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## Tucson, AZ Unified Development Code

**5.8. "H" HISTORIC PRESERVATION ZONE (HPZ) AND "HL" HISTORIC LANDMARK (HL)****5.8.1. PURPOSE**

The purpose of the HPZ and HL designation is to promote the educational, cultural, economic, and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation and rehabilitation of significant historic districts, neighborhoods, buildings, structures, sites, objects, and archaeological resources. These designations are intended to ensure the preservation of significant historic and archaeological resources, and to keep them in active use or management in their historic appearance, settings, and locations. It is also intended that new or remodeled buildings or structures located within HPZs or HL properties be designed and constructed to harmonize and be compatible with existing buildings and structures within the sites and development zones in order to preserve property values, provide for appropriate future development, and promote an awareness of the heritage of Tucson among both residents and visitors to the community.

(Am. Ord. 11070, 5/14/2013; Am. Ord. 11150, 3/18/2014)

**5.8.2. APPLICABILITY**

- A. The HPZ and HL designation is an overlay zone superimposed over underlying zoning.
- B. The HPZ and HL designation applies to specifically mapped areas where there is an individual historically important building, structure, site, or object; a group of surviving related historic resources in their original setting; or an archaeological site that gives a historic dimension to the City. A list of established HPZs and HLs is provided in Section 9-02.8.0, *Historic Preservation Zones, Sites, and Structures*, of the Technical Standards Manual and is updated by the City Historic Preservation Office based on Mayor and Council action. Demolition requests in pending HPZs or HLs are subject to the standards of Section 5.8.10. To identify each HPZ or HL on the City of Tucson Zoning Maps, the preface "H" or "HL" is added to the assigned residential, office, commercial, or industrial zone designation, e.g., R-1 becomes HR-1.
- C. The designation, amendment, and change to boundaries of a HPZ or HL are established by the Mayor and Council in accordance with Sections 5.8.4, *Steps to Establish or Amend a HPZ*, 5.8.6, *Steps to Establish or Amend a HL*, and 3.5, *Rezoning (Change of Zoning)*.

(Am. Ord. 11150, 3/18/2014)

**5.8.3. STANDARDS FOR ESTABLISHING AND AMENDING HPZs**

- A. The following standards should be considered when determining if an area, neighborhood, or district shall be established as a HPZ, or whether the boundaries of an existing HPZ shall be changed or dissolved:
  1. A HPZ shall include historic sites, historic buildings, or historic structures, as defined in Section 11.4.9, and which are listed or eligible for listing in the National Register of Historic Places as a district at the local, state, or national level of significance;
  2. A HPZ should include a group of related sites, buildings, and structures in their original setting that contribute to an understanding of the heritage of the community;
  3. The group of sites, buildings, and structures should provide the area with a sense of uniqueness, and should be readily distinguishable from other areas of the community;

4. There should be a sufficient number of buildings and structures of related or similar characteristics to make a recognizable entity; and,
5. Properties that meet the aforementioned criteria may be proposed for designation as a HPZ Contributing Property.

#### **B. Proposed HPZ**

1. An area may be proposed for HPZ designation or amendment by any of the following:
  - a. The Mayor and Council;
  - b. The property owners of fifty-one percent or more of the land area of the proposed HPZ (for calculation only, one owner per property); or,
  - c. Sixty-five percent or more of the property owners within the proposed HPZ (for calculation only, one owner per property).

(Am. Ord. 11150, 3/18/2014)

### **5.8.4. STEPS TO ESTABLISH OR AMEND A HPZ**

#### **A. Nomination Proposal**

A nomination proposal for a proposed HPZ is provided to both the City Historic Preservation Office and the PDSO Director for review and recommendation to the Tucson-Pima County Historical Commission Plans Review Subcommittee for formal consideration of the nomination. The nomination proposal should include a completed application form, with a map outlining the geographic boundaries of the proposed area, a summary of the historic resources in the proposed HPZ, and a completed National Register of Historic Places form, or National Register nomination, or a State of Arizona Historic Property Inventory Form. Multiple photographs and attached Statements of Significance and Integrity must also be attached to the nomination proposal. Proposed HPZs will also require a list of recommended Advisory Board Members.

Staff shall review the survey and inventory information and accept or reject the application within 14 days of submittal.

#### **B. Tucson-Pima County Historical Commission Plans Review Subcommittee**

##### **1. Public Meeting**

The applicant presents the nomination proposal materials and any other evidence of historical significance and integrity in a public meeting. The Tucson-Pima County Historical Commission Plans Review Subcommittee votes to recommend approval or denial of the nomination.

##### **2. Recommendation**

If the Tucson-Pima County Historical Commission Plans Review Subcommittee votes to recommend approval, the applicant receives a recommendation letter from the PDSO Director as formal notification that the nomination proposal will be forwarded to the Mayor and Council to initiate the establishment or amendment of the HPZ.

#### **C. Initiation**

The Mayor and Council make a decision whether to initiate the establishment or amendment of a HPZ. An amendment to the designations of properties within an established HPZ does not require initiation by the Mayor and Council.

##### **1. Public Meeting**

Requests to initiate the consideration of establishing or amending a HPZ are considered by the Mayor and Council in a public meeting.

## 2. Decision

The Mayor and Council shall make the decision whether to initiate the process to consider the establishment of, or amendment to, a HPZ. As part of the decision to initiate, the Mayor and Council shall determine the proposed boundaries of the HPZ and appoint a HPZ Advisory Board to assist in the evaluation. Appointment, terms, and qualifications of the HPZ Advisory Board shall be in accordance with Section 2.2.8.

The nomination proposal and decision are forwarded to the Zoning Examiner in accordance with Section 3.5, *Rezoning (Change of Zoning)*.

## 3. Expiration of Initiation

The initiation by the Mayor and Council of the establishment of, or amendment to, a HPZ expires five years from the date the Mayor and Council make the decision to initiate.

### D. Additional Requirements for HPZs

#### 1. Design Standards and Cultural Inventory and Survey

It is the responsibility of the applicant and HPZ Advisory Board to recommend design standards for the proposed HPZ. The proposed design standards shall be submitted to the Mayor and Council with the survey and inventory. The applicant shall consult with the City Historic Preservation Office during the preparation of the Cultural Inventory and Survey and Design Standards. Refer to Section 5.8.6, *Design Standards* and Technical Standards Manual Section 9-02.0.0.

### E. Change of Zoning

Upon acceptance of the Design Standards and Inventory and Survey information by the City Historic Preservation Office and the PDSO Department, the application is reviewed by the Zoning Examiner and considered for approval in accordance with Section 3.5, *Rezoning (Change of Zoning)*. The Zoning Examiner recommendation is then forwarded to the Mayor and Council. The Mayor and Council decision on the change of zoning may include the designation of buildings, structures, or sites as Contributing, Non-Contributing or Intrusive, and the designation of the boundaries of the HPZ.

### F. Dissolution of a HPZ

Dissolution of a HPZ is reviewed and considered for approval in accordance with Section 3.5, *Rezoning (Change of Zoning)*.

