

SECTION 310. HISTORIC PRESERVATION ORDINANCE

A. PURPOSE.

1. This Section is adopted to provide property owners with the opportunity to preserve, protect, enhance, rehabilitate, and perpetuate the City of Cottonwood's historic properties, structures, sites, landmarks, districts, and other cultural resources as necessary to promote the economic, cultural, educational, and aesthetic values of the community, alongside the health, safety, and general welfare of the public. Additionally, the Historic Preservation Ordinance has the following purposes:
 - a. Protect and enhance the landmarks and historic districts that represent distinctive elements of Cottonwood's historic, architectural, economic, social, and cultural heritage.
 - b. Protect and enhance Cottonwood's attractiveness to visitors, tourists, and residents and serve as an important support and stimulus to business and industry.
 - c. Stabilize and/or improve property values and protect existing investments in the restoration and preservation of cultural resources.
 - d. Encourage the maintenance and preservation of structures to protect the health, safety, and lives of people in Cottonwood.
 - e. Promote the use of historic districts and landmarks for the education, pleasure, and welfare of Cottonwood residents.
 - f. Further the Goals and Policies of the City's General Plan.

B. INCENTIVES.

1. The city's intention is to make ownership of a landmark or contributing property within a historic district as beneficial as possible. In addition to the intangible benefits of owning a property recognized as an important cultural resource, the Historic Preservation Commission may, when applicable and possible, provide such owners with one or more of the following:
 - a. Recommendation to the Community Development Department, Planning and Zoning Commission, and/or City Council that a new use other than the historic use be considered for a historic property where the applicants are able to demonstrate that the proposed use will assist in furthering the goals of historic preservation for that property and the surrounding district.
 - b. Provide information regarding potential sources of financial assistance and tax credits.

- c. Provide support and endorsement for grant applications that further the goals of historic preservation.
- d. Provide or direct applicants to available resources and technical information regarding the construction, rehabilitation, and repair of cultural resources.
- e. Provide information to community organizations, property owners, residents, businesses, and others regarding proposed activities within historic districts; and
- f. Provide information regarding any other benefits that may become available.

C. COTTONWOOD HISTORIC PROPERTY REGISTER.

1. A Cottonwood Historic Property Register is hereby established for the purpose of listing and defining historic districts and landmarks to be designated under the provisions of this Section. The Community Development Department shall maintain the register and make it available for public reference and historical study.

D. GENERAL.

1. Except as otherwise modified by this Section, zoning actions under this Section must comply with Section 301, "Amendments or Zone Changes." In cases where historic preservation regulations conflict with other zoning regulations, the regulations in this Section will take precedence regarding design review criteria and approval processes.
2. Unless specifically modified in this Section, notice of all public hearings required under this Section must be provided as outlined in Section 301 for zoning changes. Additionally, notice of the public hearing and information on the proposed action must be:
 - a. Sent by first-class mail or directly delivered to the record owners of properties affected by the proposed action;
 - b. Posted in at least three conspicuous places within or near the subject property; and
 - c. Published in a newspaper of general circulation at least 15 calendar days before the hearing.
3. Applications required under this Section must be submitted by the owner of the affected property or their agent and will not be processed unless complete.
4. The inclusion of a specific regulation or reference to any City codes in this Section does not imply the exclusion of any other applicable law, nor does the exclusion imply the absence of such regulations.

E. PROCEDURE FOR DESIGNATING A HISTORIC LANDMARK.

1. Purpose. Designating an individual property, structure, site, object, or any group thereof as a landmark formally recognizes its historic value or distinctive character and the need to preserve it.
2. Applicability. The Historic Preservation Commission can only designate a landmark after the owner of the affected property has applied for the designation and a public hearing has been held to consider the application. Property owner consent is required for landmark designation.
3. Application Submittal and Review. An application for landmark designation is required.
 - a. Pre-Application Meeting. Prior to applying for a landmark designation, the applicant should consult with the Community Development Department to discuss the application submittal requirements and process.
 - b. Application Submittal. An application for landmark designation must include the following:
 - 1) A letter of intent with a description of the proposed landmark describing the property, structure, site, or object and the known or estimated age of all such features. If available, include information on any special aesthetic, cultural, architectural, archaeological, or engineering issues of a historic nature, including information about the architecture, notable construction features, and other information indicating the historical significance of the property.
 - 2) Photographs, sketches, drawings, or other similar materials depicting historic or current conditions.
 - 3) A written statement of the condition of the property and/or structures with attention to any known concerns or threats to the maintenance or historic integrity of the cultural resource.
 - 4) Filing fee as set by City Council resolution.
 - 5) Other information as may be requested by the City to accomplish these goals.
 - c. Application Acceptance and Public Hearing Schedule.
 - 1) Once the Community Development Department has received a complete application for landmark designation, no building or demolition activity may occur, and no permits affecting the proposed landmark will be issued by the city until the landmark designation process as described herein has been completed and the Historic Preservation Commission has made its decision.
 - 2) Staff will review the application and prepare a report for the Historic Preservation Commission to consider at a scheduled public hearing, which must occur (a) before a landmark designation can be made and (b) within 60 days of the Community

