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## CITY OF TEMPE HISTORIC PRESERVATION COMMISSION

Meeting Date: 11/08/2023  
Agenda Item: 7

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**ACTION:** Request for recommendation of adoption of proposed amendments to City Code, Ch. 14A (Historic Preservation Ordinance).

**FISCAL IMPACT:** None

**RECOMMENDATION:** Staff – Approve recommendation

**BACKGROUND INFORMATION:** The City of Tempe's (COT) Historic Preservation Ordinance comprises [Chapter 14A](#) of Tempe City Code. It was created in 1995 to establish procedures and requirements relating to historic preservation in the City, namely to "provide protection for significant properties and archaeological sites which represent important aspects of Tempe's heritage; to enhance the character of the community by taking such properties and sites into account during development, and to assist owners in the preservation and restoration of their properties." The Historic Preservation Ordinance has been amended multiple times since 1995. The updated Historic Preservation Plan, adopted by City Council on June 23, 2022, includes multiple priorities that require staff to propose updates to the plan, necessitating this request.

**ATTACHMENTS:**

1. Draft Ordinance for Historic Preservation Ordinance Amendments
2. Historic Preservation Ordinance Public Input Survey Summary

**STAFF CONTACTS:** Ryan Levesque, Deputy Community Development Director, (480) 858-2393  
Department Director: Jeff Tamulevich, Community Development Director Legal review by: N/A  
Prepared by: Zachary J. Lechner, Historic Preservation Officer

**PURPOSE OF THE PLAN:**

In fulfillment of priorities in the City of Tempe's (COT) updated Historic Preservation Plan and to clarify language and procedures related to historic preservation and archaeological mitigation, the Historic Preservation Office (HPO) is proposing multiple amendments to the COT's Historic Preservation Ordinance (City Code, Ch. 14A). The most significant changes include:

1. Increasing the maximum length of stays on issuing demolition permits for Historic properties from 180 to 365 days and Historic Eligible properties from 30 days to 60 days, as well as imposing a maximum stay of 30 days on issuing demolition permits for all properties 50 years or older.
2. Revising and clarifying information in the "Violations" section of the ordinance.
3. Waiving application fees to designate a property in the Tempe Historic Property Register.
4. Expanding the definition of "Archaeologically Sensitive."
5. Aligning notification requirements in the Historic Preservation Ordinance with those in the Zoning Development Code.
6. Aligning language related to filing protests against a proposed historic district with the procedures mandated in [A.R.S. 9-462.04\(H\)](#).

**CONSULTATION SUMMARY:**

On September 11, 2023, the Neighborhood Services Division mailed postcards to the owners of Historic properties and Historic Eligible properties informing them of the proposed updates and the related public meetings to be held on September 26, 2023.

On September 13, 2023, staff presented the proposed updates to the Historic Preservation Commission (HPC). The proposed updates received positive HPC feedback. Commissioner Greg Larson later forwarded staff suggestions for several revisions.

On September 26, 2023, the City held two public meetings, a Zoom meeting at 12:00 p.m. and an in-person meeting at 6:00

p.m. at the Tempe Public Library, located at 3500 South Rural Road. Staff presented at both meetings and answered questions from the public. Shortly after the meetings, staff received emailed suggestions for revisions from two attendees. Staff reviewed this feedback and incorporated multiple minor revisions to the proposed amendments.

On October 4, 2023, staff presented the proposed amendments at a Neighborhood Advisory Commission meeting and clarified a few points for the Commissioners, per their request.

Between September 26 and October 9, 2023, the City made available a survey on the proposed Historic Preservation Ordinance updates. The survey received 17 responses. While some **respondents** expressed support for the overall changes as enabling the City to better protect its historic and archaeological resources, others raised concerns with the proposed maximum 60-day review period for demolition requests for any building 50 years or older, or asserted that the proposed changes would hinder the City's efforts to augment Tempe's housing stock. After reviewing the survey results, staff revised its recommendation to include a 30-day, instead of a 60-day, review period for demolition requests for any building 50 years or older.

After the City Attorney's Office (CAO) commented on the proposed draft ordinance amendments, staff made additional textual changes. Other changes may be required as a result of subsequent COA review.

**REASONS FOR ADOPTION:**

Staff supports a recommendation of adoption of the proposed amendments to the Historic Preservation Code to fulfill priorities in the Council-adopted updated Historic Preservation Plan (2022) and to update or clarify various procedures related to historic preservation in Tempe. Several of the changes would also bring COT into line with the requirements of other Phoenix metro-area or Arizona municipalities' codes.

**SAMPLE MOTION:**

"I move to recommend adoption of the proposed amendments to the Historic Preservation Ordinance."

