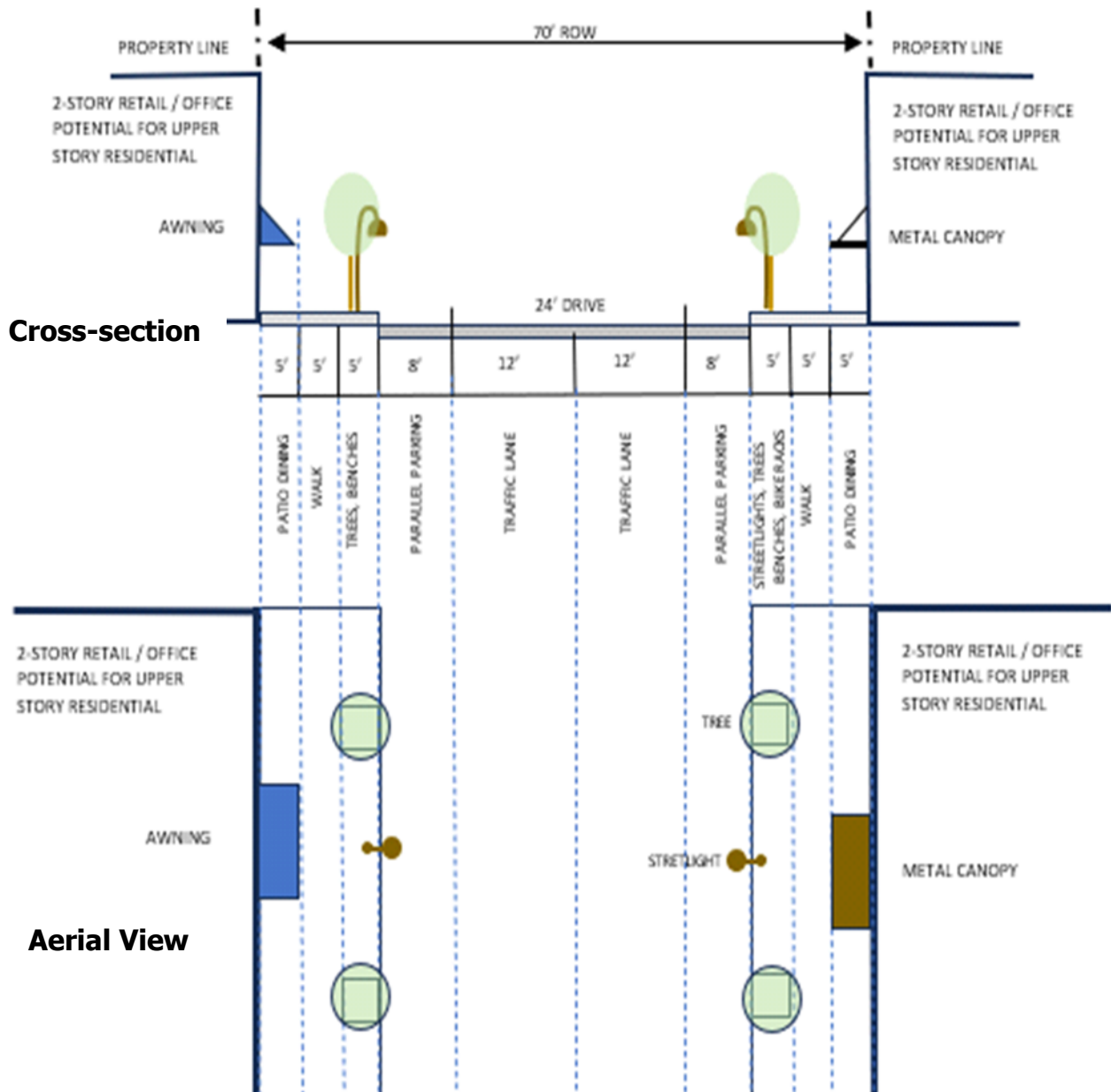


EXHIBIT 7: Historic Main Street Configuration

Section 3-170 HISTORIC **PRESERVATION DISTRICT (HD)**

Section 3-170-010 Purpose

The purpose of this ordinance is to: support the preservation of buildings, structures, and sites identified in the Historic Resource Survey of Clarkdale (Ryden, 1989) and the National Register of Historic Places Designation (January 1, 1988), and to 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:

1. Protecting, preserving, and enhancing the significant elements of the historical, architectural, cultural, and archaeological heritage of the Town;
2. Encouraging the identification and recognition of significant historic resources;
3. Encouraging the sensitive adaptation of historic properties to modern uses;
4. Ensuring that new construction, additions, alterations, and demolitions to both historic and non-historic properties within the Clarkdale Historic District are carried out in a manner which is not detrimental to the historic integrity of the district;
5. Encouraging the identification and protection of prehistoric and historic archaeological resources and enhancing the value of the historic district and properties;
6. Protecting and preserving those properties within the Town which are valuable to the preservation of the community character and identity;
7. Preserving and enhancing the attractiveness of the Town to potential home buyers, and business interests; and
8. Supporting historic tourism and promoting commercial development and economic benefit to the Town.

