

**Chapter 17.62**  
**HISTORIC PRESERVATION**

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**17.62.010 Purpose**

In accordance with the General Plan, the Historic Preservation Ordinance and the Casa Grande Historic Preservation Design Guidelines, the City Council may from time to time initiate the process to designate a Historic District, local Landmarks, or initiate de-listing within the municipality. The historic classification changes are for the purpose of meeting the land use needs of the residents of the city in conformance with the City's General Plan.

- A. It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of Landmarks and Historic Districts is necessary to promote the economic, cultural, educational and general welfare of the public.
- B. Inasmuch as the identity of a people is founded on its past, and inasmuch as Casa Grande has many significant historic, architectural and cultural resources that constitute its heritage, this act is intended to:
  1. Protect and enhance the Landmarks and Historic Districts that represent distinctive elements of the City's historic, architectural and cultural heritage;
  2. Foster civic pride in accomplishments of the past;
  3. Protect and enhance the City's attractiveness to visitors and the support and stimulus to the economy thereby provided; and

4. Ensure the harmonious, orderly and efficient growth and development of the City.

#### **17.62.020 Applicability**

This section applies to properties located within an area designated as a Historic District and properties designated as individual local Landmarks. The enforcement of, amendments to, and the administration of this chapter shall be accomplished in accordance with the recommendations contained in the City's General Plan and the Casa Grande Historic Preservation Design Guidelines.

#### **17.62.030 Historic Preservation Commission**

There is hereby established a Historic Preservation Commission with duties and responsibilities as set forth in 17.08.140 and 17.08.150.

#### **17.62.040 Definitions**

The following definitions shall apply specifically and exclusively to this chapter.

“Adaptive reuse” means the re-purposing of historic buildings to new economically viable uses.

“Alteration” means any construction or change of the exterior of a building, object, site or structure designated as a Landmark, or located within an Historic District. For buildings, objects or structures, “alteration” shall include, but is not limited to, the changing of roofing or siding materials; changing, eliminating or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, swings or other ornamentation, and the changing of paint color. “Alteration” shall not include ordinary maintenance and repair as defined below.

“Building” means a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. “Building” may refer to a historically-related complex, such as a courthouse and jail or a house and barn.

“Cemetery” means any site that contains at least one burial, marked or previously marked, considered a dedicated cemetery under Arizona State Statutes, even though suffering neglect or abuse.

“Construction” means the act of adding an addition to a structure or the erection of a new principal or accessory structure on a lot or property.

“Contributing” means a classification applied to a building, site, structure or object signifying the individual contribution the resource brings to the community in representation of the qualities that give the community cultural, historic, architectural or archeological distinction. A “contributing” classification can be applied to either a Landmark or to those properties within a Historic District that are of individual importance.

“De-listing” means removing a Landmark status from a building, site, structure or object, removing properties from inclusion within the boundaries of an Historic District.

“Demolition” means any act or process that partially or totally destroys a Landmark or a structure within a Historic District.

“Design guideline” means a specific type of design criteria approved by the Historic Preservation Commission at the time of designation of a Landmark, Historic District, historic

landscape district or urban conservation district, and to be used in conjunction with other design criteria in the chapter in reviewing alteration, construction, removal or demolition.

“Director” means the Planning and Development Director of the Casa Grande Planning Department or their designee.

“Exterior architectural appearance” means the architectural character and general composition of the exterior of a structure, including, but not limited to, the kind, color and texture of the building material and the type, design and character of all architectural details and elements, including, but not limited to, windows, doors, walls, roofs, overhangs, signs and yards and/or open spaces.

“Historic District” means an area with definable boundaries designated as a “Historic District” by the City Council, and in which a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity.

“HPC” means Historic Preservation Commission appointed by the Mayor and City Council to provide recommendations and other actions on historic preservation matters.

“Landmark” means a property, site, sign, structure or object that is individually designated by the City Council to be worthy of rehabilitation, restoration and preservation because of its cultural, historic, architectural or archeological exceptional significance to the City.

“New Floor Area” refers to any change in use to an existing eligible building proposed for adaptive reuse, located within the confines of the existing interior portion of the exterior walls and roof.