ORDINANCE NO. O2023.XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 14A BY AMENDING SECTION 14A-1 RELATING TO PURPOSE AND INTENT; SECTION 14A-2 RELATING TO DEFINITIONS; SECTION 14A-3, SUBSECTIONS B(2), C, and L(5-7) RELATING TO HISTORIC PRESERVATION COMMISSION, HISTORIC PRESERVATION OFFICER; SECTION 14A-4, SUBSECTIONS C(1), C(2a), D(1), AND F RELATING TO DESIGNATION OF LANDMARKS, HISTORIC PROPERTIES AND HISTORIC DISTRICTS; BY AMENDING SECTION 14A-6, SUBSECTIONS C(4) AND F RELATING TO DESIGNATION OF LANDMARKS, HISTORIC PROPERTIES AND HISTORIC DISTRICTS; BY AMENDING SECTION 14A-7, SUBSECTIONS H AND J, RELATING TO DEMOLITION AND REMOVAL; BY AMENDING SECTION 14A-9, SUBSECTION D, RELATING TO MAINTENANCE AND REPAIR; AND BY AMENDING SECTION 14A-11, SUBSECTIONS A-C, RELATING TO VIOLATIONS

WHEREAS, under the Arizona Constitution, a city with a population of more than 3,500 people is entitled to establish a charter for its government and that a charter city is granted autonomy over matters of local interests;

WHEREAS, the voters of the City of Tempe established the Tempe City Charter in 1964 that vests policymaking in the Tempe City Council; and

WHEREAS, the updated Historic Preservation Plan, adopted by Council on June 23, 2022, included several recommendations for code text amendments designed to strengthen and improve the functioning of the City's Historic Preservation Program:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

**Section 1.** That Section 14A-A of Chapter 14A, Historic Preservation within the Tempe City Code, pertaining to purpose and intent for archeologically sensitive and historic eligible, are hereby amended to read as follows:

The PURPOSE ~~intent~~ of this chapter is to ~~provide protection for~~ PROTECT significant properties and archaeological sites ~~which~~ THAT represent important aspects of Tempe's heritage; to enhance the character of the ~~community~~ CITY OF TEMPE by taking such properties and sites into account during development, and to assist owners in the preservation and restoration of their properties. THE INTENT OF THIS CHAPTER IS TO BALANCE THE RIGHTS OF PROPERTY OWNERS AND THE VALUE TO THE COMMUNITY OF THESE SIGNIFICANT PROPERTIES AND SITES. ~~Reasonable and fair regulations are included in this chapter as a means of balancing the rights of property owners and the value to the community of these significant properties and sites.~~ The designation of any property or district shall not inhibit uses as permitted by the Zoning and Development Code, as adopted and amended by the City Council.

**Section 2.** That Section 14A-2 of Chapter 14A, Historic Preservation within the Tempe City Code, pertaining to existing definitions for archeologically sensitive and historic eligible, are hereby amended to read as follows:

*Archaeologically sensitive* means a property ~~which~~ THAT includes A known or suspected archaeological sites, A LOCATION WITHIN 250 FEET OF A KNOWN OR SUSPECTED ARCHAEOLOGICAL SITE, A LOCATION INTERSECTED BY OR WITHIN 50 FEET OF AN IDENTIFIED OR PROJECTED PREHISTORIC OR HISTORIC CANAL, A TRADITIONAL CULTURAL PROPERTY (TCP), OR A SITE OTHERWISE DESIGNATED BY A TRIBAL NATION AS CULTURALLY SENSITIVE.

*Arizona Register of Historic Places*<sup>1</sup> means the list of Arizona's historic properties worthy of preservation which serves as an official record of Arizona's historic districts, archaeological sites, buildings, structures and objects significant in this state's history, architecture, archaeology, engineering and culture. Pursuant to A.R.S. § 41-511.04(9), the Arizona State Parks Board, State Historic Preservation Office is authorized to keep and administer an Arizona Register of Historic Places composed of properties which meet the criteria established by the board, see below, or which are listed on the National Register of Historic Places. Entry on the register requires nomination by the State Historic Preservation Officer (SHPO) and owner notification in accordance with rules which the board adopts. The criteria for evaluation of potential Arizona register properties generally encompass the quality of significance in Arizona history, architecture, archaeology, engineering and culture. Such qualities may be present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association; and also:

- (1)A. Are associated with events that have made a significant contribution to the broad patterns of history;
- (2)B. Are associated with the lives of historically significant persons;
- (3)C. Are the embodiment of a distinctive characteristic(s) of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (4)D. Have yielded, or may be likely to yield, information important in prehistory or history.

*Historic eligible* means a property ~~which appears to meet the criteria for designation.~~ THAT THE HISTORIC PRESERVATION COMMISSION HAS CLASSIFIED AS ELIGIBLE FOR DESIGNATION IN THE TEMPE HISTORIC PROPERTY REGISTER.

*Demolition* means the act or process that destroys ~~a designated property.~~ OR REMOVES ANY PORTION OF THE EXTERIOR OF A BUILDING OR APPURTENANCE.

*National Register of Historic Places*<sup>2</sup> means the National Register of Historic Places as established by the Historic Sites Act of 1935 (16 U.S.C. 461 et seq.) and expanded by the National Historic Preservation Act of 1966, (16 U.S.C. 470 et seq.) as amended. It is the nation's official listing of prehistoric and historic properties worthy of preservation. It ~~PROVIDES affords protection and~~ recognition for districts, sites, buildings and structures significant in American history, architecture, archaeology, engineering and culture. This significance can be at the local, state or national level. The national register serves both as a planning tool and as a means of identifying buildings, sites and districts that are of special significance to a community and worthy of preservation. The criteria for evaluation of potential national register properties generally encompass the quality of significance in American history, architecture, archaeology, engineering and culture. Such qualities may be present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association; and

- (1)A. Are associated with events that have made a significant contribution to the broad patterns of history;
- (2)B. Are associated with the lives of historically significant persons;
- (3)C. Are the embodiment of a distinctive characteristic(s) of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (4)D. Have yielded, or may be likely to yield, information important in prehistory or history.