Section 3-170-020 Historic **Preservation Overlay District Designation**

The Historic **Preservation** District is an overlay zone. Overlay zones supplement the existing zoning by establishing additional requirements that are applied to the underlying zoning district.

A. Historic **Preservation District Boundaries**

The Historic **Preservation** District, which is subject to the regulations set forth herein, is designated by the boundaries identified in Exhibit 1: Historic **Preservation** District.

- 1) The provisions of this Section may be applied to properties within the Clarkdale Historic **Preservation** District identified in the map of the Clarkdale Historic **Preservation** District at the

option of the property owner. If the owner opts to apply the standards of this Section, all applicable standards in the Section shall be applied. An opt-in form must be signed by the property owner and submitted to the Town prior to issuance of any building permits under the Historic Preservation Ordinance.

2. Those property owners that do not opt in are subject to the development standards for the underlying zoning classification of the Historic District.

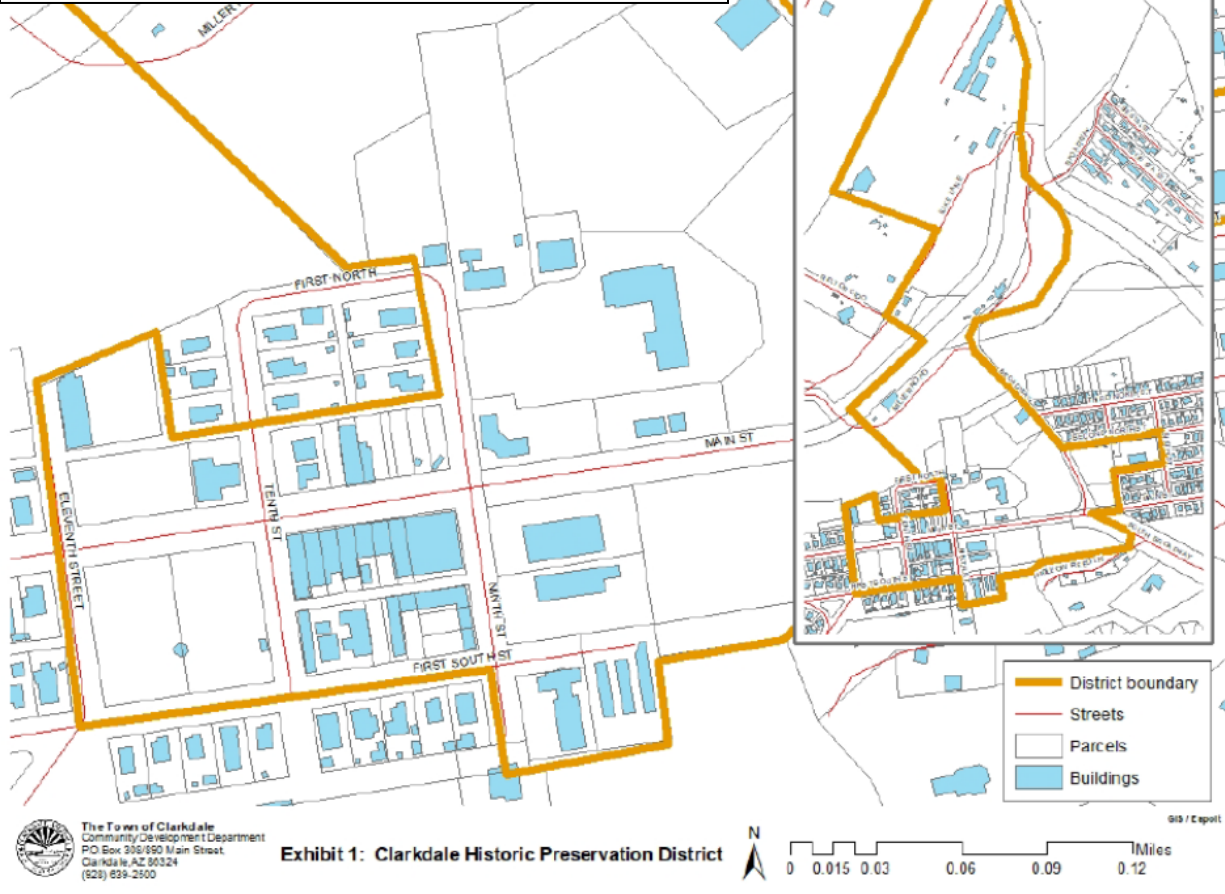
3. Historic properties electing to adhere to the requirements of the Historic Preservation Ordinance (HPO) shall inure to the following benefits:

- a) Waiver of building permit fees for applications that bring existing historic structures in compliance with adopted building codes
- b) Accelerated review of historic preservation projects
- c) Waived application fees for historic preservation projects

~~4. This section does not supersede an applicant's right to pursue a diminution of value claim as provided for in law.~~

B. The regulations set forth herein apply to all existing structures and to all new construction within the Historic District. ~~, and to all new construction in the district.~~

Historic Preservation District Boundary Option A (Opt-In)



C. The Historic Preservation Commission shall serve as the Design Review Board for the **Historic Preservation** District.