Development Department receiving the completed application. A copy of the report will be made available to the public and the applicant prior to the hearing.

4. Landmark Designation Criteria. The Historic Preservation Commission shall evaluate each proposed landmark included in the application and determine its historical significance based on the following criteria:
 - a. Integrity. The property possesses integrity of appearance, location, design, setting, materials, workmanship, feeling, or association.
 - b. Age. The property is at least 50 years old or, if it is of exceptional importance, it has achieved significance within the past 50 years.
 - c. Significance. The property:
 - 1) Is associated with events or activities that made significant contributions to the broad patterns of local, regional, or national history, or with the lives of historically significant persons;
 - 2) Embodies distinctive characteristics of a type, period, or method of construction;
 - 3) Represents significant architectural history, landscape history, or engineering achievements, or a significant and distinguishable entity whose components may lack individual distinctiveness;
 - 4) Possesses high artistic values;
 - 5) Represents a significant and distinguishable entity whose components may lack individual distinctiveness; or
 - 6) Has yielded or is likely to yield information important to understanding the prehistory or history of our community, or that is needed for scientific research, such as important archaeological resources.
5. Decision. The Historic Preservation Commission shall review the proposal and approve, conditionally approve, or deny a landmark application based on its findings as they relate to the criteria described in this Section.
6. Effect of Landmark Designation.
 - a. Once the landmark designation is approved, the affected property will be added to the Cottonwood Historic Property Register and will appear in any other relevant documents for its preservation.
 - b. No person shall carry out any exterior alteration, restoration, renovation, reconstruction, new construction, demolition, or removal, in whole or in part,

including changes to color, materials, light fixtures, signs, fences, steps, or other elements that affect the property's appearance without first obtaining a Certificate of Appropriateness from the Historic Preservation Commission.

F. PROCEDURE FOR ESTABLISHING A HISTORIC PRESERVATION DISTRICT.

1. General Regulations.

- a. The Historic Preservation District is an overlay zoning applied over one or more previously established zoning districts. It includes historic preservation regulations that modify those of the underlying zoning district. It does not change, alter, expand, diminish, or otherwise affect any uses permitted in the underlying zoning district.
- b. Establishing a Historic Preservation District requires rezoning approval in accordance with Section 301, as modified by this Section. The Historic Preservation Commission, Planning and Zoning Commission, City Council, Community Development Director, or the owner of the affected property may initiate the overlay zoning. All other rezone procedures apply.
- c. The overlay zoning may be applied to any zoning district deemed appropriate by the City Council.
- d. The boundary of a proposed Historic Preservation District can only be applied to an individual property or a collection of properties where the individual property or a majority of the properties in the collection possess historical or other cultural significance or integrity and are suitable for preservation based on the criteria outlined in this Section.
- e. The Historic Preservation Commission shall administer the regulations for Historic Preservation Districts.

2. Application. An application for Historic Preservation District overlay zoning is required.

- a. **Schedule of Public Hearings.** The Historic Preservation Commission, the Planning and Zoning Commission, and the City Council shall hold public hearings on the request for Historic Preservation District overlay zoning. A tentative schedule of all meetings shall be included with the initial public notification.
- b. **Code Review:** All applications for the overlay zoning shall be reviewed by the Code Review Board.
- c. **Preliminary Staff Meeting.** At the request of a property owner, a preliminary informal consultation with the Community Development Director or designee may be scheduled to review the required zoning procedures and application submittal requirements.