*Preservation covenant* means a deed restriction filed with THE MARICOPA COUNTY RECORDER'S OFFICE Maricopa County, which limits the owner's use of a designated property in order to PRESERVE ~~effect the preservation of~~ the distinctive character of the property.

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<sup>1</sup>*Arizona Register of Historic Places* definition and criteria as published by Arizona State Parks, State Historic Preservation Office.

<sup>2</sup>*National Register of Historic Places* definition and criteria as published by Arizona State Parks, State Historic Preservation Office, and as found in the CFR, title 36, part 60.

*Preservation easement* means ~~AN EASEMENT ENCUMBERING A PROPERTY THAT IMPOSES the nonpossessory interest of a holder in real property, said property being a designated property, imposing limitations or obligations to preserve the distinctive character of that property, or a specified portion thereof.~~

**Section 2.** That Section 14A-3 of Chapter 14A, Historic Preservation within the Tempe City Code, pertaining to commission number of professionals and staggered terms, are hereby amended to read as follows:

**Sec. 14A-3. Historic Preservation Commission; Historic Preservation Officer.**

- (a) The Tempe Historic Preservation Commission ("THE 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 Section 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) Three (3) at-large members shall be City residents with a demonstrated interest in or knowledge of historic preservation;
  - (2) Five (5) professional members shall be City residents and shall be drawn from the following disciplines, ~~with no more than two (2) such professionals from the same discipline:~~ architecture, architectural history, archaeology, historic preservation law, history, landscape architecture, or other related field; and
  - (3) One (1) representative from the Four Southern Tribes Cultural Resource Working Group, which shall be responsible for nominating a designee.
- (c) ~~Members shall serve a regular 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. A REGULAR, COMPLETE TERM FOR MEMBERS SHALL LAST THREE (3) YEARS. Members may be reappointed, but shall serve not more than two (2) REGULAR, complete, consecutive terms. THE TERMS OF COMMISSIONERS SHALL BE STAGGERED SO THAT NO MORE THAN THREE (3) COMMISSION POSITIONS ARE OPEN FOR APPOINTMENT. IF A COMMISSIONER SERVES LESS THAN ONE REGULAR, COMPLETE TERM, THEY SHALL STILL BE ELIGIBLE TO SERVE TWO (2) CONSECUTIVE THREE (3)-YEAR 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 HISTORIC PRESERVATION COMMISSION SHALL ELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS OWN REGULAR MEMBERS WHO SHALL HAVE POWER TO ADMINISTER OATHS, TAKE EVIDENCE, AND SET CONSENT AGENDAS.
- ~~(d)~~(E) The Tempe History Museum Manager, or designee, shall serve ex-officio, with no vote, except as specified.
- ~~(e)~~(F) 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 Historic Preservation Officer (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 History Museum Manager 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)~~(G) 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)~~(H) Conflict of interest of commission members is governed by Arizona Revised Statutes, applicable judicial decisions and opinions of the City Attorney.
- ~~(h)~~(I) The commission shall elect, from within its own membership, a chair and vice chair.

- (i) The commission shall conduct no fewer than four (4) regular meetings in a calendar year and may call special meetings at the discretion of the commission chair or WHEN five (5) or more members of the commission REQUEST A MEETING. 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, WITH such review ~~shall be~~ based on the criteria as specified in Section 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 section 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, AND the awarding of such sub-grants, ~~as may become~~ WHEN available, and the requiring of preservation covenants, ~~as well as the~~ AND 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, ~~g~~General ~~p~~Plan or other local laws AND POLICIES as THAT 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 assessING their potential for designation, and ~~in order to formulate an~~ UPDATING THE 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 performING other functions that will encourage or further ~~the interests of~~ historic preservation.
- (l) The POSITION OF Tempe Historic Preservation Officer (HPO) is hereby established. The HPO shall be appointed by the Community Development Director, AND SHALL have a demonstrated interest in historic preservation and be a qualified professional in one (1) or more pertinent fields such as archaeology, architecture, architectural history, historic preservation law, or history. The duties of the HPO shall include:
  - (1) Serving as ~~Secretary~~ STAFF LIASION to the Historic Preservation Commission, facilitating its efforts and, with other ~~e~~City staff as necessary, AND providing administrative support TO THE COMMISSION;
  - (2) Accepting applications for designations, ~~and~~ proposed alterations, new construction, demolition or removal;
  - (3) Acting as AN intermediary between the ~~e~~Commission and other ~~e~~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,~~ WHICH ARE minor in nature and THEIR impact, or in cases of imminent public hazard, and reporting such approvals to the commission; AND
  - ~~(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)~~(6) Maintaining the Tempe Historic Property Register and lists of historic eligible and archaeologically 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; Ord. No. O2014.36, 9-4-14; Ord. No. O2021.14, 4-15-21)

**Section 3.** That Section 14A-4 of Chapter 14A, Historic Preservation within the Tempe City Code, pertaining to waiving of fees and property notification, are hereby amended to read as follows:

**Sec. 14A-4. Designation of landmarks, historic properties and historic districts.**

- (a) The following criteria are established for designation of an individual property, building, structure or archaeological site:
- (1) It meets the criteria for listing on the Arizona or National Register of Historic Places;
  - (2) It is found to be of exceptional significance and expresses a distinctive character, resulting from:
    - a. A significant portion of it is at least fifty (50) years old; is reflective of the eCity's cultural, social, political or economic past; and is associated with a person or event significant in local, state or national history; or
    - b. It represents an established and familiar visual feature of an area of the City, due to a prominent location or singular physical feature; or
  - (3) If it has achieved significance within the past fifty (50) years, it shall be considered eligible for designation as a landmark if it is an integral and critical part of an historic district or demonstrates exceptional individual importance by otherwise meeting or exceeding the criteria specified in paragraphs (1) or (2) of this subsection above. At such time as a landmark becomes fifty (50) years old, it will automatically be reclassified as an historic property.
- (b) The following criteria are established for designation of an historic district:
- (1) The district consists of an area in which are located a substantial concentration of properties, buildings or structures which individually meet the criteria in subsection (a) of this section above, as well as others which contribute generally to the overall distinctive character of the area, and are united historically or visually by plan or physical development; district boundaries coincide with documented historic boundaries such as early roadways, canals, subdivision plats or property lines; other district boundaries coincide with logical physical or man-made features and reflect recognized neighborhood or area boundaries; and other noncontributing properties or vacant parcels are included where necessary to create appropriate boundaries; or
  - (2) A district may also include or be composed of one (1) or more archaeological sites.
- (c) The designation process is as follows:
- (1) Application for the designation of a landmark, historic property or historic district shall be made by the owner of such real property, or of property located within the boundaries of such proposed district, situated in the City, or by any officer, department, board, commission or the City Council, with the HPO at the Community Development Department, WITH ANY AND ALL PROCEDURES IDENTIFIED IN CH14A, SUCH FEES SHALL BE WAIVED, on such form(s) and accompanied by such fee(s) as may be adopted;
  - (2) Any such application for designation, as described in paragraph (1) of this subsection above, shall also be accompanied by:
    - a. A vicinity ownership map showing all parcels in the vicinity adjacent to, including and surrounding the proposed designated property or district, within a radius of SIX HUNDRED (600)three hundred (300) feet from the external boundaries of the property or district; each such parcel shall be designated by a number to correspond with the ownership/~~tenant~~ list described in THE PARAGRAPH DIRECTLY BELOW (c2b) subparagraph b. of this paragraph below;

- b. A typed or legibly printed list containing names and mailing addresses, including zip codes, of owners of parcels as described in subparagraph a. of this paragraph above, ~~and identified by the same number as on the vicinity ownership map, and the names and addresses, including zip codes, of any tenants associated with the described parcels;~~
  - c. An accurate legal description or parcel number(s) as recorded with Maricopa County, of the proposed designated property or properties within the proposed historic district; and
  - d. A written description of the proposed designated property or historic district, addressing the pertinent criteria, as described in subsections (a) and (b) of this section;
- (3) The HPO shall then place the request on the next available agenda of the commission for a public hearing. Upon request by the applicant, a special meeting may be called at the discretion of the Chair of the Commission, or by five (5) or more commission members;
  - (4) Upon receipt of an application and placement on the next available commission agenda, the HPO shall compile and transmit to the commission a complete report on the subject property or district. This report shall address the location, condition, age, significance and integrity of historic features and identify potential contributing and noncontributing properties and other relevant information, together with a recommendation to grant or deny the application and the reasons for the recommendation;
  - (5) At a public hearing, the commission shall review the application based on the applicable criteria in subsections (a) and (b) of this section, together with the HPO report, and make a recommendation to the Development Review Commission. Any recommendation for approval may be subject to such conditions as the Historic Preservation Commission deems applicable in order to fully carry out the provisions and intent of this chapter;
  - (6) Once forwarded to the Development Review Commission, a public hearing shall be set and conducted according to the applicable procedures for amendment, as described in Section 6-304 of the Zoning and Development Code;
  - (7) After such public hearing, the Development Review Commission shall make a report and recommendation to City Council. The City Council shall then set a public hearing on the application in accordance with subsection (e) of this section; and
  - (8) The recommendation of approval of any designation by the Historic Preservation Commission shall be void if the designation has not been adopted by the City Council within one (1) year of the commission's action.
- (d) Notification of public hearings is established as follows:
- (1) NOTIFICATION SHALL COMPLY WITH THE REQUIREMENTS OF THE ZONING AND DEVELOPMENT CODE, WITH SOME ADDITIONAL HISTORIC PRESERVATION-SPECIFIC REQUIREMENTS. For a designation request, the Community Development Department shall deposit in the U.S. mail, not less than fifteen (15) calendar days prior to the date of each public hearing of the Historic Preservation Commission, a notice of the date, time and place of the hearing, and a summary of the request, to each affected property owner ~~and tenant~~, per a list provided by the applicant. Final delivery of such notices shall not be the responsibility of the City. Notice shall be given as follows:
    - a. ~~For a landmark or historic property request, "affected property owners and tenants" shall be those within three hundred (300) feet of the subject property; or~~
    - b. ~~For an historic district request, "affected property owners and tenants" shall be those within the boundaries of the proposed district and within three hundred (300) feet external to those boundaries;~~
      - A. ALL PROPERTY OWNERS OF RECORD WITHIN SIX HUNDRED (600) FEET OF THE SUBJECT PROPERTY FOR A LANDMARK OR HISTORIC PROPERTY REQUEST WHICH ARE INCLUDED ON THE MAILING LIST SUBMITTED BY THE APPLICANT;
      - B. ELECTRONIC COMMUNICATION OR OTHER STANDARD MEANS OF NOTICING TO THE CHAIRPERSON OF THE REGISTERED NEIGHBORHOOD ASSOCIATION(S) AND HOME OWNERS ASSOCIATION(S) WITHIN ONE THOUSAND THREE HUNDRED TWENTY (1,320) FEET (¼ MILE) OF THE SUBJECT PROPERTY FOR A LANDMARK OR HISTORIC PROPERTY REQUEST; AND