~~D. Properties electing to adhere to the requirements of the Historic Preservation Ordinance (HPO) shall receive the following benefits:~~

- ~~1. Accelerated review of historic preservation projects~~
- ~~2. Accelerated permitting of historic preservation projects~~
- ~~3. Waived application fees for historic preservation projects~~

Section 3-170-030 Development Standards

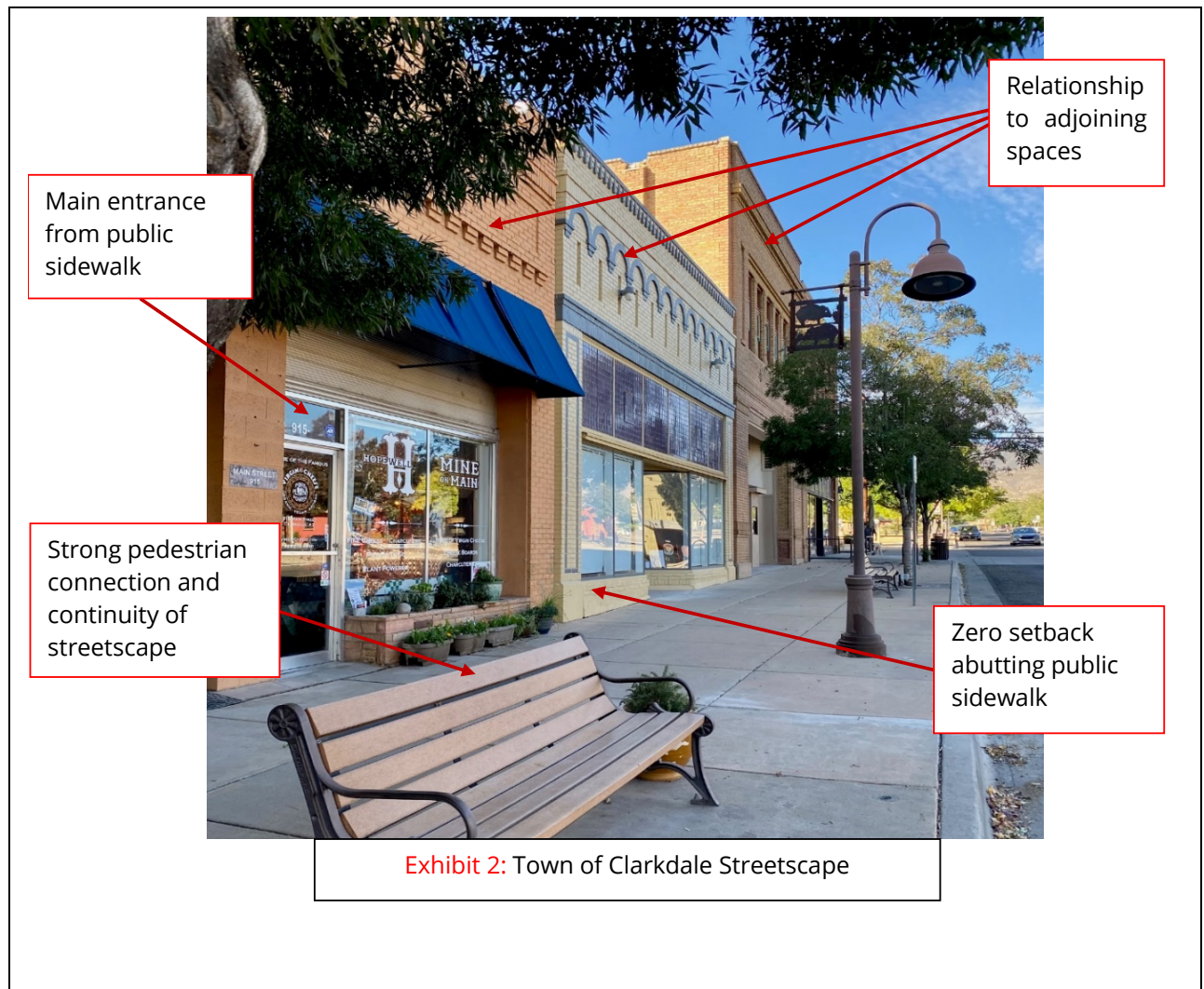
Properties within the Clarkdale Historic Preservation District shall consider the surrounding context of the surrounding and existing structures with respect to; architectural style, building form, and building massing. Projects shall honor the Secretary of the Interior's *Standards for the Treatment of Rehabilitation of Historic Buildings-Properties*.

When designing new or remodeled buildings or considering an adaptive reuse of an existing building, the following design features and elements shall be incorporated:

A. Siting

Please refer to Exhibit 2: Town of Clarkdale Streetscape for a graphic representation of the requirements of this subsection.

