

ADOPTED BY THE
MAYOR AND COUNCIL ON

ORDINANCE NO. _____

RELATED TO PLANNING AND ZONING: AMENDING CERTAIN PORTIONS OF THE CITY OF TUCSON UNIFIED DEVELOPMENT CODE (UDC), ARTICLE 5, SECTION 5.8., "H" HISTORIC PRESERVATION ZONE (HPZ) AND HISTORIC LANDMARK (HL); SECTION 5.8.1., PURPOSE; SECTION 5.8.2., APPLICABILITY; SECTION 5.8.3., STANDARDS FOR ESTABLISHING AND AMENDING HPZs; ADDING A NEW SECTION 5.8.4., STEPS TO ESTABLISH OR AMEND A HPZ; ADDING A NEW SECTION 5.8.5., STANDARDS FOR ESTABLISHING AND AMENDING HLS; ADDING A NEW SECTION 5.8.6., STEPS TO ESTABLISH OR AMEND A HL; RENUMBERING SECTION 5.8.4. TO 5.8.7., PERMITTED USES; RENUMBERING SECTION 5.8.5. TO 5.8.8., DESIGN REVIEW REQUIRED, AND AMENDING PORTIONS OF THE SAME; RENUMBERING SECTION 5.8.6. TO 5.8.9., DESIGN STANDARDS; RENUMBERING SECTION 5.8.7. TO 5.8.10., DEMOLITION REVIEW REQUIRED, AND AMENDING PORTIONS OF THE SAME; RENUMBERING SECTION 5.8.8. TO 5.8.11., MAINTENANCE; RENUMBERING SECTION 5.8.9. TO 5.8.12., PENDING HPZs, AND AMENDING PORTIONS OF THE SAME; AMENDING CERTAIN PORTIONS OF THE UDC ADMINISTRATIVE MANUAL, SECTION 4, DEVELOPMENT REVIEW FEE SCHEDULE, SUBSECTION 4-01.7.0, CHANGE OF ZONING FEES; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA AS FOLLOWS:

SECTION 1. Article 5, Section 5.8 of the UDC is hereby amended to read as follows:

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

SECTION 2. Article 5, Section 5.8.1 of the UDC is hereby amended to read as follows:

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)

SECTION 3. Article 5, Section 5.8.2 of the UDC is hereby amended to read as follows:

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).

SECTION 4. Article 5, Section 5.8.3 of the UDC is hereby amended to read as follows:

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; and,
 - 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).

SECTION 5. Article 5, Section 5.8.4 of the UDC is hereby added, and will read as follows:

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 (5) 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 Sec. 5.8.6, *Design Standards* and UDC Technical Standards Manual Sec. 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 PDS 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)*.

SECTION 6. Article 5, Section 5.8.5 of the UDC is hereby added, and will read as follows:

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
 - 1. An area may be proposed for HL designation or amendment by any of the following:
 - a. The Mayor and Council;
 - b. The owner(s) of the proposed HL, if it is a single property, or all of the owners if more than one property; or
 - c. The Tucson-Pima County Historical Commission Plans Review Subcommittee.

SECTION 7. Article 5, Section 5.8.6 of the UDC is hereby added, and will read as follows:

5.8.6 STEPS TO ESTABLISH OR AMEND A HL

- A. Nomination Proposal
A nomination proposal for the proposed Historic Landmark is provided to both the City Historic Preservation Office and the PDSO Director for review and for recommendation to the Tucson-Pima County Historical Commission Plans Review Subcommittee to formally consider 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 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 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 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 PDS Director as formal notification that the nomination proposal will be forwarded to the Mayor and Council to initiate the establishment or amendment of the HL.

C. Initiation

The Mayor and Council make a decision whether to initiate the establishment or amendment of a HL.

1. Public Meeting

The request to initiate the consideration of establishing or amending a HL is 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 for the establishment of, or amendment to, a HL.

3. Expiration of Initiation

The initiation by the Mayor and Council of the establishment of, or amendment to, a HL expires five (5) years from the date the Mayor and Council make the decision to initiate.

D. Additional Requirements for HLs

1. Design Standards

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

E. Change of Zoning

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 a HL.

F. Dissolution of a HL

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

SECTION 8. Article 5, Section 5.8.4 of the UDC is hereby renumbered to Section 5.8.7 as follows:

5.8.7. PERMITTED USES

* * *

SECTION 9. Article 5, Section 5.8.5 of the UDC is hereby renumbered to Section 5.8.8, and amended as follows:

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*.

* * *

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 PDS 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;

* * *

SECTION 10. Article 5, Section 5.8.6 of the UDC is hereby renumbered to Section 5.8.9 as follows:

5.8.9. DESIGN STANDARDS

* * *

SECTION 11. Article 5, Section 5.8.7 of the UDC is hereby renumbered to Section 5.8.10, and amended as follows:

5.8.10. DEMOLITION REVIEW REQUIRED

* * *

- 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.

* * *

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:

* * *

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

* * *

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:

* * *

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

* * *

- 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:

* * *

- (3) Upon finalization of judgment setting forth a remedy as provided in Sections 5.8.10.E.9.a and b, the PDSO 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):

* * *

SECTION 12. Article 5, Section 5.8.8 of the UDC is hereby renumbered to Section 5.8.11 as follows:

5.8.11. MAINTENANCE

* * *

SECTION 13. Article 5, Section 5.8.9 of the UDC is hereby renumbered to Section 5.8.12, and amended as follows:

5.8.12. PENDING HISTORIC PRESERVATION ZONES

* * *

- 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

* * *

- 2. At the time of HPZ adoption, the temporary restraint of demolition and any stays of demolition in effect shall expire. The PDSO 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.

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SECTION 14. The Administrative Manual of the UDC Section 4: Development

Review Fee Schedule is hereby amended as follows:

4-01.7.0 CHANGE OF ZONING FEES

7.1 Change of Zoning – Initial Application

* * *

| | | |
|---|-----------------|------------------------------------|
| SR, RX-1, RX-2, IR, RH, SH | 0 – 30 acres | \$880.00 plus \$110.00 per acre |
| Greater than | 30 acres | \$1,650.00 plus \$82.50 per acre |
| R-1, MH-1, P, O-1 | 0 – 30 acres | \$2,200.00 plus \$192.50 per acre |
| Greater than | 30 acres | \$3,025.00 plus \$165.00 per acre |
| R-2, MH-2, RV, O-2, NC, RVC | 0 – 30 acres | \$2,750.00 plus \$275.00 per acre |
| Greater than | 30 acres | \$4,400.00 plus \$220.00 per acre |
| R-3, O-3, C-1, MU | 0 – 30 acres | \$3,575.00 plus \$330.00 per acre |
| Greater than | 30 acres | \$5,225.00 plus \$275.00 per acre |
| C-2, C-3, OCR-1, OCR-2, PI, I-1, I-2 | 0 – 30 acres | \$4,400.00 plus \$660.00 per acre |
| Greater than | 30 acres | \$7,700.00 plus \$550.00 per acre |
| Planned Area Development Zone (PAD) | | \$22,000.00 plus \$220.00 per acre |
| Historic Landmark (HL) | | \$330.00 |
| Historic Preservation Zone (HPZ) | | \$330.00 plus \$50.00 per acre |

SECTION 15. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 16. This Ordinance shall become effective thirty days from the date of adoption.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, _____.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

CITY ATTORNEY

CITY MANAGER

PG/tl
2/26/14