(Ord. 11150, 3/18/2014)

## 5.8.5. STANDARDS FOR ESTABLISHING AND AMENDING HLS

A. The following standards should be considered when determining if an area shall be established as a HL or whether the boundaries of an existing HL shall be changed or dissolved.

1. A HL shall include historic sites, historic buildings, or historic structures, as defined in Section 11.4.9, *Definitions*, and which are individually listed or individually eligible for listing in the National Register of Historic Places at the local, state, or national level of significance.

2. A HL should include a group of related sites, buildings, and structures in their original setting that contribute to an understanding of the heritage of the community.

### B. Proposed HL

An area may be proposed for HL designation or amendment by any of the following:

1. The Mayor and Council;
2. The owner(s) of the proposed HL, if it is a single property, or all of the owners if more than one property; or
3. The Tucson-Pima County Historical Commission Plans Review Subcommittee.

(Ord. 11150, 3/18/2014)

### **5.8.6. STEPS TO ESTABLISH OR AMEND A HL**

#### **A. Nomination Proposal**

A nomination proposal for the proposed Historic Landmark is provided to the City Historic Preservation Office, the PDSO Director and the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation to the Zoning Examiner. The nomination proposal shall include a map outlining the geographic boundaries of the proposed area, a summary of the historic resources in the proposed HL, and a completed National Register of Historic Places form, or National Register nomination, or a State of Arizona Historic Property Inventory Form. Multiple photographs and attached Statements of Significance and Integrity must also be attached to the nomination proposal.

Staff shall review the survey and inventory information for eligibility criteria and completeness. Staff shall accept or reject the nomination proposal within 14 days of submittal.

#### **B. Tucson-Pima County Historical Commission Plans Review Subcommittee**

##### **1. Public Meeting**

The applicant presents the nomination proposal materials and any other evidence of historical significance and integrity in a public meeting. The Tucson-Pima County Historical Plans Review Subcommittee votes to recommend approval or denial of the nomination.

##### **2. Recommendation**

If the Tucson-Pima County Historical Commission Plans Review Subcommittee votes to recommend approval of the nomination proposal, the applicant receives a letter from the PDSO Director. This letter acts as formal notification that the nomination proposal has been recommended for approval, and the applicant may proceed with the submittal of the HL rezoning application and materials.

#### **C. Change of Zoning**

The rezoning application and nomination materials are reviewed by the Zoning Examiner and considered for approval in accordance with Section 3.5 *Rezoning (Change of Zoning)* and must comply with all rezoning steps. The Zoning Examiner recommendation shall include findings verifying designation eligibility and any land use impacts of the proposed HL. The Zoning Examiner's recommendations regarding land use impacts are for consideration by the Mayor and Council but are to be presented separately from findings regarding the HL eligibility, and are not intended to place special rezoning conditions on the proposed HL. The Zoning Examiner's recommendations are forwarded to the Mayor and Council. The Mayor and Council decision on the change of zoning may include the designation of buildings, structures, or sites as Contributing, Non-Contributing or Intrusive, and the designation of a HL.

#### **D. Additional Requirements for HLs**

##### **1. Design Standards**

Refer to Section 5.8.9 for HL Design Standards. Consultation with the City Historic Preservation Office may be necessary in special cases.

### E. Dissolution of a HL

Dissolution of a HL is reviewed and considered for approval in accordance with Section 3.5, *Rezoning (Change of Zoning)*.

(Ord. 11150, 3/18/2014; Am. Ord. 11411, 11/22/2016)

### 5.8.7. PERMITTED USES

The following land uses are permitted in the HPZ.

#### A. Uses Permitted by the Underlying Zoning

Uses permitted by the underlying zoning and reasonably accommodated within existing structures without altering the historic nature or significance of the structure.

#### B. Retail Sales by Resident Artisans

Retail sales by resident artisans may be permitted notwithstanding limitations of the underlying zoning standards. A proposed resident artisan use is reviewed and considered for approval in accordance with Section 3.3.4, *50' Notice Procedure*. A resident artisan use may be allowed as an accessory use to a principal residential in accordance with the following standards:

1. The resident artisan use applies only to the applicant's use and the property for which approval was sought;
2. Retail sales are limited to goods produced on the premises by an artisan residing on the premises limited to the following:
  - a. Fine and commercial art, sculpture, and writing;
  - b. Crafts, including ceramics, metal, wood, jewelry, leather, weaving, antique repair, and custom furniture;
  - c. Photography; or,
  - d. Similar activities as may be approved by the PDSO Director.
3. The exterior appearance of the existing structure is not altered for the purposes of the nonresidential use;
4. A sign shall identify only the resident artisan or residence and conform to the standards of the HPZ and the *Sign Code*, Chapter 3 of the Tucson Code, except that the size of the sign is limited to one and one-half square feet in area;
5. Storage, parking, and working areas are landscaped and screened in accordance with Section 7.6, *Landscaping and Screening Standards*, with materials compatible with those in the HPZ as approved by the PDSO Director ;
6. The resident artisan use occupies no more than 25% of the floor area of the site, nor is there exterior display, activity, or advertisement of products or services;
7. No more than one nonresident is employed on the premises; and,
8. The activity does not create traffic, parking, noise, odors, waste materials, electrical interference, or any other negative impact that would adversely affect the character of the HPZ.

(Am. Ord. 11150, 3/18/2014)

### 5.8.8. DESIGN REVIEW REQUIRED

## A. General

1. Review and approval, of all properties, buildings, signs, and structures within an HPZ, is required for all development and improvements, including new construction or improvements that do not require building permits. Proposals are reviewed for compliance with Section 5.8.9, *Design Standards*.

2. Prior to the submittal of a proposal, the applicant should consult with the applicable historic HPZ Advisory Board and refer to the Secretary of the Interior's Standards for Rehabilitation.

3. Projects are reviewed in accordance with the Full or Minor HPZ Review Procedures.

## B. Full HPZ Review Procedure

### 1. Applicability

The following project types are reviewed for compliance with the applicable standards in accordance with the Full HPZ Review Procedure:

a. Grading or the erection or construction of a new structure;

b. A permit for any alteration involving the modification, addition, or moving of any part of an existing structure, including signs, that would affect the exterior appearance, except as provided in Section 5.8.8.C, *Minor HPZ Review*;

c. Repairs or new construction as provided for in Section 5.8.8.C, *Minor HPZ Review*, that the PDSD Director determines shall be approved under the full review process due to the cumulative effect of phased work that would normally be subject to the applicability of the full HPZ review process;

d. The construction or enlargement of a parking lot within a HPZ or on a property containing a Historic Landmark; and,

e. Exceptions. The following project types are reviewed using the Minor HPZ Review Procedure: installation of solar panels or cisterns or installation of or repairs to a roof.

### 2. Preliminary Staff Review

The applicant must submit a site plan and elevation drawings to the PDSD for preliminary staff review. The PDSD staff reviews the proposed plans for compliance with applicable UDC requirements and any LUC requirements that need to be addressed either through the historic design criteria or a special application for relief. The applicant will be informed in writing of any requirements the proposed plan does not meet.