C. ALL TENANTS, WITHIN THE BOUNDARY OF THE SUBJECT PROPERTY(IES) FOR A LANDMARK OR HISTORIC PROPERTY REQUEST.

D. PROPERTY OWNERS OF RECORD WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT AND WITHIN SIX HUNDRED (600) FEET EXTERNAL TO THOSE BOUNDARIES FOR A HISTORIC DISTRICT REQUEST.

- (2) The Community Development Department shall erect, not less than fifteen (15) calendar days prior to the date of the public hearing, a notice, visible from a public way and clearly legible, of the date, time and place of the hearing, and a summary of the request. It shall not be the responsibility of the City to maintain the notice after it has been placed. Notice shall be given as follows:
    - a. For a landmark or historic property request, such notice shall, wherever possible, be placed adjacent to the subject property in the right-of-way of a public street or road; or
    - b. For an historic district, such notice shall, wherever possible, be placed at no fewer than four (4) conspicuous locations within the district and at its external boundaries;
  - (3) The Community Development Department shall submit the request for publication in ~~the official A~~ newspaper Of General Circulation at least once, no fewer than fifteen (15) days prior to the public hearing of the commission; and
  - (4) Notification pertaining to a proposed text amendment to this chapter shall comply ONLY with paragraph (3) of this subsection above, ~~only~~.
- (e) The City Council will, upon receipt of an application and accompanying decision and report from the Development Review Commission, hold a public hearing to consider the application. Notification for such hearing shall be as specified in subsection (d) of this section above. At the public hearing, the City Council may do one (1) of the following:
- (1) Adopt the request per the recommendation of the Development Review Commission;
  - (2) ~~Modify the recommendations and a~~ Adopt the request as modified;
  - (3) Deny the request; or
  - (4) ~~Remand~~ RETURN the request to the Development Review Commission for further proceedings.
- (f) FILING A PROTEST AGAINST A PROPOSED ZONING AREA, WHICH INCLUDES HISTORIC DISTRICTS, IS SUBJECT TO THE PROCEDURES MANDATED IN A.R.S. 9-462.04(H). ~~If the owners of twenty percent (20%) or more either of the area of the parcels included in a proposed historic district, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite parcels, file a protest in writing against a proposed designation, it shall not become effective except by the favorable vote of three fourths (3/4) of all members of the City Council. Such protest shall be filed with the City Clerk prior to or at the time of the public hearing of the Council. If any members of the City Council are unable to vote on such a question because of a conflict of interest, then the required number of favorable votes for passage of the question shall be three fourths (3/4) of the remaining membership of the Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the Council.~~
- (g) The effects of designation are as follows:
- (1) If adopted by the City Council, a landmark, historic property or historic district shall be designated by the application of the corresponding overlay zoning district and referenced by the "H" symbol on a map of the City, to be issued by the Community Development Department;
  - (2) Any uses permitted by the existing, underlying zoning classifications which apply to a landmark, historic property or historic district, shall be permitted. Such designated properties and districts are subject to the provisions of this chapter, as well as to applicable provisions of the Zoning and Development Code and the general plan; and
  - (3) Subsequent to designation of an historic district, the Historic Preservation Commission shall, in cooperation with representatives from the district, and in order to preserve and enhance the distinctive character of the district, adopt design guidelines which shall apply only to the exterior features and general character of

contributing properties and alterations thereto, as well as any other new construction within the district as follows:

- a. District design guidelines will address general aspects such as building materials, massing, scale and proportion of openings and other features, orientation and relative position of buildings and landscape character; as well as specific aspects such as roof forms, textures, color theme, character of signage, window and door types, and other details relative to architectural styles evident in the district;
  - b. District design guidelines will not regulate maximum building height, maximum lot coverage, minimum setbacks, required landscaping, required parking, allowable signs or other provisions of the Zoning and Development Code; and
  - c. Following designation of an historic district, and until such time as district-specific design guidelines can be adopted, FOR THE REVIEW OF ANY ALTERATION AND NEW CONSTRUCTION AS DESCRIBED IN THIS SECTION, the commission shall refer to such professional or commonly recognized standards as may be appropriate and available.
- (h) The procedure to remove landmark, historic property or historic district designation and corresponding overlay zoning shall be the same as the procedure to designate, as specified in subsections (c), (d), (e) and (f) of this section.
- (i) No landmark, historic property or historic district, ~~having been~~ nominated for designation, or removal of designation, BUT DENIED BY THE COMMISSION, shall be renominated within one (1) year from the date of previous nomination.
- (j) The procedure and effects of classification of a property as historic eligible shall be as follows:
- (1) The HPO shall prepare a list of proposed properties, with applicable supporting information, for consideration by the commission and schedule a public hearing; notification of such hearing is established as follows:
    - a. The Community Development Department shall deposit in the U.S. mail, not less than fifteen (15) calendar days prior to the date of the public hearing of the commission, a notice of the date, time and place of the hearing, and a summary of the proposed action, to each affected property owner, per currently available ownership information. Final delivery of such notices shall not be the responsibility of the City; and
    - b. The Community Development Department shall submit the notice for publication in ~~the official~~ A newspaper OF GENERAL CIRCULATION at least once, no fewer than fifteen (15) calendar days prior to the public hearing of the commission;
  - (2) At a public hearing, the commission shall review the proposed properties and assess their potential to meet the applicable criteria for designation, as described in subsection (a) of this section; and
  - (3) Upon approval by the commission, any properties classified as historic eligible shall be identified as such in the records of the Community Development Department and subject to the requirements described in subsections 14A-6(f) and 14A-7(j) of this chapter.
- (k) The procedure and effects of classification of a property as archaeologically sensitive shall be as follows:
- (1) The HPO shall prepare a list of proposed properties, with applicable supporting information, for consideration by the commission at a regularly scheduled public meeting; and
  - (2) Upon approval by the commission, any properties classified as archaeologically sensitive shall be identified as such in the records of the Community Development Department and subject to the requirements described in subsections 14A-6(g) and 14A-7(k) of this chapter.

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

**Section 4.** That Section 14A-6, subsection (c) and subsection (f), of Chapter 14A, Historic Preservation within the Tempe City Code, pertaining to applicability of the Secretary of Interior's standards and length of review for historic eligible properties, are hereby amended to read as follows:

- (c) The commission shall consider the request at its next available regularly scheduled or special public meeting. Approval or denial shall be based on the following criteria:
  - (1) Proposed work on any portion of a landmark or historic property shall be compatible with the recognized distinctive character of the ~~overall~~ property;
  - (2) Proposed work on any portion of a contributing property within an historic district shall be compatible with the recognized distinctive character of the property itself, as well as with that of the ~~overall~~ district, as determined by conformance with adopted design guidelines of the district;
  - (3) Proposed new work within an historic district shall be compatible with the recognized distinctive character of the district, as determined by conformance with adopted design guidelines of the district; and
  - (4) ~~If federal funds, in the form of grants, tax incentives or other programs, are employed, directly or indirectly, in financing proposed work, The~~ THE Secretary of the Interior's Standards for the Treatment of Historic Properties shall be applicable, in addition to the criteria specified in paragraphs (1) through (3) of this subsection above.
  
- (f) When a permit or other approval is sought from the City to alter, remodel, build or otherwise develop or landscape property classified as historic eligible, issuance of the permit or approval shall be subject to clearance by the HPO. Such clearance shall be issued within ~~thirty (30)~~ SIXTY (60) calendar days from the date of application, during which time the HPO will assess potential adverse impact, suggest alternatives, and may consult with the commission and City Council. If, by the end of the ~~thirty (30)~~ SIXTY (60) day period, no clearance has been issued or no alternative, agreeable to the applicant, has been suggested, the original request shall be granted, provided all other applicable requirements have been met.

**Section 5.** That Section 14A-7, subsection (h) and subsection (j), of Chapter 14A, Historic Preservation within the Tempe City Code, pertaining to length of no demolition period, are hereby amended to read as follows:

(h) If a request for a proposed demolition or removal is denied by the commission, no demolition or removal will be permitted for a period of no more than ~~one hundred eighty (180)~~ THREE HUNDRED SIXTY-FIVE (365) days from the date on which the request was denied. During the period of restraint of demolition or removal, the commission and HPO will attempt to secure whatever assistance as may be feasible to effect the preservation of the property, such as economic assistance, acquisition, purchase of a preservation easement, or location of a buyer who, upon purchase at terms agreeable to the owner, will enter into a preservation covenant with the City for period of at least five (5) years. If the commission or HPO is unable to secure such assistance within the period of restraint, the proposed demolition or removal will be allowed, subject to the issuance of the appropriate permit by the Building Official of the City.

(j) When a permit or other approval is sought from the City to demolish or remove a property classified as historic eligible, issuance of the permit or approval shall be subject to clearance by the HPO. Such clearance shall be issued within SIXTY (60)~~thirty (30)~~ calendar days from the date THAT A COMPLETE APPLICATION IS RECEIVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT of application, during which time the HPO will assess adverse impact, suggest alternatives, and may consult with the commission and City Council. WHEN A DEMOLITION PERMIT IS SOUGHT FROM THE CITY TO DEMOLISH OR REMOVE A PROPERTY THAT IS 50 YEARS OR OLDER BUT IS NOT CLASSIFIED AS HISTORIC ELIGIBLE, ISSUANCE OF THE PERMIT OR APPROVAL SHALL BE SUBJECT TO REVIEW BY THE HPO AND COMPLETED NO LATER THAN THIRTY (30) CALENDAR DAYS FROM THE DATE THAT A COMPLETE APPLICATION IS RECEIVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, DURING WHICH TIME THE HPO WILL ASSESS ITS HISTORICAL SIGNIFICANCE AND MAY SUGGEST ALTERNATIVES AND CONSULT WITH THE APPLICANT. If, by the end of the ~~thirty (30) day~~ REVIEW period, no clearance has been issued or no alternative, agreeable to the applicant, has been suggested, the original request shall be granted, provided all other applicable requirements FOR THE PERMIT PROCESS have been met.