- d. Application Submittal Requirements: In addition to the submittal requirements set forth in Section 301, all applications for Historic Preservation District overlay zoning shall include the following:
 - 1) A vicinity ownership map showing all parcels adjacent to and surrounding the proposed designated property or district within a radius of at least 300 feet from the boundaries of the proposed district;
 - 2) A list of all properties within the proposed district and within 300 feet of it, identified by parcel number, address, and the property owner's current mailing address;
 - 3) A written description of the proposed Historic Preservation District. The description must include the boundaries of the proposed district; known or approximate construction dates of buildings and structures in the area; special aesthetic features; and cultural, architectural, archaeological, or engineering interest or value of a historic nature, including information about the architecture, notable construction features, and other details indicating historical significance;
 - 4) A description of the prospective contributing properties and how they each meet one or more of the criteria for Historic Districts as described by the National Park Service for listing on the National Register of Historic Places; or locations, dates of construction, and a statement of the general condition of each structure;
 - 5) Current photographs of each building or structure and any significant defining elements. Provide photographs in electronic format as per national standards for documentation; and
 - 6) An explanation of any known threats or concerns to the historic integrity of any property or structures included.
3. Notice of Public Hearing. Notice must be provided as set forth in Section 301(D) above.
4. Historic Preservation District Criteria. The Historic Preservation Commission must evaluate each structure, site, building, or property within the area included in the application for Historic Preservation District overlay zoning and determine whether it possesses historical or other cultural significance or integrity and is suitable for preservation based on the following criteria:
 - a. The proposed Historic Preservation District includes a substantial concentration of structures, sites, buildings, or properties that, individually or collectively, meet the criteria outlined in this Section, generally contribute to the distinctive character of the area, and are united historically or visually in a coherent manner.
 - b. The structures, sites, buildings, or properties, individually or as a group:

- 1) Are at least 50 years old or have achieved significance within the past 50 years if they are of exceptional importance.
 - 2) Possess integrity of location, design, setting, materials, workmanship, feeling, or association.
 - 3) Are associated with events that have made significant contributions to the broad patterns of our history.
 - 4) Are associated with the lives of historically significant persons.
 - 5) Embody distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values; or represent a significant and distinguishable entity whose components may lack individual distinctiveness.
 - 6) Have yielded or are likely to yield information important to understanding the prehistory or history of our community.
- c. The boundaries of the proposed Historic Preservation District coincide with documented historic boundaries, such as property lines, roads, subdivision plats, and other logically recognized neighborhood or area boundaries.
 - d. Any noncontributing properties or vacant parcels are included only where necessary to create appropriate boundaries.
5. Adoption of Historic Preservation District.
- a. Action by the Historic Preservation Commission: Upon completing its public hearing on the Historic Preservation District zoning application, the Historic Preservation Commission shall transmit its recommendation to the Planning and Zoning Commission. The recommendation from the Historic Preservation Commission shall include the following:
 - 1) A map showing the proposed district's boundaries and identifying all structures within its boundaries, including classifications as contributing or noncontributing;
 - 2) An explanation of the significance of the proposed district and description of the cultural resources within the proposed boundaries;
 - 3) Proposed design guidelines or a preliminary summary of design review issues specific to the area that apply to the criteria for reviewing a Certificate of Appropriateness, including a review of architectural styles, a description of the major periods of influence on development within the district, and discussion regarding the effect of context in the decision-making process;

- 4) The recommendations of the Historic Preservation Commission may include additional conditions or modifications to boundaries as deemed necessary to promote the district's purpose; and
 - 5) Findings of fact shall be included in all such recommendations of the Historic Preservation Commission.
- b. Action by the Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public hearing to consider the proposed Historic Preservation District subject to all standard requirements for a change of zoning with consideration of the Historic Preservation Commission's recommendations. Following the conclusion of its public hearing, the Planning and Zoning Commission shall transmit its recommendation to the City Council.
 - c. Action by the City Council. The City Council shall hold a public hearing on the proposed Historic Preservation District. The Council may adopt, by ordinance, the Historic Preservation District as recommended or in a modified form, stipulating those conditions it deems necessary to carry out the purpose of the district and this ordinance.
 - 1) Establishing a Historic Preservation District is intended to be voluntary and acceptable to affected property owners. The City shall not include any property in a proposed Historic Preservation District if the owner has objected to the inclusion in writing or at a public hearing. The City may choose to remove any property from a proposed district if the owner has not responded to a request for comments on the proposal.
 - d. Approval. The ordinance approving a Historic Preservation District may include specific and unique standards for that district, including references to design guidelines or other documents developed to meet the district's needs.
6. Revisions. Based on any conditions recommended by the Historic Preservation Commission or Planning and Zoning Commission, the applicant may provide minor revisions to their application submittal prior to the City Council hearing. All such revisions shall be documented in writing, accompanied by a description of the changes made. Major revisions to the plans will require resubmission to the Historic Preservation Commission for review.
 7. Effect of Historic Preservation District Overlay Zoning.
 - a. Once the Historic Preservation District overlay zoning is approved by the City Council, affected properties will be added to the Cottonwood Historic Property Register and will be included in any other relevant documents for their preservation; the city's zoning map will be updated to reflect the new district boundaries; and the city's parcel information database will be updated to include those properties identified within the district.

