TEMPE CODE

CHAPTER 14A. HISTORIC PRESERVATION

SEC. 14A-3. HISTORIC PRESERVATION COMMISSION; HISTORIC PRESERVATION OFFICER.

(a) The Tempe historic preservation commission is hereby established. The commission shall act in an advisory capacity to the city council in all matters concerning historic preservation. The commission shall make recommendations to the development review commission regarding designation of landmarks, historic properties and historic districts. Other actions of the historic preservation commission, as set forth below, shall be subject to appeal to the city council, as described in § 14A-8 of this chapter.

(b) The commission shall consist of nine (9) members, meeting certain qualifications as set forth below, appointed by the mayor and approved by the city council.

(1) All members shall be Tempe residents with a demonstrated interest in or knowledge of historic preservation; and

(2) The commission shall be composed of four (4) at-large members and five (5) professionals, drawn from the following disciplines, with no more than two (2) such professionals from the same discipline: architecture, architectural history, archeology, historic preservation law, history, landscape architecture, planning, building construction, or other related field.

(c) Members shall serve a term of three (3) years, except that two (2) of the initial members shall, upon appointment, be designated to serve terms of two (2) years each. In addition, two (2) other initial members shall be designated to serve first terms of one year. Those subsequently appointed shall serve regular terms of three (3) years. Members may be reappointed, but shall serve not more than two (2) complete, consecutive terms. If a commission member accumulates three (3) consecutive unexcused absences, the matter will be referred to the mayor's office for resolution. Members of the commission shall serve voluntarily and without compensation.

(d) The Tempe historical museum administrator, or designee, shall serve ex-officio, with no vote, except as specified.

(e) Whenever a member is unable to attend or must decline participation due to a conflict of interest, that member shall give timely notice to the HPO or chair of the commission. In the event that a sufficient number of members are not available to constitute a quorum, the HPO or the Tempe historical museum administrator or designee is authorized to act as a member on consent agenda items only, and only to the extent that this presence constitutes a quorum.

(f) Five (5) members shall constitute a quorum of the commission; the concurring vote of five (5) members shall be necessary for any action of the commission on any matter.

(g) Conflict of interest of commission members is governed by Arizona Revised Statutes, applicable judicial decisions and opinions of the city attorney.

(h) The commission shall elect, from within its own membership, a chair and vice-chair.

(i) The commission shall hold a minimum of four (4) public meetings/hearings per year. Special meetings may be called at the discretion of the commission chair or five (5) or more members of the commission. The minutes of its proceedings, indicating the vote of each member and records of its examinations and other official actions shall be kept and filed in the offices of the community development department and the city clerk as part of the public record.

(j) The commission shall adopt rules of procedure consistent with the provisions of this chapter for the performance of its duties.

(k) Commission duties and activities shall include the following:

(1) Reviewing applications for the designation of landmarks, historic properties and historic districts and making recommendations to the development review commission, such review shall be based on the criteria as specified in § 14A-4 of this chapter;

(2) Reviewing and making decisions on applications for proposed alterations, new construction, demolition or removal affecting landmarks, historic properties or properties located within an historic district; such review shall be based on the criteria as specified in § 14A-6 of this chapter;

(3) Making recommendations to the city council concerning the use of federal, state, city or available private funds to promote the preservation of properties and districts within the city, including acquisition, the awarding of such sub-grants as may become available and the requiring of preservation covenants, as well as the acquisition of preservation easements;

(4) Recommending to the city council and other applicable boards and commissions, changes in the Zoning and Development Code, building code, general plan or other local laws as may enhance the purposes of this chapter;

(5) Cooperating with representatives designated by the property owners of the district from designated historic districts to formulate design guidelines for alterations and new construction within their districts;

(6) Initiating and conducting detailed studies and surveys of properties, structures and areas within the city and assess their potential for designation, and in order to formulate an historic preservation plan for the city; and

(7) Developing and participating in public information activities in order to increase public awareness of the value of historic preservation, and perform other functions that will encourage or further the interests of historic preservation.

(l) The Tempe historic preservation officer (HPO) is hereby established. The HPO shall be appointed by the director of the community development department, have a demonstrated interest in historic preservation and be a qualified professional in one or more pertinent fields such as

archeology, architecture, cultural geography, landscape architecture or planning. The duties of the HPO shall include:

(1) Serving as secretary to the historic preservation commission, facilitating its efforts and, with other city staff as necessary, providing administrative support;

(2) Accepting applications for designations and proposed alterations, new construction, demolition or removal;

(3) Acting as intermediary between the commission and other city regulatory functions;

(4) Providing technical and background information to the commission and public, as required;

(5) Approving proposed alterations, new construction, demolition or removal affecting landmarks, historic properties and properties within historic districts, in the instance of such work being obviously minor in nature and impact, or in cases of imminent public hazard, and reporting such approvals to the commission;

(6) Preparing annual written reports of commission activities that are submitted to the state historic preservation officer (SHPO) and made available to the public. The reports shall contain, at a minimum, minutes of meetings, decisions made, special projects and activities, the number and type of cases reviewed, current resumes of commission members and member attendance records; and

(7) Maintaining the Tempe historic property register and lists of historic eligible and archeologically sensitive properties.

(Ord. No. 95.35, 11-9-95; Ord. No. 97.20, 4-10-97; Ord. No. 2000.25, 6-15-00; Ord. No. 2001.17, 7-26-01; Ord. No. 2004.42, 1-20-05; Ord. No. 2005.18, 4-7-05; Ord. No. 2006.01, 1-5-06; Ord. No. 2010.02, 2-4-10; Ord. No. O2014.22, 6-12-14)