### 3. Application Required

Submittal of an application to the PDSD is required in order to process the request.

### 4. HPZ Advisory Board - Review and Recommendation

The applicable HPZ Advisory Board shall review and make a recommendation on the application. The recommendation is forwarded to the Tucson-Pima County Historical Commission.

### 5. Tucson-Pima County Historical Commission Plans Review Subcommittee - Review and Recommendation

The Tucson-Pima County Historical Commission (TPCHC) Plans Review Subcommittee shall review and make a recommendation on the application. The subcommittee's recommendation is forwarded to the PDSD Director.

### 6. Decision

The PDSO Director reviews the application and decides whether to approve, approve with conditions, deny, or refer the application back for additional review/recommendation based on revisions to the original proposal. The PDSO Director shall consider the recommendations of the HPZ Advisory Board and the TPCHC Plans Review Subcommittee when considering a decision. The decision shall be provided in writing to the applicant, applicable HPZ Advisory Board, and the TPCHC Plans Review Subcommittee. No building permits will be issued prior to the expiration of the appeal period.

## **7. Appeals**

A party of record may appeal the PDSO Director's decision to the Mayor and Council in accordance with Section 3.9.2, *Mayor and Council Appeal Procedure*. Appeals must be filed within 14 days of the effective date of the Director's decision. For purposes here, the parties of record are the applicant, the applicable HPZ Advisory Board, and the Tucson-Pima County Historical Commission Plans Review Subcommittee.

## **8. Documentation Required Upon Approval**

Applicants must submit three copies of the site plan and elevation drawings to the PDSO for formal approval prior to application for building permits.

### **C. Minor HPZ Review**

#### **1. Applicability**

In general, the Minor HPZ Review Procedure is for projects that do not require building permits. Specifically, the following project types are reviewed for compliance with the applicable standards in accordance with the Minor HPZ Review Procedure:

a. Minor or necessary repairs to a structure provided that:

(1) The total cost of such improvement is under \$1,500, except for the replacement cost of appliances and mechanical equipment; and,

(2) The repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced.

b. Emergency repairs provided that the repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced;

c. The change in copy of a sign;

d. Any alteration that does not require a permit involving the modification, addition, or moving of any part of an existing structure that would affect the exterior appearance. Alterations include, but are not limited to, fences and walls, except those alterations that the PDSO Director determines shall be approved under the full review process due to the cumulative effect of phased work that would normally be subject to the applicability of the HPZ review; and,

e. Installation of solar panels or cisterns or installation of or repairs to a roof.

#### **2. Application Required**

An application, including site plan and elevation drawings, is required.

#### **3. On-Site Review Required**

Upon submittal of the application, a date and time will be scheduled for the applicant, representatives from the applicable HPZ Advisory Board, Tucson-Pima County Historical Commission (TPCHC) Plans Review Subcommittee, and City staff to meet at the project site to discuss the proposal.

#### 4. Recommendation

The representatives from the applicable HPZ Advisory Board and the TPCHC Plans Review Subcommittee review the proposal and make a recommendation on the application to the PDSO Director.

#### 5. PDSO Director Decision

The PDSO Director reviews the application and decides whether to approve, approve with conditions, deny, or refer the application back for additional review/recommendation based on revisions to the original proposal. The PDSO Director shall consider the recommendations of the HPZ Advisory Board and the TPCHC Plans Review Subcommittee when considering a decision.

#### 6. Documentation Required

If approved, the applicant must submit three copies of the plans for formal approval by PDSO staff prior to application for building permits, if required.

(Am. Ord. 11150, 3/18/2014)

### 5.8.9. DESIGN STANDARDS

The HPZ Advisory Boards, Tucson-Pima County Historical Commission, staff, PDSO Director, and Mayor and Council shall be guided by the design standards in this section and the Technical Standards Manual when evaluating proposed development applications within the HPZ. Proposed development within the HPZ shall be in compliance with the following standards and the standards of the applicable HPZ as provided in Section 9-02.7.0, *Specific Historic Preservation Zone Guidelines*, the Technical Standards Manual.

#### A. Generally

##### 1. Historic Landmark

Alterations or additions to a Historic Landmark shall properly preserve the historic and architectural characteristics that make it unique, and any changes or additions shall conform to the intrinsic and unique character of the building or structure itself. Any alterations to the interior of a publicly owned Historic Landmark shall be reviewed. The applicant should refer to the Secretary of the Interior's Standards for Rehabilitation when tax certification for rehabilitation work is contemplated.

##### 2. Contributing Property

Alterations or additions to a Contributing Property within an HPZ shall reflect the architectural style and characteristics of the existing structure. The property may be renovated to an earlier historic style that applied to the property. In addition, such alterations or additions shall generally conform to the design standards of Contributing Properties within the development zone of the site.

##### 3. New Construction or Noncontributing Property

New construction or alterations or additions to a Noncontributing Property within an HPZ shall reflect the architectural style of, and be compatible with, the Contributing Properties located within its development zone.

#### B. Height

Heights of principal structures in the project's development zone are used to compare to proposed new construction of, or additions to, principal structures. Likewise, the height of proposed accessory structures is compared to other accessory structure heights in the development zone. (See Figure 5.8-A.)

##### 1. Historic Landmark

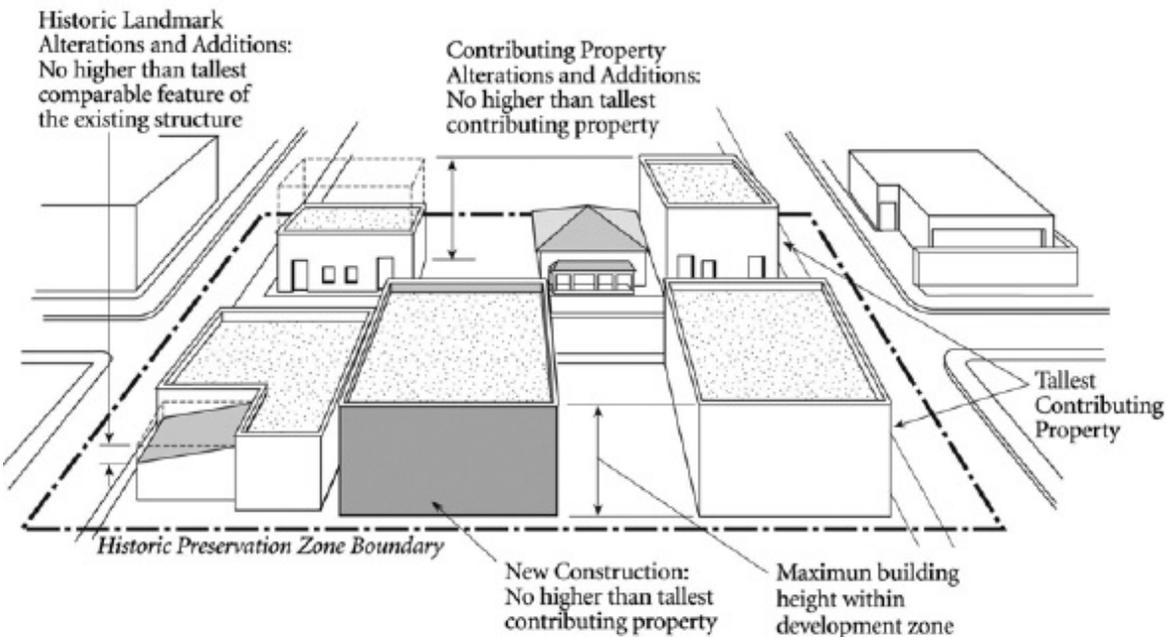
Alterations or additions to a Historic Landmark shall be no higher than the tallest comparable feature of the existing structure.