- b. No person shall carry out any exterior alteration, restoration, renovation, reconstruction, new construction, demolition, or removal, in whole or in part, including changes to color, materials, light fixtures, signs, fences, steps, or other elements that affect the property's appearance without first obtaining a Certificate of Appropriateness from the Historic Preservation Commission.

G. REMOVAL.

1. The owner of a property with a Historic Landmark designation or Historic Preservation District zoning overlay may request removal of the designation or overlay. The process is available for three years from the effective date of the overlay zoning or designation.
 - a. Preliminary Consultation. Before submitting a request for removal, the applicant should consult with the Community Development Director or their designee to discuss the application submission requirements and process.
 - b. Application Submittal Requirements. The property owner must submit a completed application on a form prescribed by the Community Development Department and signed by the owner, along with a letter of intent, the property's address, parcel number, and other location information necessary to describe it, and any additional information or documentation the Community Development Department requires to determine removal is appropriate.
 - c. Removal.
 - 1) Once staff have verified that the application is complete, the Community Development Director or their designee can administratively approve the removal of a landmark designation and initiate the removal process.
 - 2) Removing the Historic Preservation District overlay zoning must be done in the same manner as adding the overlay zoning. Once staff have verified that the application is complete, the Community Development Director or their designee will initiate the rezoning process.

H. CERTIFICATE OF APPROPRIATENESS.

1. Applicability. No landmark or property listed on the Cottonwood Historic Property Register or subject to an application for landmark designation or Historic Preservation District overlay zoning may be erected, demolished, moved, restored, or altered in exterior appearance, nor enlarged or extended contrary to the district or landmark, nor any building permits issued for exterior work, until plans for such activities have been submitted to and approved by the Historic Preservation Commission or permitted administratively, if applicable, and the City has issued a Certificate of Appropriateness for such work. This requirement is in addition to any other permits or approvals required by law.

2. Determination of Impact. Impacts on cultural resources are major when they directly or indirectly alter or destroy any of the characteristics that make the resource significant, including when they may diminish the integrity of the resource, such as its location, design, setting, materials, workmanship, feeling, or association. An impact is generally not major if it does not alter the cultural resources, it is reversible, or it is temporary.

- a. Major impacts include:

- 1) Physical destruction or damage to all or part of the cultural resource;
- 2) Alteration to all or part of the cultural resource that is not consistent with applicable standards and guidelines;
- 3) Relocation or isolation of the cultural resource from its setting;
- 4) Excessive replacement of original materials;
- 5) Alteration of the character of the cultural resource's setting;
- 6) Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting; or
- 7) Neglect of a cultural resource resulting in its deterioration or destruction.

- b. Exceptions for Minor Impacts.

- 1) A Certificate of Appropriateness may be issued administratively by the Community Development Director or their designee if the City determines that the proposed activity constitutes a minor impact and does not alter the essential appearance and character of the cultural resource.
- 2) Activities that may be approved administratively may include but are not limited to, the following: repair or replacement of architectural features with essentially the same materials and design; repair or replacement of signs within existing sign panels or frames; repainting with essentially the same design scheme and colors; or other minor impacts that are in conformance with approved Design Guidelines.
- 3) For projects that qualify for administrative approval, all other application requirements and review criteria remain in effect.

- c. Maintenance. Historic landmarks and contributing properties within a Historic Preservation District must be maintained in good condition and faithful to their historic character. Ordinary maintenance or repair of any structure that does not alter or modify the historic character of the structure will not require a Certificate of Appropriateness. The Historic Preservation Commission shall not consider the interior arrangements or

alterations to the interior of a building unless its landmark designation or status as a contributing property is based on its interior or a portion thereof.