- 1) Establishment of a relationship to adjoining spaces. For new construction, one- and two-story buildings are encouraged.
- 2) A strong pedestrian connection to existing sidewalks or an extension of the sidewalk system.
- 3) Continuity of streetscape along Main Street.
- 4) A main entrance shall be from a public sidewalk
- 5) The front yard setback shall be reduced to zero if the main building abuts a public sidewalk



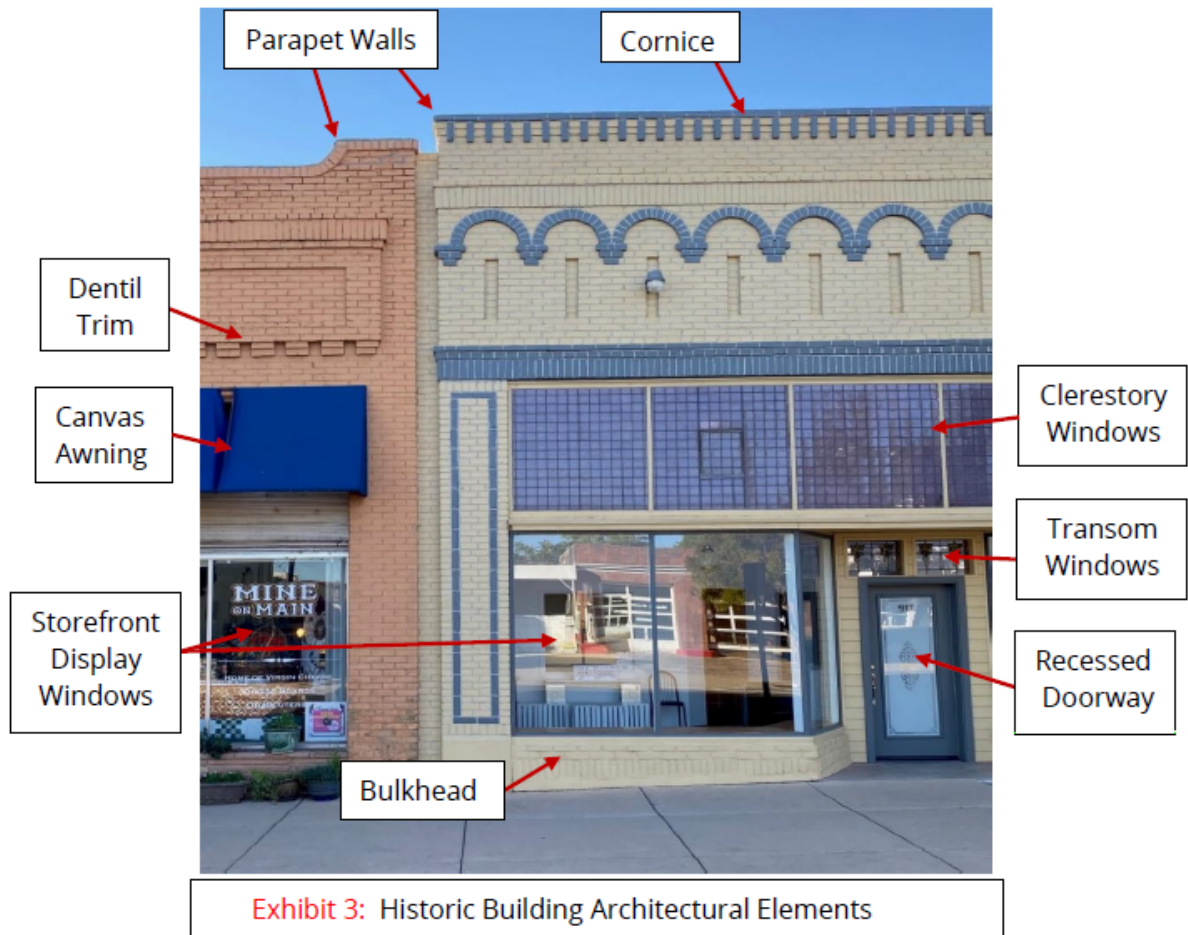
—6) The main entrance shall be from a public sidewalk.

B. Exterior Wall Design, Materials & Finishes

Please refer to Exhibit 3: Historic Building Architectural Elements for a graphic representation of the requirements of this subsection.

- 1) Incorporation of design features such as; parapet walls, cornices, friezes, dentil trim, metal canopies, canvas awnings, clerestory windows, transom windows, storefront display windows, recessed doorways and bulkheads are required for new construction.
[Exhibit 3](#)
- 2) Preservation of these features is required for rehabilitation or repair of existing structures.

3) ~~The use of brick is required.~~



- 4) Masonry may be structural or veneer. Brick façades and/or partial brick inlays are encouraged.
- 5) Painting of brick is discouraged, unless replicating historic signage or installation of murals.
- 6) Stucco, or wood, stone, limestone, metal and other materials may be used as an accent.

C. Roof and Parapet

Please refer to Exhibit 4: Rooflines and Parapet Walls for a graphic representation of the requirements of this subsection.

- 1) Varied roof lines and parapet walls are required for new construction.
- 2) Preservation and restoration of existing parapet walls are required.

3) Metal roofing is acceptable.

4) Rooftop mechanical equipment shall be screened from public view. For corner lots, equipment shall be screened from both front and side elevation for corner lots.



Exhibit 4: Rooflines and Parapet Walls

D. Storefronts, Doors, Windows & Awnings

Please refer to Exhibits 5A Wood Door Frame and 5B Entry Features for a graphic representation of the requirements of this subsection.