## 2. Contributing Property

Alterations or additions to a Contributing Property shall be constructed no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone.

## 3. New Construction or Noncontributing Property

New construction or alterations or additions to a Noncontributing Property shall be constructed no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone.



**Figure 5.8-A: Height Compatibility**

### C. Setbacks (See Figure 5.8-B.)

#### 1. Historic Landmark

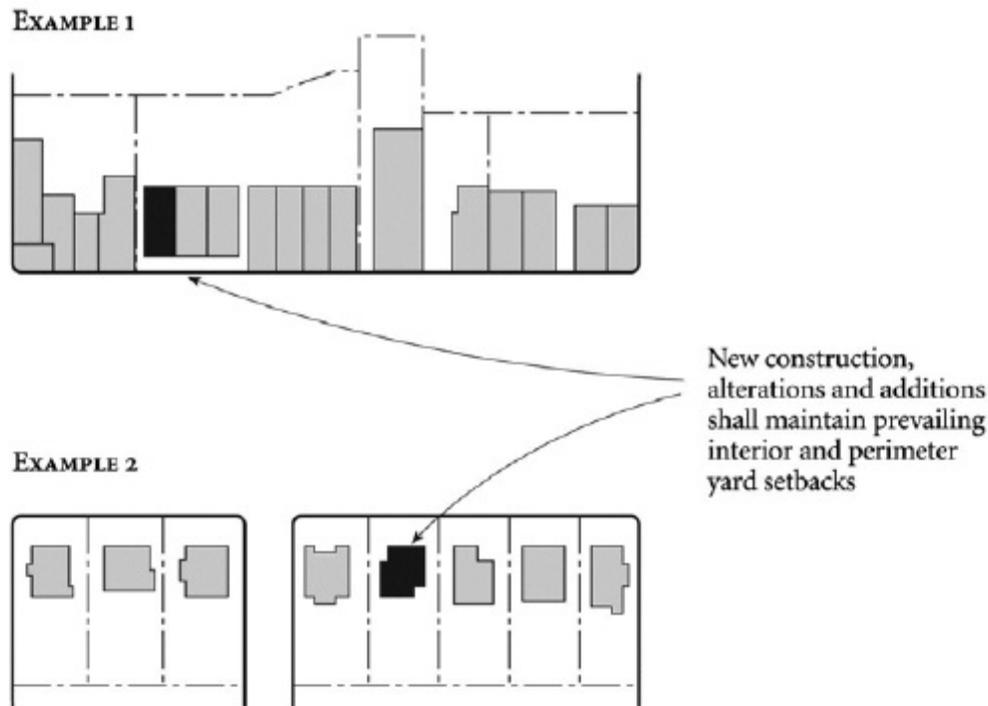
Alterations or additions to a Historic Landmark shall maintain the original front setback of the existing structure or the prevailing setback existing within its development zone, provided that such a setback is compatible with the historic character of the existing structure. Interior perimeter yard setbacks shall be consistent with those existing within the development zone.

#### 2. Contributing Property

Alterations or additions to a Contributing Property shall maintain the prevailing street and interior perimeter yard setbacks existing within its development zone.

#### 3. New Construction or Noncontributing Property

New construction or alterations or additions to a Noncontributing Property shall maintain the prevailing street and interior perimeter yard setbacks existing within its development zone.



**Figure 5.8-B: Prevailing Setbacks**

#### **D. Proportion**

##### **1. Historic Landmark**

Alterations or additions to a Historic Landmark shall reflect the proportions of the existing structure.

##### **2. Contributing Property**

Alterations or additions to a Contributing Property shall be consistent with the proportions of the existing structure and with the prevailing proportions of Contributing Properties within its development zone.

##### **3. New Construction or Noncontributing Property**

New construction or alterations or additions to a Noncontributing Property shall reflect the prevailing proportions of Contributing Properties within its development zone.

#### **E. Roof Types**

##### **1. Historic Landmark**

Alterations or additions to a Historic Landmark shall have a roof compatible in configuration, mass, and materials to that of the architectural style of the existing structure.

##### **2. Contributing Property**

Alterations or additions to a Contributing Property shall have a roof compatible in configuration, mass, and materials to that of the architectural style of the existing structure.

##### **3. New Construction or Noncontributing Property**

New construction or alterations or additions to a Noncontributing Property shall have a roof compatible in configuration, mass, and materials to the prevailing historic style and period of the existing

structures within the development zone in which the proposed structure will be constructed.

## **F. Surface Texture**

### **1. Historic Landmark**

Surface texture of alterations or additions to a Historic Landmark shall be appropriate to the historic style of the existing structure and the period in which it was constructed.

### **2. Contributing Property**

Surface texture of alterations or additions to a Contributing Property shall be appropriate to the historic style of the existing structure.

### **3. New Construction or Noncontributing Property**

New construction or alterations or additions to a Noncontributing Property shall have a surface texture that is appropriate to the historic style of similar structures within the development zone and shall reflect the historic periods existing within the HPZ.

## **G. Site Utilization**

### **1. Historic Landmark**

Site utilization of a Historic Landmark shall be appropriate to the historic period in which the existing structure was built.

### **2. Contributing Property**

Site utilization of alterations or additions to a Contributing Property shall be consistent with the site utilization of Contributing Properties within the development zone.

### **3. New Construction or Noncontributing Property**

Site utilization of new construction or alterations or additions to a Noncontributing Property shall be consistent with the site utilization of Contributing Properties within the development zone.

## **H. Projections and Recessions**

### **1. Historic Landmark**

Projections and recessions of a Historic Landmark, such as porches, steps, awnings, overhangs, entrances, and windows, shall be appropriate to the style of the existing structure and the historic period in which it was built.

### **2. Contributing Property**

Projections and recessions of a Contributing Property, such as porches, steps, awnings, overhangs, entrances, and windows, shall be appropriate to the style of the existing structure.

### **3. New Construction or Noncontributing Property**

New construction or alterations or additions to a Noncontributing Property shall have projections and recessions, such as porches, steps, awnings, overhangs, entrances, and windows, that are compatible with the existing historic styles within the development zone and reflect the historic periods of the HPZ.