- d. Demolition. There may be circumstances beyond the property owner's control that necessitate the demolition of a landmark or contributing property, such as when a building constitutes an unrepairable public nuisance, when a cultural resource's loss does not adversely affect, or may even benefit, the integrity of the Historic Preservation District, or when preservation imposes an economic hardship on the owner. In such circumstances, compliance with this subsection is required. This subsection does not apply to permits issued for interior remodeling or other activities not governed by this Section. The applicant bears the burden of proof for all findings required for approval of the Certificate of Appropriateness.
- 1) Demolition Delay. If preservation is deemed feasible by the City, the Historic Preservation Commission shall delay the issuance of the Certificate of Appropriateness for up to 90 days to consider alternatives to demolition.
 - a) The applicant, at their own expense, may submit an independent third-party review of the structural integrity of the building or structure concerning necessary improvements to determine whether preservation is feasible. Such an independent review shall be conducted by a professional architect or engineer registered in the State of Arizona or another professional with demonstrated expertise in historic preservation and rehabilitation.
 - b) During the delay, the applicant shall consult in good faith with the Historic Preservation Commission, City staff, the State Historic Preservation Office, local and state preservation groups, and interested parties in a diligent effort to seek an alternative that will result in the preservation of the property or its sale for that purpose. The applicant will have 90 days to advertise the sale of the property at a fair market value or to receive appraisals, cost estimates, and proposals for its restoration.
 - c) If a preservation plan is presented to the Historic Preservation Commission during the delay by any interested party, including a member of the public, indicating a feasible and reasonable approach to saving a threatened cultural resource, the Commission shall consider the plan's merits and feasibility. The Historic Preservation Commission may provide copies of such plans to property owners, allowing them to consider alternatives to demolition.
 - d) In making its decision, the Historic Preservation Commission shall consider testimony and the impact on the surrounding neighborhood and may discuss preservation options with the property owner.
 - e) If no purchaser has been found during the delay and no reasonable alternative plan is demonstrated, then the Historic Preservation Commission shall issue the Certificate of Appropriateness for the proposed demolition.

3. Application Submittal and Review Procedure. An application for a Certificate of Appropriateness is required.
 - a. Pre-Application Meeting. Before applying for a Certificate of Appropriateness, applicants are required to meet with Community Development staff to review the application submission requirements.
 - b. Application Submittal Requirements. Applications must include the following:
 - 1) Completed application forms.
 - 2) Filing fees as adopted by City Council resolution.
 - 3) A project narrative describing the overall project, including the location and specifically addressing the relationship of any proposed activity to the architectural style of the structure, its compatibility with the context of the surrounding structures and area, and a description of proposed building materials, colors, exterior lighting fixtures and types, signage, and landscaping or other such development activity if applicable. Include photographs of the subject cultural resource and the surrounding area that will be affected by the proposed project.
 - 4) Site plan identifying all existing and proposed structures and other defining aspects of the property, including landscaping, sidewalks, parking, drainage, and similar site features in relation to surrounding streets and other properties.
 - 5) Proposed building elevations drawn to scale describing any proposed new materials and colors, and any new features in relation to existing.
 - 6) Manufacturers' color and material samples of all proposed exterior paints and colors and samples of roof and other exterior materials to be used, with an explanation of how they relate to existing colors and materials.
 - 7) Proposed signs drawn to scale, showing dimensions, lettering, colors, materials, and any illumination. Indicate locations of signs on elevation drawing.
 - 8) Any additional information that the Historic Preservation Commission may require to properly evaluate the proposed work.
 - c. Application Acceptance and Public Hearing Schedule.
 - 1) Staff will review the application and prepare a report to be submitted to the Historic Preservation Commission, along with any other exhibits and materials necessary to support the request.
 - 2) The application must be placed on the agenda for a public hearing within 60 days of acceptance.

4. Public Hearing.

- a. Notice of Public Hearing. Notice must be provided as set forth in Section 301(D) above.
- b. Conduct. Staff, applicants, and concerned persons may present testimony or documentary evidence, which will become part of the record of the hearing and the deliberations of the Historic Preservation Commission.
- c. Decision. The Historic Preservation Commission shall approve, conditionally approve, or deny a Certificate of Appropriateness based on the review context and criteria set forth in this Section.