“Non-contributing” means a designation applied to a site, structure or object within a Historic District, indicating that it is not a representation of the qualities that give the Historic District cultural, historic, architectural or archeological significance as embodied in the criteria for designating a Historic District.

“Ordinary maintenance and repair” means regular, customary or usual care, reconstruction or renewal of any part of an existing building, structure or object, for the purposes of preserving the property and maintaining it in safe and sanitary condition.

“Owner” means the property owner of record or their designated representative.

“Property” means land and improvements identified as a separate lot for purposes of City subdivision and zoning regulations.

“Repair” means any change that is not alteration, construction, removal or demolition.

“Structure” means anything constructed or erected, the use of which requires a permanent or semi-permanent location on or in the ground, including, without limitation, buildings, garages, fences, gazebos, advertising signs, billboards, antennas, satellite sending or receiving dishes, and swimming pools.

#### **17.62.050 Recommendation on Designation of Landmarks or Historic Districts by the Historic Preservation Commission**

- A. The HPC may recommend to City Council that an individual property, site, sign, structure or object be designated as a Landmark if it:
  1. Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or

2. Is identified with historic personages; or
  3. Embodies the distinguishing characteristics of an architectural style; or
  4. Is the work of a designer whose work has significantly influenced an age; or
  5. Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of a neighborhood.
  6. The owner of the property, site, sign, structure or object concurs with the designation.
- B. The HPC may recommend to the City Council that a group of properties be designated as an Historic District if it:
1. Contains several properties that meet one or more of the criteria for designation of a Landmark; and
  2. By reason of possessing such qualities, it constitutes a district section of the City; and
  3. The owners of more than 50 percent of the properties within the boundary of the proposed Historic District concur with the designation.

#### **17.62.060 Historic Designation Procedures**

- A. The HPC shall hold a public hearing prior to modification of a Landmark or Historic District designation.
1. Notice.
    - a. The HPC shall mail a notice of any proposed modification to a Landmark or Historic District designation to the owner(s) of the proposed Landmark, or owners of real property within the applicable Historic District, as well as all property owners within 300 feet of said Landmark or district boundary. Said notice shall describe the proposed designation and the date, time and location of the public hearing to be held by the HPC.
    - b. Notice shall be published at least once in a newspaper of general circulation at least 15 days prior to the date of public hearing.
  2. The HPC shall hold a public hearing on the application, at which time an opportunity will be provided for proponents of the application to present their views. The testimony or documentary evidence at the hearing will become part of a record regarding the historic, architectural or cultural importance of the proposed Landmark or Historic District. The public hearing record may also contain staff reports, public comments or other evidence offered outside of the hearing.
- B. The HPC shall recommend to City Council that the application be approved, approved with conditions, postpone, or recommend denial of the application. Any postponement shall be limited to a maximum of 60 days.
- C. All decisions of the HPC shall be in writing and specify how the criteria complies or does not comply with the applicable review criteria.
- D. A copy of the decision shall be communicated in writing to the applicant.

#### **17.62.070 Public Hearing and Decision on Landmarks or Historic Designation by the City Council**

- A. The City Council shall, after receipt of the report and recommendation of the HPC, consider the proposed changes to the Landmark or Historic District designation.
- B. Notice of the time and place of the hearing shall be given in the time and manner as specified in Section 17.62.060.A. of this chapter. During any public hearing on the matter, the City Council shall consider oral or written statements from the applicant, city staff, the public and its own members.
- C. The City Council may approve, approved with conditions, postpone, or recommend denial of the application. Any postponement shall be limited to a maximum of 60 days.
- D. If approved, the City Council shall adopt an ordinance which results in the revision of the Historic District or Landmark map, and said Ordinance shall be recorded with Pinal County Recorder's Office.
- E. Signs designated as landmarks shall not be considered in determining a site's allocation of permitted attached or detached signs.