## **I. Details**

### **1. Historic Landmark**

Architectural details of a Historic Landmark, such as cornices, lintels, arches, grill work, shutters,

window and door trim, and canales, shall be appropriate to the historic style of the existing structure and the historic period in which it was built.

## **2. Contributing Property**

Architectural details of a Contributing Property, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, shall be appropriate to the historic style of the existing structure.

## **3. New Construction or Noncontributing Property**

New construction or alterations or additions to a Noncontributing Property shall have architectural details, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, that are compatible with the existing historic styles and historic periods of Contributing Properties within the development zone.

# **J. Building Form**

## **1. Historic Landmark**

Size, mass, and scale of alterations or additions to a Historic Landmark shall be compatible with those of the existing structure.

## **2. Contributing Property**

Size, mass, and scale of alterations or additions to a Contributing Property shall be compatible with the existing structure and with the Contributing Properties within the development zone.

## **3. New Construction or Noncontributing Property**

New construction or alterations or additions to a Noncontributing Property shall have size, mass, and scale that are compatible with the existing Contributing Properties within the development zone.

# **K. Rhythm**

## **1. Historic Landmark**

The proportion, pattern, and rhythm of openings of additions or alterations to a Historic Landmark shall be compatible with those of the existing structure.

## **2. Contributing Property**

The proportion, pattern, and rhythm of openings of additions or alterations to a Contributing Property shall be compatible with those of the existing structure and with those of Contributing Properties in its development zone.

## **3. New Construction or Noncontributing Property**

New construction or alterations or additions to a Noncontributing Property shall reflect the proportion, pattern, and rhythm of openings of Contributing Properties in its development zone.

# **L. Additional Review Standards**

To provide flexibility in the review of applications that reflect the diverse and unique characteristics of the various HPZs, other pertinent factors generally affecting the appearance, harmony, and efficient functioning of the HPZ may be used as appropriate for the particular application, such as the following:

## **1. Color**

Color of a building or structure, including trim, roof, and other details, shall be appropriate to the architectural style of the subject structure and its historic period. Color may be reviewed in the context of

a required HPZ review; painting alone shall not be considered through an HPZ review.

## 2. Landscaping

Plantings and other ornamental features shall reflect the historic period of the subject structure. Landscaping may be reviewed in the context of a required HPZ review; landscaping alone shall not be considered through an HPZ review.

## 3. Enclosures

Fences, walls, or other physical features used to enclose open space or provide privacy shall be compatible with the architectural style of the subject structure and with Contributing Properties within the development zone and shall reflect the historic period of the HPZ.

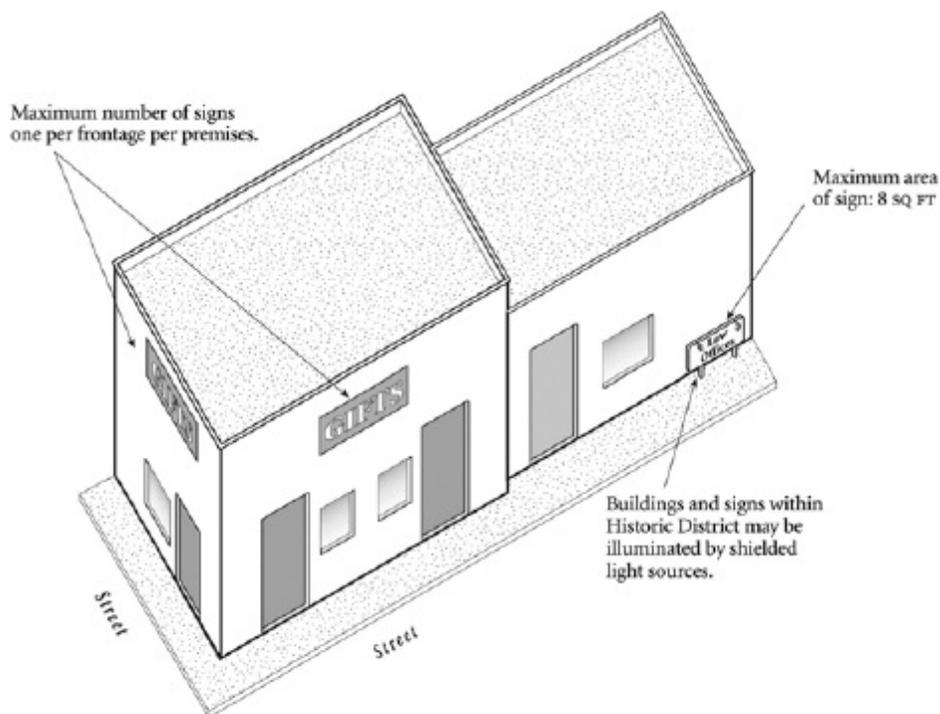
## 4. Utilities

New aboveground power and telephone line installation and new utility connections shall be reviewed for appropriateness and compatibility, especially the use of electric utility boxes on front facades.

## M. Signs

The appearance, color, size, position, method of attachment, texture of materials, and design of signs within an HPZ shall be in keeping with the collective characteristics of the structures located within the appropriate development zone. Signs allowed in the underlying land usezone shall be further regulated by Chapter 3, *Signs*, of the Tucson Code. The signs allowed in the underlying land usezone are further limited as follows (see Figure 5.8-C):