5. Effect of Approval:

- a. Expiration: A Certificate of Appropriateness expires one year from the date of issuance unless work is started within that time. Evidence of work shall include maintaining an active building permit from the City for the applicable work or similar evidence of intent to proceed through the filing of applications for related permits and approvals from the City.
- b. Revisions After Approval: No changes shall be made to the project's approved plans after the issuance of a Certificate of Appropriateness without resubmitting to the Historic Preservation Commission and obtaining approval for any changes in the same manner as required for the initial plan approval.
- c. Non-Approved Work: If work exceeds the specifications outlined in the Certificate of Appropriateness, the certificate may be suspended or revoked by order of the Community Development Director or their designee. If so ordered, all work shall cease to allow time for reviewing the scope of work and determining if the applicant is required to resubmit the changes to the Historic Preservation Commission for approval. Work in violation of the Certificate of Appropriateness may be subject to enforcement action as per applicable City codes and ordinances.
- d. The Certificate of Appropriateness required by this Section is in addition to any other permits, approvals, or reviews required for the proposed project.

I. REVIEW CRITERIA FOR A CERTIFICATE OF APPROPRIATENESS.

- 1. It is the intent of this Section to ensure, to the greatest extent possible, that activities requiring a Certificate of Appropriateness are compatible with the architectural and historical character of the landmark or district.
- 2. Review Context. Review of applications for a Certificate of Appropriateness shall be considered in terms of the specific nature and condition of the property, as well as the context in which the property is located, including its historic characteristics and the other

influences of surrounding properties. Context shall be considered based on the following circumstances:

- a. Landmark Property: Alterations or additions to landmarks shall properly preserve the historical and architectural characteristics that make them unique, and any changes or additions shall conform to the intrinsic and unique character of the building or structure.
 - b. Contributing Property. Alterations or additions to a Contributing Property within a Historic Preservation District shall reflect the architectural style and characteristics of the existing structure and its context with surrounding properties.
 - c. New Construction or Noncontributing Property. New construction and alterations or additions to a noncontributing property within a historic preservation district shall reflect the architectural style of, and be compatible with, the contributing properties located in proximity to the subject property.
 - d. Demolition: Reviewing the historic or cultural value of the property requires considering all options, including, but not limited to, incentives for the owner to restore it, recommending to the Council that the city consider purchasing the property, or seeking other methods to ensure the preservation of the building or structure, including extensive photo documentation of the subject property prior to demolition, if approved.
3. Review Criteria: The review of the application for a Certificate of Appropriateness shall be considered based on the criteria described in this Section, including any general or specific guidelines that may be approved. The Historic Preservation Commission shall use the following documents and criteria as guidelines when considering an application for a Certificate of Appropriateness:
- a. Documents.
 - 1) The Secretary of the Interior's Standards for Rehabilitation available from the National Park Service;
 - 2) Any design guidelines that may be applicable to a Historic Preservation District or landmarks within the City of Cottonwood;
 - 3) The Secretary of the Interior's Preservation Briefs and other information developed by the National Park Service, Arizona Historic Preservation Office (SHPO), National Trust for Historic Preservation, National Alliance of Preservation Commissions, Association of Preservation Technology, and other professionally prepared reference documents; and
 - 4) Any other historic preservation guidelines adopted by the City Council.
 - b. Criteria.

- 1) The proposed work does not detrimentally alter, destroy, or adversely affect any architectural or landscape feature determined significant;
- 2) The proposed work will be compatible with the relevant historic, cultural, educational, or architectural qualities characteristic of the structure or district, including but not limited to elements of size, scale, massing, proportions, and orientation, and surface textures, patterns, details, and embellishments, and the relationship of these elements to one another;
- 3) The proposed work conforms with any design review guidelines and/or other applicable criteria as established; and
- 4) Any new improvement on the exterior of a cultural resource in a designated historic preservation district or upon a landmarked site will not adversely affect and will be compatible with the external appearance of existing, designated cultural resources on the site or within such district.
- 5) In the case of a proposal for demolition, the property cannot be adapted for any other use, whether by the current owner or purchaser, that would yield a reasonable return; or the Chief Building Official has determined that an imminent safety hazard exists and that demolition of the structure is the only viable means to ensure public safety.