1. Large storefront display windows are required. ~~The use of wood is recommended for doors, trim, and accenting the doorway and entry.~~
2. ~~The use of wood~~ Wood is recommended for doors, trim and accenting the doorway and entry.
3. Windows shall be glass and shall be vertical in orientation and may be single, double hung, or fixed.
4. Steel may be used for doors and window frames if painted to match or anodized and compatible with the building.
5. Transom and clerestory windows are required for new construction and ~~their~~ restoration is required for existing buildings.
6. Rounded arches are encouraged when feasible in new construction and preserved or restored in existing structures.

7. The use of wood for doors is strongly encouraged.
8. The use of canopies and awnings is allowed.



Exhibit 5A: Wood Door Configuration

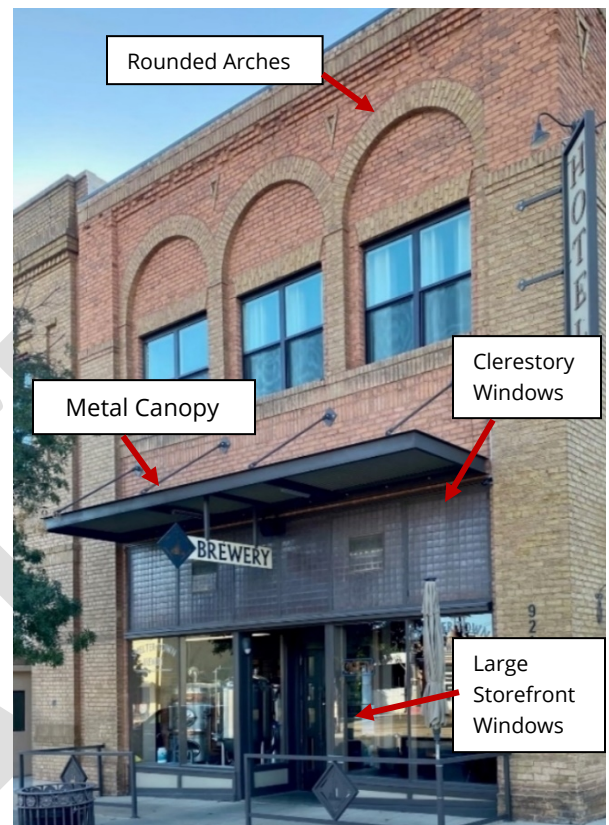


Exhibit 5B: Storefront Detail

E. Site Features:

1. The purpose of this section is to provide **guidance instruction** for site **features so that they do not distract from the historic structures in the district, and to** enhance new construction **and maintain continuity** within the district. These features include but are not limited to walkways, benches, street lighting, paving materials, walls, stairs and landscaping. These features must be appropriate to the scale and character of the Historic **Preservation** District as follows:
 - a. Landscaping shall be drought tolerant. Building planter beds or containers are allowed and drip irrigation is recommended. The Property owner is responsible for maintaining plants in live condition.
 - b. Lighting shall not detract from the historic character of the structure and must comply with the Town of Clarkdale Zoning Code, Section 8-070.

- c. Benches shall be of similar form and character with existing benches on Main Street and shall be securely fastened to concrete footings or sidewalk and shall not detract from the historic-character of the Historic **Preservation** District.
 - d. Outdoor sidewalk cafes are allowed and regulated through a separate permit application and shall be compliant with the Town of Clarkdale Zoning Code, Section 4-160. The application can be submitted concurrent with the review process set forth in Section 3-170-030.
2. All other development and performance standards are as found in the underlying zoning district.

Section 3-170-040 Application Process

- A. Prior to submitting a building permit application, in the Historic **Preservation** District, the applicant shall schedule a Pre-Application Review (PAR) meeting with the Community Development Department staff to review the required application submittals and review process.
- B. All building permit applications for **existing structures located in the Historic District**, or proposed new construction **located in the Historic District**, shall be reviewed by Community Development Director or designee ("Staff"), for classification as either a Minor or Major Certificate of Appropriateness as set forth in Section 3-170-040.
- C. Plans showing the full scope of the proposed work shall be submitted at the time of application for a Major or Minor 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 after approval of temporary facilities by staff.
 1. 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 **Preservation** District, issuance of the permit shall be deferred until after a Certificate of Appropriateness is obtained.
 2. Permits with special circumstances that ~~would generally~~ require a variance, including but not 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 **s** may be recommended for approval through the Certificate of Appropriateness process. Such variances shall meet the following findings of fact:
 - a. Are not contrary to health, safety, or best interest of the public.
 - b. ~~Literal~~ Enforcement of the provision shall cause an unnecessary hardship that is neither economic nor **a** self-imposed harm.

- c. Condition unique to the property which was not created by the property owner.
 - d. ~~The variance has no adverse effect on surrounding properties or the general public.~~
 - ~~e. Variance is not contrary to the intent of the Historic Preservation Ordinance.~~
 - e. The variance does not conflict with the characteristics that make the property eligible for the National Register of Historic Places.
 - f. ~~Practical difficulties or unnecessary hardship would result by having to comply strictly with the Zoning Ordinance.~~
 - g. No changes are made to underlying zoning districts or General Plan land use designations.
- 3. All other development and performance standards are as found in the underlying zoning district.
 - 4. Nothing in this ordinance shall be construed to prevent ordinary maintenance, cleaning, or repair of any structure in the Historic ~~Preservation~~ District, which does not alter or modify the historic character of the structure.