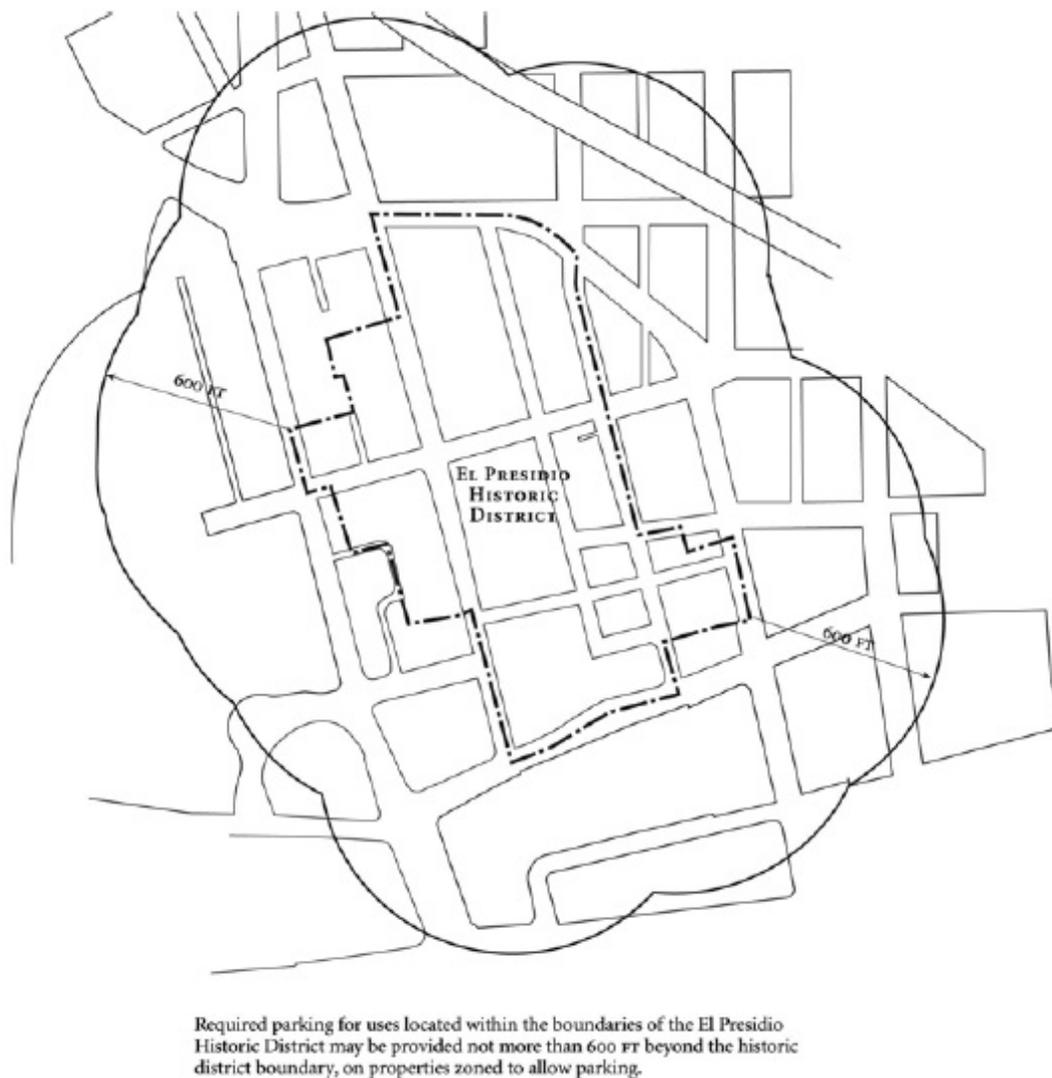
1. Off-site signs are not permitted;
2. Business signs are limited to one sign only for each street frontage per premises. Businesses having frontage on more than two streets are allowed a total of three signs. Businesses are limited to one freestanding signs per premises;
3. The maximum area of a sign is eight square feet;
4. Signs shall not extend above the top of the nearest facade, eaves, or fire wall of a building or structure;
5. Design and materials of signs. Visible bulbs, not exceeding 20 watts per bulb, are allowed. Bulbs within fixtures are not limited in wattage. Neon tubing may be allowed on commercially zoned properties, where historically appropriate. Clear plexiglas and acrylic, when used as a substitute for glass, is allowed; otherwise, plastics are not allowed. Luminous paints are not allowed;
6. Buildings and signs within the HPZ may be illuminated by remote light sources, provided that these light sources are shielded to protect adjacent properties; and,
7. The applicant may apply for a variance from these standards where it can be shown that the proposed sign is consistent with the purpose and intent of the HPZ and is historically authentic.



**Figure 5.8-C: Signs**

#### **N. Motor Vehicle and Bicycle Parking Areas**

Parking in accordance with Section 7.4, *Motor Vehicle and Bicycle Parking*, is required. Parking may be provided on- or off-site with zoning that allows parking as a principal use. Off-site parking spaces for uses within the HPZ shall not be located more than 600 feet, within the same or another block, from the land use the spaces serve, except within the boundaries of the El Presidio HPZ where required parking spaces may be provided not more than 600 feet beyond the HPZ boundary (See Figure 5.8-D). All new or modified vehicular use areas within the HPZ shall be landscaped and screened as required by Section 7.6, *Landscaping and Screening Standards*, using compatible structural and plant materials.



**Figure 5.8-D: Parking Areas**

(Am. Ord. 11150, 3/18/2014)

### **5.8.10. DEMOLITION REVIEW REQUIRED**

It is the intent of this section to preserve the historic and architectural resources within the HPZ and the Rio Nuevo District (RND) in their original appearance, setting, and placement. Demolition of a historic property can cause an irreplaceable loss to the quality and character of the City of Tucson. However, it is recognized that there can be circumstances beyond the control of a property owner that may result in the necessary demolition of a structure within the HPZ or RND. These circumstances include a building that constitutes an imminent safety hazard, involves a resource whose loss does not diminish or adversely affect the integrity of the HPZ, or prevents a reasonable economic use of the property. A proposed change of use is not considered in the analysis of reasonable economic use.

No demolition permit shall be issued by the City for demolition or relocation of all or any part of a structure, site, sign, or Historic Landmark that would affect its exterior appearance within the HPZ before review and approval occurs. Review is required under the following procedures.

#### **A. Emergency Demolition**

If the Building Official determines a structure to be an imminent hazard to public safety and repairs would be impractical, emergency demolition procedures are conducted in accordance with Chapter

16-66, *Historic Structures*, of the Tucson Code.

#### **B. Intrusions and Noncontributing, Nonhistoric Structures**

For structures designated as intrusions or noncontributing, nonhistoric properties in HPZs, the PDS Director shall consult with the appropriate HPZ Advisory Board and the Tucson-Pima County Historical Commission Plans Review Subcommittee to ensure that the structure is properly classified at the time of the request for demolition. If the structure is an intrusion or noncontributing, nonhistoric, no further review shall be required. If the PDS Director determines that the structure has not been properly designated, the PDS Director may delay the issuance of the permit until the proper designation is determined by the Zoning Administrator or may proceed with the appropriate review process as if the designation had been changed.

#### **C. Independent Portions of Structures**

A request may be made for the demolition of a portion of a structure if the demolition will not adversely affect the historical character of the property. For portions that may be independently designated as intrusions or noncontributing, nonhistoric elements, the PDS Director shall consult with the HPZ Advisory Board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to ensure that the portion of the structure has been properly classified and that demolition will not have any adverse impact on the contributing or historic character of the property. If the portion of a structure is designated under this section as an intrusion or nonhistoric element, no further review is required. At least four days prior to issuance of a demolition permit, the PDS Director shall notify the applicant, the appropriate HPZ Advisory Board and the Tucson-Pima County Historical Commission Plans Review Subcommittee of the decision. A decision by the PDS Director may be appealed by the HPZ Advisory Board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to the Zoning Examiner within three days of the effective date of the decision.

#### **D. Contributing Properties, Nonhistoric**

Review by staff, the applicable HPZ Advisory Board, and the Tucson-Pima County Historical Commission is required before a decision is made by the PDS Director. The procedure for review shall be in accordance with Section 3.3.4, *50' Notice Procedure*. The appropriate HPZ Advisory Board and the Tucson-Pima County Historical Commission Plans Review Subcommittee are parties of record for the purpose of determining notice and the right to appeal the decision. The standards used to make this decision are as follows:

1. The structure or site is of no historic or architectural value or significance and does not contribute to the historic value of the property;
2. Loss of the structure would not adversely affect the integrity of the HPZ or the historic, architectural, or aesthetic relationship to adjacent properties, and its demolition would be inconsequential to the historic preservation needs of the area;
3. Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans will have on the architectural, cultural, historic, archaeological, social, aesthetic, or environmental character of the surrounding area as well as the economic impact of the new development; and,
4. Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism, or neglect.