#### **17.62.080 De-listing of Landmarks or Elimination of Historic District Designation**

- A. Initiation process
  - 1. De-listing of a Landmark.  
The HPC, the City Council or the Property Owner may initiate the de-listing process for an individual Landmark property when the property has ceased to meet the criteria for a "Landmark".
  - 2. Elimination of a District.  
The HPC or the City Council may initiate elimination of an existing Historic District. Property owners of more than 50 percent of the area of an existing Historic District may initiate the elimination of a Historic District with the submittal of a petition.
- B. Application  
An application shall be filed with the Director for the de-listing or district elimination which will be forwarded to the HPC for consideration.
- C. Review Criteria  
The HPC shall hold a public hearing on all properly filed de-listing or district elimination applications and make a recommendation in accordance with one or more of the following review criteria:
  - 1. District elimination: The district has lost its special characteristics or historic features so that it no longer contributes to the historic character of the community;
  - 2. Landmark de-listing:
    - a. The Landmark has lost its special characteristics or historic features to the extent that it no longer contributes to the historic character of the community.
    - b. The building, structure, object, or site has been substantially damaged or destroyed by a catastrophic event such that it no longer meets the criteria for being designated as a local Landmark or placement on the state or national historic register.
- D. HPC Public Hearing and Notification Requirements  
The public hearing shall be in accordance with 17.62.060.
- E. City Council Consideration

City Council shall hold a public hearing and make a decision on all requests to eliminate a Historic District, or the de-listing of a Landmark in accordance with the procedures set forth in 17.62.070.

#### **17.62.090 Modification of Contributing/Non-contributing Property or Landmark Designation**

Upon complete destruction or demolition of a Contributing Property it shall be automatically reclassified as a Non-contributing Property and its designation shall be automatically removed.

#### **17.62.100 Certificate of No Effect or Certificate of Appropriateness Required**

No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, or moving of a Landmark, or property within a Historic District, nor shall any person make any material change in the appearance of such a property including windows, doors, security doors, roofs, light fixtures, signs, sidewalks, fences, steps, paving, landscaping or other exterior elements visible from a public street or alley that affect the appearance and cohesiveness of the historic Landmark or Historic District, without first obtaining a Certificate of No Effect from the Department or a Certificate of Appropriateness from the HPC.

#### **17.62.110 Certificate of No Effect Application Procedure**

- A. Prior to the commencement of any work requiring a Certificate of No Effect, the owner shall file an application for such a certificate with the Director.
- B. No permit shall be issued for such proposed work until a Certificate of No Effect has first been issued by the Department. The Certificate of No Effect required by this act shall be in addition to, and not in lieu of, any permit that may be required by any other City ordinance.
- C. The Director shall approve, approve with modifications, request additional information, or deny the Certificate of No Effect within 30 days after submission of a complete application.
  1. A copy of any decision shall be communicated in writing to the applicant.
  2. If the decision is to request additional information, modify or deny the application, a written explanation setting for the basis of said decision shall be communicated in writing to the applicant.
  3. If a Certificate of No Effect is denied the applicant may apply for a Certificate of Appropriateness.

#### **17.62.120 Criteria for Approval of a Certificate of No Effect**

The Director shall issue a Certificate of No Effect if:

- A. The property has been designated within the historic survey as “non-contributing” to the Historic District and the proposed work is determined to be compatible with the historic character of the surrounding district.
- B. For “contributing” properties or Landmarks, it is determined the proposed work is minor and it is determined to be compatible with its historic character. Any proposed work to

- existing “contributing” properties within a Historic District shall be compatible with its historic character as well as with the historic character of the surrounding district; and
- C. In any case the proposed work will not diminish, eliminate or adversely affect the historic character of the Landmark, subject property or district.
  - D. Prior unapproved exterior alterations shall not be used as a basis for Certificate of No Effect approval.

#### **17.62.130 Certificate of Appropriateness Application Procedure**

- A. Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner shall file an application for such a certificate with the HPC. Certificate of Appropriateness applications for demolition of unsafe structures as defined by ARS 9-499.A, may be initiated by the Director or property owner. Notices of proposed Certificate of Appropriateness applications shall be mailed to surrounding property owners informing them of the opportunity to review and comment on the application.
- B. No permit shall be issued for such proposed work until a Certificate of Appropriateness has first been issued by the HPC. The Certificate of Appropriateness shall be in addition to, and not in lieu of, any permit that may be required by any other City ordinance.
- C. The HPC shall notice and hold a public hearing on the application in accordance with the procedures set forth in 17.62.060.A.
- D. The HPC shall approve, approve with conditions, postpone, request additional information, or deny the Certification of Appropriateness. Any postponement shall be limited to a maximum of 60 days.
- E. All decisions of the HPC shall be communicated to the applicant in writing and specify whether the application was found to be in compliance with the relevant Certificate of Appropriateness review criteria. All decisions shall be communicated in writing to the City Council.