Section 3-170-050 Certificate of Appropriateness

A. Applications for Certificates of Appropriateness shall be submitted to the Town of Clarkdale Community Development Department. Staff will review the application for completeness and provide review comments to the Commission.

Applications shall include the following items:

- 1. Site Plan: Shall include topography, vegetation, property lines, building, on-site circulation, and adjacent building footprints, streets, right of ways, curb cuts, driveways, sidewalks, signage, lighting, fences, and walls.
- 2. Exterior Elevations: Shall include doors, windows, architectural features, and elevation marks from finished grade to highest point of eaves, roof ridge, or parapet walls.
- 3. Rehabilitation, Remodel, or Restoration Plans: Shall ~~detail what is~~ include identification of features proposed for preservation ~~preserved~~ and ~~what is and proposed for replaced~~ replacement.
- 4. Floor Plans: For reference only, to help understand the overall plan.
- 5. Materials and Colors: Shall ~~graphically~~ depict proposed building facade, materials and colors.

6. Historic Photographs: Shall provide project context, elements and compatibility with adjacent properties.
7. Color Renderings: Provide finished project illustrations to show post-improvement compatibility with adjacent properties.
8. Landscape Plan: May be required; Zoning Code Section 9, Landscape Design Standards will apply.
9. Other **possible** requirements, depending on scope of project **and at the discretion of the Community Development Director**:
 - a. Traffic impact analysis.
 - b. Preliminary **and Final** Plats or Development Plans.

B. Minor Certificate of Appropriateness

The Minor Certificate of Appropriateness (Minor COA) is subject to the review and approval of the Community Development Department and the Building Official. All proposed work will not diminish, eliminate, or adversely affect the historic character of the subject property or its effect on the Clarkdale Historic **Preservation** District as per the following Minor Certificate Standards:

1. The proposed work is clearly within the Development Standards
2. Limited to work that does not significantly alter the character and appearance of the property
3. Approval authorizes the issuance of permits required by the Building Official.
4. Approval of a Minor COA also serves as Design Review approval.
5. The public will be notified of approval, approval with stipulations, or denial of application at the next regular meeting **of the HPC** after approval by staff.
6. If a Minor COA is not issued, a Major Certificate of Appropriateness (MCOA) shall be required.

C. Major Certificate of Appropriateness

The Major Certificate of Appropriateness (Major COA) shall be subject to the review and approval of the Historic Preservation Commission **and the Building Official** for all major new construction, significant restoration, alteration, demolition, or other major construction activity in the Clarkdale Historic **Preservation** District. Interior space construction may require a Major COA when **specific interior features** ~~the space was an~~ **were an** important component in approval to the structure's historic designation.

1. All proposed work ~~will~~ **shall** not diminish, eliminate, or adversely affect the historic character of the subject property or its effect on the Clarkdale Historic **Preservation** District.

2. All work is subject to review and approval by the Building Official, Public Works Director, Town Engineer, and any other agency having jurisdiction over the project.
 3. The Major COA includes anything that ~~represents~~ constitutes substantial work including but not limited to alteration, restoration, new construction, demolition, or other significant activities.
 4. The Major COA requires a public hearing before the Historic Preservation Commission. Notice shall be given in conformance with the notification process for public hearings before the Planning Commission.
 4. The Historic Preservation Commission shall ~~either recommend approval of~~ the application, ~~approve approval~~ with stipulations, or ~~recommend deny denial of~~ the application. The Commission may also send the application back to staff for additional work.
 5. The application shall then be forwarded to Town Council with a recommendation of approval, approval with stipulations, or denial.
- D. The Historic Preservation Commission shall evaluate all proposals in accordance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the adopted design guidelines for the district. A Certificate of Appropriateness shall be ~~granted~~ recommended if the Historic Preservation Commission determines that the proposed work:
1. Is compatible with the relevant historic, cultural, educational, or architectural qualities and characteristics of the property; and
 2. Does not diminish or adversely impact the integrity of the Clarkdale Historic Preservation District; ~~or~~ and
 3. Qualifies for a Certificate of Hardship.
 4. Prior to forwarding the decision of the Historic Preservation Commission to the Town Council, the Historic Preservation Commission shall affirm whether the project conforms to the following findings of fact:
 - a. ~~Substantially~~ Conforms to the Design Guidelines for the Historic Preservation District.
 - ~~b. Meets the intent of the Secretary of Interior's Standards for Rehabilitation.~~
 - b.. Meets all applicable, adopted building codes of the Town of Clarkdale.
 - c.d. ~~Is compatible with the relevant historic character of the property.~~
 - d.. Does not diminish or adversely impact the integrity of the Historic Preservation District.
- E. 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 3-170-060 — Certificate of Hardship

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. A Certificate of Hardship may be recommended by the Historic Preservation Commission and granted by the Town Council. No Certificate of Hardship shall be issued to a new construction project.