#### **E. Historic Contributing Properties and Historic Landmarks**

Approval for the demolition of historic landmarks, demolition of structures on Contributing Historic Properties in HPZs, and demolition of structures listed in the National Register of Historic Places or the Arizona Register of Historic Places in the Rio Nuevo District (RND) is determined by the Mayor and

Council. The criterion used to make this decision is that the owner of the structure would be subject to reasonable economic use if the building were not demolished. The procedure for approval is required below.

### 1. **Application**

Submittal of an application shall be in accordance with the applicable provisions of Section 2-06.0.0, *Development Package*, in the Administrative Manual.

### 2. **Reasonable Economic Use**

When reasonable economic use of the property is prevented due to the effect of this ordinance, the owner has to prove that reasonable use of the property cannot be made. The public benefits obtained from retaining the historic resource are analyzed and duly considered by the PDSO Director, the applicable HPZ Advisory Board, and the Tucson-Pima County Historical Commission Plans Review Subcommittee. The owner shall submit the following information by affidavit to the PDSO Director for transmittal to the review bodies for evaluation and recommendation:

a. Except as provided in Section 5.8.10.E.2.a(10), for all property:

(1) The assessed value of the land and improvements thereon according to the two most recent assessments;

(2) Real estate taxes for the previous two years;

(3) The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance;

(4) Annual debt service, if any, for the previous two years;

(5) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, ensuring, or ownership of property;

(6) Any listing of the property for sale or rent, price asked, and offers received, if any;

(7) Any consideration by the owner as to profitable adaptive uses for the property;

(8) The current fair market value of the property as determined by at least two independent appraisals; and,

(9) An estimate of rehabilitation cost to restore the structure to active use.

(10) Exceptions. When a property owner is financially unable to meet the standards set forth in this subsection, the PDSO Director may waive some or all of the standards and/or request substitute information that a property owner may obtain without incurring any costs. An applicant may request a waiver of one or more of the submittal requirements based on the specific nature of the case. The PDSO Director, who may consult with the Tucson-Pima County Historical Commission, shall make a determination on the waiver request. If a determination cannot be made based on information submitted and an appraisal has not been provided, the PDSO Director shall request that an appraisal be made by the City.

b. In addition to the requirements in Section 5.8.10.E.2.a, owners of income-producing property shall submit the following:

(1) Annual gross income from the property for the previous two years;

(2) Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed;

(3) Annual cash flow, if any, for the previous two years; and,

(4) Proof that efforts have been made by the owner to obtain a reasonable return on investment based on previous service.

### **3. Negotiations Prior to Decisions on Demolition Applications**

a. The application is scheduled for a public hearing with the Mayor and Council no sooner than 90 days from the date the application is accepted. During this time period, City staff shall discuss the proposed demolition with the property owner and other City officials to see if an alternative to demolition can be found before a formal consideration of the application by the Mayor and Council. The PDSO Director shall analyze alternatives to demolition and request, from other City departments or agencies, information necessary for this analysis.

b. If within this 90 day period either one of the following two events occurs, the Mayor and Council may defer hearing the application for six months, and it is considered to have been withdrawn by the applicant during such six-month period:

(1) The owner enters into a binding contract for the sale of the property; or,

(2) The City of Tucson acquires the property by available legal process for rehabilitation or reuse by the City or other disposition with appropriate preservation restrictions.

c. If within the 90-day period neither of the two events summarized above occurs, a public hearing with the Mayor and Council on the demolition application shall be scheduled on the next available agenda.

### **4. Review of Application**

The Tucson-Pima County Historical Commission and the HPZ Advisory Board review demolition applications. Within five days after acceptance of the application, staff transmits one copy of the accepted site plan to the appropriate HPZ Advisory Board and one copy to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation. The HPZ Advisory Board may forward a recommendation to the Tucson-Pima County Historical Commission and the PDSO Director within 22 days after acceptance of the application. The Tucson-Pima County Historical Commission shall forward a recommendation to the PDSO Director and the HPZ Advisory Board within 31 days after acceptance of the application.

### **5. Recommendations**

The recommendations of the PDSO Director, the Tucson-Pima County Historical Commission, and the appropriate HPZ Advisory Board shall be forwarded to the Mayor and Council for consideration.

### **6. Mayor and Council Public Hearing**

The Mayor and Council consider the application in a public hearing. Mailed notice and published notice shall be provided not less than 15 days prior to the public hearing. Notice shall be mailed to property owners within 300 feet of the site, neighborhood associations within one mile of the site, the applicable HPZ Advisory Board, and the Tucson-Pima County Historical Commission.

### **7. Mayor and Council Decision**

The Mayor and Council decide whether to approve an application to demolish a Historic Landmark or historic Contributing Property. To approve the application, the Mayor and Council shall find that the owner will not have a reasonable economic use of the property if a demolition permit is not approved. An approval is subject to the following:

a. The applicant shall seek approval of replacement plans prior to receiving a demolition permit and all other necessary permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations, site plans, and dimensional schematic design

drawings that are reviewed in accordance with Section 3.3.3, *PDSB Director Approval Procedure*;

b. A demolition permit shall be issued concurrently with the building permit for replacement following submittal by the applicant of proof of financial ability to complete the replacement project;

c. A decision on a demolition application shall result in the administrative closure of the case file by staff. A decision on a demolition application applies to the property; and,

d. Reapplication for demolition permits for a structure that was previously denied for demolition cannot be submitted to the City for three years from the date of the Mayor and Council decision. A change in property ownership is not considered a basis for reapplication. Substantially new conditions, as determined by the PDSB Director in consultation with the HPZ Advisory Board and the Tucson-Pima County Historical Commission, is a basis for earlier reapplication.

#### **8. Provisions for Vacant Lots and Areas After Demolition**

a. When a site, sign, Historic Landmark, or structure is demolished and the area left vacant, the area shall be maintained in a clean and inoffensive manner.

b. When a structure is demolished and the area is converted to another use not requiring buildings, such as a parking lot, the area shall be buffered by landscaping and walls or fences that comply with Section 7.6, *Landscaping and Screening*, and generally conform to the character of the other buildings and structures located within its development zone. The site plan required as part of the review procedure shall indicate how the landscaping and screening will be accomplished.