**Section 6.** That Section 14A-9, subsection (d), of Chapter 14A, Historic Preservation within the Tempe City Code, pertaining to the removal of the word "be", are hereby amended to read as follows:

- (d) Examples of deterioration which shall be prevented by the owner of the designated property by means of ordinary maintenance and repair shall include, but ARE not ~~be~~ limited to the following:
  - (1) Excessive erosion, reverse drainage and other preventable site conditions which may adversely affect significant buildings and SUPPORT structures;
  - (2) Loss of structural integrity due to deterioration of footings, load-bearing walls or columns, beams, trusses or other support members;
  - (3) Weathering or damage to exterior elements such as wall and roof surfaces, chimneys, balustrades, doors, windows and other architectural features;
  - (4) Loss of weather-tightness or security due to any of the above; or
  - (5) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary as a matter of public safety.

**Section 7.** That Section 14A-11, of Chapter 14A, Historic Preservation within the Tempe City Code, pertaining to violations, are hereby amended to read as follows:

**Sec. 14A-11. - Violations.**

- (a) Any person who constructs, alters, neglects, demolishes or removes a HISTORIC ELIGIBLE OR DESIGNATED property or portion thereof in violation of the provisions of this chapter may be required, to restore the property to its appearance prior to the violation, SUBJECT TO REVIEW AND FEASIBILITY OF RESTORATION AS DETERMINED BY THE HPO.
- ~~(b) Enforcement of this section shall be the responsibility of the City Manager or designee. Any resulting action regarding a violation of any provision of this chapter shall be brought by the City Attorney. The civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.~~
- ~~(c) Any person found to be in violation of any provision of this chapter shall be guilty of a misdemeanor, punishable in accordance with Section 1-7 of this Code.~~
- (b) PURSUANT TO SECTION 1-201, VIOLATIONS AND PENALTIES, WITHIN THE ZONING AND DEVELOPMENT CODE, IT IS A VIOLATION TO CONSTRUCT, ERECT, INSTALL, ALTER, NEGLECT, CHANGE, MAINTAIN, USE OR TO PERMIT THE CONSTRUCTION, ERECTION, INSTALLATION, ALTERATION, CHANGE, DEMOLITION, MAINTENANCE OR USE OF ANY HOUSE, BUILDING, STRUCTURE, SIGN, LANDSCAPE AREA, PARKING LOT, OR FENCE, OR TO USE OR PERMIT THE USE OF ANY LOT OR OTHER LAND CONTRARY TO, OR IN VIOLATION OF ANY OF THE PROVISIONS WITHIN THE ZONING AND DEVELOPMENT CODE.
- (c) FOR UNAUTHORIZED DEMOLITION OF A DESIGNATED PROPERTY OR HISTORIC ELIGIBLE PROPERTY, IN ADDITION TO ANY VIOLATIONS AND PENALTIES THAT MAY BE IMPOSED WITHIN SECTION 1-201 OF THE ZONING AND DEVELOPMENT CODE, SHALL, UPON FINALIZATION OF JUDGMENT:
  - ~~1. ISSUE A FORMAL COMPLAINT WITH THE ARIZONA STATE REGISTRAR OF CONTRACTORS AGAINST ANY CONTRACTOR OR COMPANY INVOLVED WITH AN UNAUTHORIZED DEMOLITION; AND;~~
  - 2. 1. ISSUE A FORMAL NOTIFICATION OF THE VIOLATION TO THE STATE HISTORIC PRESERVATION OFFICE REGARDING THE UNAUTHORIZED DEMOLITION.
- (d) FOR UNAUTHORIZED DEMOLITION OF A HISTORIC PROPERTY OR HISTORIC ELIGIBLE PROPERTY, SUBJECT TO A CLASS 1 MISDEMEANOR AND ANY FINE IMPOSED, THE PROPERTY MAY ALSO BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. PROHIBITION ON ISSUANCE OF ANY BUILDING PERMITS FOR NEW CONSTRUCTION ON THE SITE, NOT TO EXCEED A PERIOD OF THREE (3) YEARS.