~~The basis to establish hardship for an income producing property within the Historic Preservation District 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. The burden of proof for issuance of a Certificate of Hardship is that of the applicant, and the cause for the Certificate of Hardship shall be unique to the property and not self-imposed by the owner.~~

A. Demonstration of a hardship shall not be based on or include any of the following circumstances:

- ~~1. Willful or negligent acts by the owner;~~
- ~~2. Purchase of the Property for 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.~~

B. In order to properly assess a request for Certificate of Hardship, Staff shall request and receive from the applicant all information it deems necessary. This shall include, but is not limited to;

- ~~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, and an estimate of rehabilitation costs;~~
- ~~2. The assessed value of the land and improvements according to the two (2) most recent assessments;~~
- ~~3. All building and fire code violations which have been listed on the property for the last two (2) years;~~
- ~~4. Any federal, state, or local citation(s) which have determined the building to be a nuisance under applicable law.~~

C. ~~The procedures for obtaining a Certificate of Hardship shall be the same for obtaining a Certificate of Appropriateness. If a Certificate of Hardship is issued, a Certificate of Appropriateness shall be granted.~~

~~D. This section does not supersede an applicant's rights to pursue a diminution of value claim as provided for in law.~~

Section 3-170-070

Demolition & Moving of Buildings & Structures

It is the intent of this ordinance to preserve the historic and architectural resources within the Historic **Preservation** 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 **Preservation** 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:

- A. No permit shall be issued to move or demolish all or any part of a building, or other structure in the Historic **Preservation** District without approval of a Certificate of Appropriateness as established in Section 3-170-040.
- B. 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, 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 Specialist in writing before issuing the demolition permit.
- C. If demolition approval is not granted, then no demolition permit shall be issued for a period of one (1) year. 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.
- D. If demolition approval is granted on any basis other than that of an imminent hazard, 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.
 - 1. ~~Vacant land or non-use shall not be considered responsive to this requirement. The redevelopment or reuse plan cannot be comprised of vacant land or propose no use to replace the demolished structure.~~
 - 2. 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.
 - 3. A redevelopment or reuse plan shall also meet the requirements for Site Plan Review as set forth in Chapter 11, Section 11-110 of the Zoning Code.
 - 4. A demolition approval may be conditioned on stipulations which provide for rights of access to the property for the purposes of documentation, **including photo documentation**, or for agreed upon removal of artifacts.
- E. Relocation of structures shall follow the process set forth in Section 3-170-070 (D), and also

obtain a Certificate of Appropriateness as set forth in Section 3-170-050.