#### **9. Penalties and Remedies for Unauthorized Demolition; Notice of Entry of Judgment**

In addition to the general remedies authorized by Sections 10.4.1 through 10.4.3, any property owner, individual, company, or person, as defined in Tucson Code Section 1-2(16), who causes a structure, site, or Historic Landmark located within a HPZ to be demolished, without following procedures as established in this section, are subject to the following:

a. A mandatory fine of:

(1) Not less than \$250 nor more than \$1,000 per violation for demolition of an accessory structure that is a Noncontributing Property, or not less than \$1,500 nor more than \$2,500 per violation for demolition of a principal structure or site that is a Noncontributing Property; or,

(2) Not less than \$2,000 nor more than \$2,500 per violation for demolition of a Historic Landmark or Contributing Property.

b. In addition to any fine imposed in accordance with Section 5.8.10.E.9.a, the PDSB Director shall, upon finalization of judgment:

(1) Issue a formal complaint with the Arizona State Registrar of Contractors against any contractor or company involved with an unauthorized demolition; and,

(2) Issue a formal notification of the violation to the State Historic Preservation Office regarding the unauthorized demolition of any structure, site, or Historic Landmark.

c. In addition to any fine imposed in accordance with Section 5.8.10.E.9.a, one of the following shall be imposed as a penalty or remedy:

(1) Reconstruction or restoration of a Contributing Property or a Historic Landmark to its appearance prior to the violation;

(2) Prohibition or restriction of building permits for new construction on the site for not more than seven years, but not less than 30 days, for a Noncontributing Property or two years for a Contributing Property or Historic Landmark and prohibition or restriction of permits involving work in the public right-

of-way for not more than seven years, but not less than 30 days, for a Noncontributing Property or two years for a Contributing Property or Historic Landmark; or,

(3) Upon finalization of judgment setting forth a remedy as provided in Sections 5.8.10.E.9.a and .b, the PDSD Director or designate shall file the judgment in the office of the Pima County Recorder and Assessor's Office.

d. The following factors are considered when imposing any penalty or remedy in accordance with Section 5.8.10.E.9.c(1) and (2):

(1) Whether the structure, site, or Historic Landmark is one of the last remaining examples of its kind in the neighborhood, City, or region;

(2) Whether there exists sufficient documentation, plans, or other data so as to make reconstruction feasible;

(3) The age of the original structure, site, or Historic Landmark and all subsequent additions and modifications;

(4) The physical condition of the structure, site, or Historic Landmark immediately prior to its total or partial demolition;

(5) The amount of demolition sustained by the structure, site, or Historic Landmark;

(6) Whether or not, had total or partial demolition occurred, the structure, site, or Historic Landmark could have been put into a reasonable economic use either prior to or after rehabilitation;

(7) Whether the structure, site, or Historic Landmark was eligible for inclusion on the National Register of Historic Places immediately prior to its total or partial demolition;

(8) Whether the structure, site, or Historic Landmark is included on the National Register of Historic Places; or,

(9) Whether the responsible party has a legal or equitable interest in the structure, site, or Historic Landmark.

(Am. Ord. 11150, 3/18/2014)

### **5.8.11. MAINTENANCE**

A. Maintenance of historic resources is important for property owners to maintain property values and for the cultural and aesthetic value to the community. Maintaining historic structures and sites preserves the special sense of place that encourages tourism and further investment in historic areas.

B. All historic resources shall be preserved against decay and deterioration and kept in a state of good repair and free from certain structural defects. The purpose of this section is to prevent an owner or other person having legal custody and control over a property from facilitating the demolition of a historic resource by neglecting it or permitting damage to it by weather or vandalism.

C. Consistent with all other state and City codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control over a property shall maintain such buildings or structures in the same or better condition than that indicated in the most recently available inventory for the HPZ in which the property is located. The following defects shall be indicators of a need for repair:

1. Building elements are in a condition that they may fall and injure members of the general public or damage other property;

2. Deteriorated or inadequate foundation;

3. Defective or deteriorated flooring;
4. Walls, partitions, or other vertical support members that split, lean, list, or buckle due to defective material or deterioration;
5. Ceilings, roofs, ceiling and roof support members, or other horizontal members that sag, split, or buckle due to defective materials or deterioration;
6. Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration;
7. Deteriorated, crumbling, or loose exterior plaster;
8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;
9. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering; or,
10. Any fault, defect, or deterioration in the building that renders the same structurally unsafe or not properly watertight.

D. If the Tucson-Pima County Historical Commission has reason to believe that a property is being neglected and subject to damage from weather or vandalism, the Tucson-Pima County Historical Commission shall so advise City staff. Staff shall meet with the owner or other person having legal custody and control of the property and discuss ways to improve the condition of the property and shall assist those persons with an economic hardship in obtaining financial resources to accomplish such improvements. If there is no subsequent attempt, or insufficient effort is made, to correct any noted conditions after such meeting by the owner or other such person having legal custody and control, the Tucson-Pima County Historical Commission may make a formal request that the Building Official take action to require corrections of defects in the subject building or structure so that it is preserved in accordance with the purposes of this section. The Building Official may also require the property owner to remedy any defect or deterioration that constitutes a threat to the public health, safety, and welfare in accordance with the authority vested in him by the adopted building codes and neighborhood preservation ordinances. Deterioration caused by deliberate neglect of maintenance or repairs are not considered valid grounds for the approval of a demolition permit application.

E. Vacant properties shall be maintained in a clean and orderly state.

(Am. Ord. 11127, 11/6/2013; Am. Ord. 11150, 3/18/2014)

### **5.8.12. PENDING HISTORIC PRESERVATION ZONES**

#### **A. Purpose**

It is the purpose of this section to preserve structures of historic or architectural significance, but it is recognized that all areas of significance cannot be identified, analyzed, and designated at one time. However, it is important to protect properties with potentially qualifying buildings from inappropriate demolitions until review and hearings can be completed for possible HPZ designation.

#### **B. Applicability**

The following process is established for the review of proposed demolitions of structures that are located in areas of the City where the Mayor and Council have initiated the process of HPZ formation and imposed interim standards:

1. These procedures apply to any building or structure located within an area of an application for an HPZ between such time the Mayor and Council either initiate the establishment of an HPZ or enact an ordinance to apply these standards and the time action is taken on the application by the Mayor and

Council, but for no more than one year.

2. The provisions of this section apply to all areas of the City under application for HPZ designation on the effective date of this ordinance and to all areas of the City for which applications for HPZ designation are initiated after the effective date of this ordinance.

3. An application for a demolition permit is exempt from these demolition review standards if the Building Official makes a written determination, and the PDSD Director concurs, that the building currently is an imminent hazard to the public safety, is structurally unsound, and should be demolished.

#### **C. Review and Decision**

Procedures for review of, and decisions on, applications for demolition permits shall be the same as those outlined in Section 5.8.10.D, *Contributing Properties; Nonhistoric*.

#### **D. Temporary Stay of Demolition**

In the event a demolition application is denied, no permit for demolition shall be issued unless a subsequent demolition approval has been requested and granted or until adoption of HPZ zoning for the property.

1. If the HPZ has not been placed on the property at the time of expiration of the temporary restraint on demolition, the PDSD Director shall grant a demolition approval for the subject property.

2. At the time of HPZ adoption, the temporary restraint of demolition and any stays of demolition in effect shall expire. The PDSD Director's decision on demolition requests, at that time, is regulated by Section 5.8.10, *Demolition Review Required*. The demolition request shall be finalized in accordance with the procedures of that section.

(Am. Ord. 11150, 3/18/2014)