#### **17.62.140 Criteria for Approval of a Certificate of Appropriateness**

- A. In their review of a Certificate of Appropriateness application, the HPC decision shall be based upon the following principles of compatibility:
  - 1. Properties that contribute to the character of the Historic District shall be retained, with their historic features altered as little as possible.
  - 2. New exterior construction shall be compatible with the district in which it is located.
  - 3. Any exterior alteration of existing historic Landmark properties shall be compatible with their historic character.
- B. In applying the principles of compatibility, the HPC shall consider the following factors:
  - 1. The general design, character and appropriateness of the proposed alteration or new construction;
  - 2. The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood;
  - 3. Texture, materials and color, and their relation to similar features of other properties in the neighborhood;

4. Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings with the facade, roof shape, and the rhythm of spacing of properties on streets, including setback;
  5. The importance of historic, architectural or other features to the significance of the property.
  6. Compliance with the Historic Preservation Design Guidelines and/or the current edition of the Secretary of the Interior's Standards for Rehabilitation.
- C. In considering an application for a Certificate of Appropriateness, the HPC shall consider the following criteria and economic conditions:
1. For applications involving alterations to the exterior of the building, signs or landscaping the following shall apply:
    - a. The cost of the required modifications to the materials, product or design proposed by the applicant. Said cost shall include materials, labor, maintenance, water and energy.
    - b. Historic Landmark Signs located on the premises does not count toward the maximum total sign area.**
  2. For applications involving the demolition of a structure the following shall apply:
    - a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
    - b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which could result in a reasonable return; and
    - c. Efforts have been made to find a purchaser interested in preserving the property.
    - d. The applicant shall consult in good faith with the HPC, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
- D. Prior unapproved exterior alterations shall not be used as a basis for Certificate of Appropriateness approval.
- E. In reviewing an application for a Certificate of Appropriateness, the HPC shall not consider changes to interior spaces, but shall encourage property owner(s) to maintain any interior features that may have historical interest.

#### **17.62.150 Appeal Procedure**

- A. The applicant may appeal a decision by the HPC to the City Council.
- B. Said appeal application shall be filed within 30 days after the HPC decision.
- C. No building permit or demolition permit shall be issued unless the City Council has made a final decision to approve the appeal.
- D. The City Council shall hold a public hearing on the appeal application within 30 days of filing an appeal application that has been determined to be administratively complete. The notice and procedures for said hearing shall be in accordance with the provisions of 17.60.060.A.
  1. The City Council's decision shall state the reasons for granting or denying the application.

2. A copy of any decision shall be communicated in writing sent to the applicant.
3. If the applicant is dissatisfied with any decision of the City Council, the applicant may file an appeal to Superior Court within 30 days of the City Council's decision.

#### **17.62.160 Maintenance and Repair Required**

- A. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a Landmark or property within a Historic District, which does not involve a change in design, material, color or outward appearance.
- B. No owner or person with an interest in real property designated as a Landmark or included within a Historic District shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature that would, in the judgment of the HPC, produce a detrimental effect upon the character of the Historic District as a whole, or the life and character of the property itself.

Examples of such deterioration include:

1. Deterioration of exterior walls or other vertical supports;
2. Deterioration of roofs or other horizontal members;
3. Deterioration of exterior chimneys;
4. Deterioration or crumbling of exterior stucco or mortar;
5. Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors;
6. Deterioration of any feature so as to create a hazardous condition that could lead to the claim that demolition is necessary for the public safety.

#### **17.62.170 Adaptive Reuse**

##### A. Purpose

The purpose of adaptive reuse is to provide flexibility in the development standards applicable to expansion proposals for Landmarks, or commercially zoned properties located within a Historic District. This process is intended to provide incentives that allow a Landmark to be modified so that it can remain as an economically viable use while preserving its historical integrity.