Historic District Certificate of Appropriateness Flow Chart

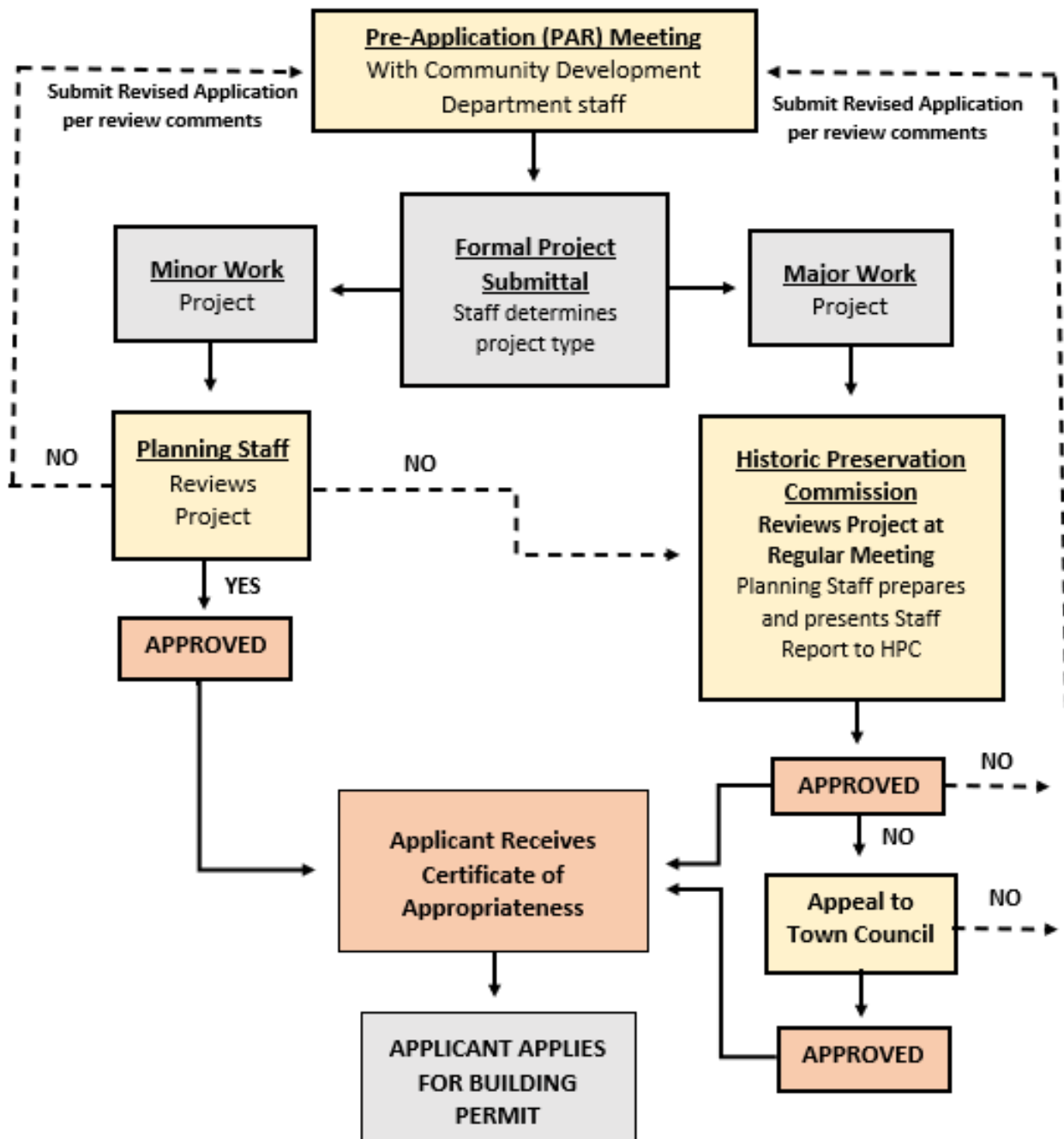


EXHIBIT 6: CERTIFICATE OF APPROPRIATENESS PROCESS

Historic Main Street

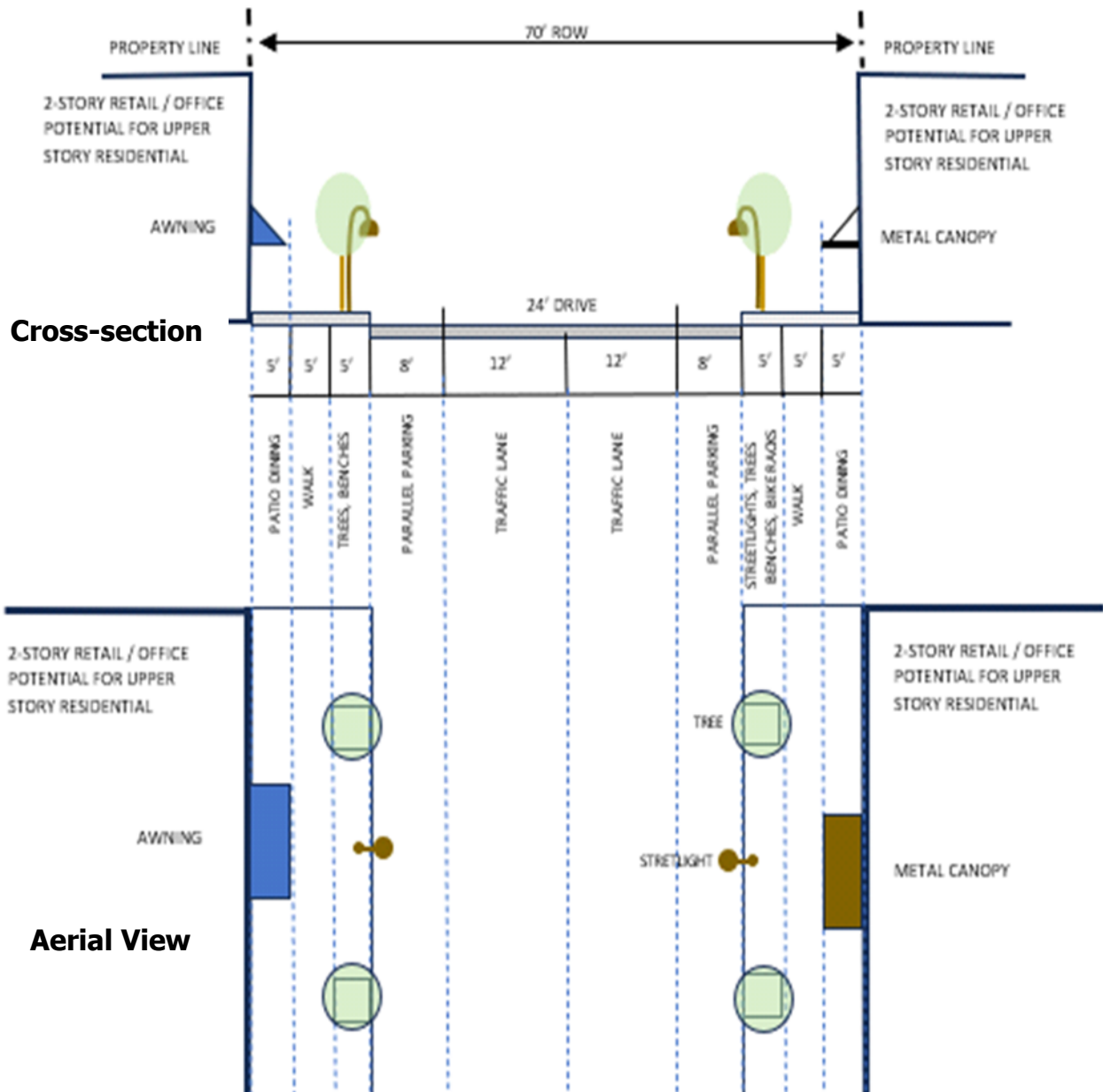


EXHIBIT 7: Historic Main Street Configuration