J. FINDING OF HARDSHIP FOR CERTIFICATE OF APPROPRIATENESS.

1. Application. An applicant shall submit an application for a Finding of Hardship within 10 working days after receiving notification from the Historic Preservation Commission of the denial of a Certificate of Appropriateness or of specific conditions to be considered. The application must be submitted in writing to the Community Development Director or their designee and state the reasons for consideration of the hardship. Additionally, the applicant shall provide detailed documentation explaining why the request should be considered a hardship, including cost estimates, comparative studies, expert documentation, or other relevant information necessary to support the application.
 - a. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:
 - 1) Willful or negligent acts by the owner.
 - 2) Purchase of the property for substantially more than market value.
 - 3) Failure to perform normal maintenance and repairs.
 - 4) Failure to diligently solicit and retain tenants.
 - 5) Failure to provide normal improvements.

- b. Upon receipt of a complete application for Finding of Hardship, the Historic Preservation Commission shall hold a public hearing at their next regularly scheduled meeting.
- 2. Decision: The city may establish separate standards and application requirements for granting economic hardship relief to income-producing properties and non-income-producing properties. The Historic Preservation Commission shall issue the Certificate of Appropriateness if it finds, after review, that maintenance, use, or alteration of the subject property in accordance with the requirements of this Section would cause immediate and substantial hardship on the property owner based on any of the following findings:
 - a. That a temporary delay of up to 90 days has elapsed, and neither the applicant, the City, nor any other interested parties have demonstrated a reasonable alternative;
 - b. Preservation is infeasible from a technical, mechanical, or structural standpoint;
 - c. Preservation would leave the property with no reasonable economic value because it would require an unreasonable expenditure, considering factors such as current market value, permitted uses of the property, and the cost of compliance with applicable local, state, and federal regulations (costs necessitated by the neglect or failure of the current owner to maintain the property need not be considered in making this finding); or
 - d. Demolition would not have a substantial adverse impact on the historic significance or integrity of the contributing property's Historic Preservation District.

K. REFILING.

- 1. If the Historic Preservation Commission denies an application, they may refuse to accept another application for the same or substantially the same property or any part of it within six months from the date the original application was filed.

L. APPEALS.

- 1. Any applicant or resident of the City of Cottonwood who is dissatisfied or aggrieved by a decision of the Historic Preservation Commission may appeal to the City Council by filing a Written Notice of Appeal with the City Clerk, no later than 15 working days from the date of the decision.
- 2. Notice of the appeal shall be made in the same manner as for the initial application, including timeframes indicated, posting on-site, and publication of a legal notice.
- 3. Upon notice of a valid filing of an appeal, the Community Development Director or their designee shall thereafter prepare and submit a report to the City Council regarding the case that describes the reasons for the actions taken in the issuance or denial of the initial application. The City Council shall deliberate at the next available meeting, conducting a

public hearing when applicable, to either uphold the action of the Historic Preservation Commission, reverse the action, or make a decision of its own findings. The City Council may designate such conditions in connection with the application as it deems necessary to secure the intent and purpose of this Ordinance and may require guarantees and evidence that such conditions are being or will be complied with.

4. At the request of the Council, the Historic Preservation Chairperson or Vice-Chairperson may speak on behalf of the Historic Preservation Commission regarding the decision being appealed. Commissioners shall otherwise refrain from communicating with the Council regarding the appeal.
5. The Council shall have the same powers as the Historic Preservation Commission regarding the issuance of Certificates of Appropriateness and Landmark approval, for the sole purpose of rendering a decision on an appeal item.
6. The Council's decision shall be final and shall become effective immediately. Notice of the decision shall be sent to the appellant and applicant.

M. VIOLATIONS AND ENFORCEMENT.

1. All work performed pursuant to this Section shall conform to the requirements thereof. Compliance shall be confirmed by inspections made by City of Cottonwood officials, including the Building Official, Manager, or designee. The appropriate City officials shall ensure that all matters are undertaken in accordance with the conditions of the approved plans. Noncompliance with the approved plans shall be grounds for stopping work on the project or for denying a Certificate of Occupancy. Any person who causes unauthorized demolition, alteration, construction, or permits degradation or disrepair of a landmark or a property with a Historic Preservation District zoning overlay may be required to restore the property and site to its condition prior to the violation.

N. SEVERABILITY.

1. This Section and its subsections are hereby declared to be severable. If any section, subsection, clause, word, or phrase of this Section is held to be void, unlawful, or unconstitutional, such holdings shall not affect the validity of the remainder of this Section or of the Zoning Ordinance.

Effective August 14, 2025 – Ordinance Number 742