##### B. Adaptive reuse proposals shall either be considered a Minor or Major Adaptive Reuse, as determined by the following:

###### 1. Minor Adaptive Reuse

Adaptive reuse of the Landmark shall be a Minor if the adaptive reuse proposal increases the Landmark square footage, or height, by no more than 25% of the square footage of the structure existing as of the effective date of this ordinance.

###### 2. Major Adaptive Reuse

Any adaptive reuse proposal which does not qualify as a Minor Adaptive Reuse shall be processed as a Major Adaptive Reuse.

##### C. Development Standards

###### 1. Minor Adaptive Reuse

- a. Setbacks and height

- i. Structural additions shall be allowed encroach into the minimum setbacks and exceed the maximum height of the zone district in which they are located without the need for a variance as long as said additions do not encroach into the required setbacks nor exceed the maximum building height more than the existing structure.
    - ii. Structural additions proposed to be located closer to the property boundaries than the existing structure and/or have a height exceeding the height of the existing structure may encroach into the minimum setbacks and exceed the maximum building height subject to approval of Administrative Allowance in accordance with 17.62.170.C.3.
  - b. Parking
    - i. New parking spaces shall not be required, provided that all existing on-site spaces are maintained and not reduced.
    - ii. The location and construction of new parking areas must be designed and located in accordance with the requirements of the Zoning Ordinance except that both tandem parking spaces and those that back directly out into the street may be approved if found to be safe and appropriate by the Director.
  - c. Access and Driveways

Existing access and driveways shall be permitted to remain, provided that the proposed development site is not located within a City capital improvement project or Arizona Department of Transportation (ADOT) proposed project area that may require altering the location of the existing access or drive.
  - d. Open Space and Landscaping

The amount of open space and landscaping required may be reduced or an alternative compliance approach, which may be approved when it is determined that all reasonable attempts to fulfill the requirements have been exhausted and the development is not able to accommodate the landscape/open space requirements due to the urban infill or historic characteristic of the development site.
  - e. Non-conforming Uses or Structures

Minor Adaptive Reuse buildings or structures which are classified as legal non-conforming uses may be continued, expanded, modified or relocated in accordance with 17.62.170.C.1.
- 2. Major Adaptive Reuse
  - a. Setbacks and height
    - i. May be granted up to 20 percent reduction in minimum required setbacks subject to approval of Administrative Allowance in accordance with 17.62.170.C.3.
    - ii. May be granted up to 10 percent increase in maximum building height subject to approval of Administrative Allowance in accordance with 17.62.170.C.3.

- b. Parking  
Parking requirements may be reduced by up to 20 percent by the Director subject to approval of Administrative Allowance in accordance with 17.62.170.C.3.
- c. Open Space and Landscaping  
Open space and landscaping requirements may be reduced, or modified, in accordance with 17.62.170.C.1.d.

3. Administrative Allowance Procedures

Relief from specific setback and parking requirements as well as limited height increases may be granted by the Historic Preservation Commission in conjunction with the review of a Certificate of Appropriateness upon finding the following criteria are met:

- a. Relief from the requirements is necessary to make the adaptive reuse project economically viable.
- b. Said modification is necessary and appropriate to achieve compatibility with the surrounding development.
- c. The proposed relief will allow the new construction to complement the historical character of the development.
- d. Said allowance will not result in adverse impact to surrounding properties.

D. Construction Standards

All structures proposed for adaptive reuse require a Building Permit and comply with the city's current adopted building codes.

E. Minor Site Plan Required

All applications for adaptive reuse, except for single-family uses, shall be accompanied by a Minor Site Plan. Said Minor Site Plan shall be considered by the Historic Preservation Commission concurrent with the Certificate of Appropriateness application.

**17.62.180 Effective Date**

The provisions of this chapter shall be effective on \_\_\_\_\_, 2017.

**17.62.190 Penalty**

- A. Any person found guilty of violating any provision of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with Section 1.08.010 of this code.
- B. Any person who demolishes, alters, constructs or permits a designated property to fall into a serious state of disrepair in violation of this chapter shall be required to restore the property and its site to its appearance prior to the violation.
  - 1. Any action to enforce this subsection shall be brought by the City Attorney.
  - 2. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.