**Section 8.** That Appendix A – Schedule of Fees and Charges within the Tempe City Code, pertaining to “NUISANCES AND PROPERTY ENHANCEMENT” fines, are hereby amended to read as follows:

NUISANCES AND PROPERTY ENHANCEMENT

RESIDENTIAL

|  | 1 <sup>st</sup> Violation        | 2 <sup>nd</sup> Violation        | 3 <sup>rd</sup> Violation        |
|--|----------------------------------|----------------------------------|----------------------------------|
| <b>Violations—Aesthetic</b><br>Section 21-3, Enumerated Violations<br><i>subsections (b)1-8 and 18-19</i><br>Section 21-4, Other enumerated violations<br>Section 21-13, Unenumerated violations<br>Section 21-38, Maintenance<br>subsections (a - k) and ( m - q)       | \$150                            | \$250                            | \$350                            |
| <b>Violations—Essential Services</b><br>Section 21-31, Sanitary Facilities<br>Section 21-32, Food Preparation Facilities<br>Section 21-33, Electrical and Lighting<br>Section 21-35, Doors; Windows; Ventilation<br>Section 21-36, Space and Occupancy                   | \$250                            | \$450                            | \$650                            |
| <b>Violations—Health, Safety &amp; Welfare</b><br><br>Section 21-3, Enumerated Violations<br>subsections (b) 9-16<br>Section 21-34, Thermal Environment<br>Section 21-37, Safety and Security<br>Section 21-38, Maintenance<br>subsection (l), Swimming Pool Maintenance | \$350                            | \$650                            | \$950                            |
| <b>Habitual Offender</b><br>Section 21-4(b)  | \$500 + sum of<br>other fines    | \$1,000 + sum of<br>other fines  | \$1,500 + sum of<br>other fines  |
| <b>Zoning &amp; Development Code Violations</b><br>Section 1-201A, Violations and Penalties  | \$120                            | \$370                            | \$770                            |
| <b>Violations – Chapter 14A Historic Preservation</b><br><u>Section 14A-11, Construction/Alteration/Neglect</u><br><u>Section 14A-11, Demolition/Removal</u>   | <u>\$1,000</u><br><u>\$2,500</u> | <u>\$1,000</u><br><u>\$2,500</u> | <u>\$1,000</u><br><u>\$2,500</u> |

COMMERCIAL

|   | 1 <sup>st</sup> Violation | 2 <sup>nd</sup> Violation | 3 <sup>rd</sup> Violation |
|---|---------------------------|---------------------------|---------------------------|
| <b>Violations—Aesthetic</b><br>Section 21-3, Enumerated Violations<br>subsections (b)1-8 and 18-19<br>Section 21-4, Other enumerated violations<br>Section 21-13, Unenumerated violations<br>Section 21-38, Maintenance<br>subsections (a - k) and ( m - q) | \$120                     | \$370                     | \$770                     |
| Default Amount  | \$170                     | \$420                     | \$820                     |
| <b>Zoning &amp; Development Code Violations</b><br>Section 1-201, Violations and Penalties  | \$120                     | \$370                     | \$770                     |

|   |         |         |         |
|---|---------|---------|---------|
| Default Amount  | \$170   | \$420   | \$820   |
| <b>Violations – Chapter 14A Historic Preservation</b> |         |         |         |
| Section 14A-11, Construction/Alteration/Neglect       | \$1,000 | \$1,000 | \$1,000 |
| Section 14A-11, Demolition/Removal                    | \$2,500 | \$2,500 | \$2,500 |

21-51 Reinspection fee \$ 82.00  
 ..... (includes a 9% Technology & Training Fee)

21-53 Nuisance abatement fee EQUAL TO 15% of the actual cost of abatement or \$300.00 whichever is greater with the cost of recording liens and releases thereof.

(Ord. 93.42; Res. No. 98.01, 1-8-98; Res. No. 99.57, 9-30-99; Res. No. 2002.38, 7-11-02; Res. No. 2007.22, 5-3-07; Res. No. 2007.92, 1-24-08; Res. No. 2009.57, 6-11-09; Res. No. R2021.23 , § 1, 2-11-21, effective 4-1-21)

**Section 9.** Pursuant to A.R.S. § 9-462.01(J), the City Council has considered the probable impact of this zoning ordinance on the cost to construct housing for sale or rent.

**Section 10.** Pursuant to the Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this \_\_\_ day of \_\_\_, 2023.

\_\_\_\_\_  
 Corey D. Woods, Mayor

ATTEST:

\_\_\_\_\_  
 Kara DeArrastia, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
 Sonia M. Blain, City Attorney



# Historic Preservation Ordinance Public Input Survey September – October 2023

## Contents

- I. [Background](#)
- II. [Outreach](#)
- III. [Survey Results](#)

### I. Background

This ordinance provides protections for historically significant properties and archaeological sites. The proposed changes are based in part on priorities in the [2022 Historic Preservation Plan](#). This round of feedback will help inform draft revisions to the ordinance that will be taken through the public hearing process.

Two public meetings were held for the Historic Preservation Ordinance on Sept. 26:

- From 12 to 1 p.m. on Zoom with 20 attendees
- From 6 to 7 p.m. at the Tempe Public Library with 10 attendees signed in

Additionally, a survey was available online at [tempe.gov/Forum](https://tempe.gov/Forum) from Sept. 26 through Oct. 9, 2023. This survey received a total of 70 visitors and 34 responses.

### II. Outreach

Several methods were used to provide information to the public and stakeholders regarding the project, meeting and opportunities for input.

Outreach for this project will help the Historic Preservation Office understand the community's perspective on the proposed changes to the Historic Preservation Ordinance update.

#### [Project Webpage](#)

The project [webpage](#) was updated continuously and included information about the project, the date and access information for the public meeting and online comment information.

#### [Direct Mail](#)

A postcard was sent to owners of individual properties as well as neighborhoods on the local historic property register and individual historic eligible properties inviting them to attend the meeting or to comment online.

## Social Media, Eblasts and Press Release

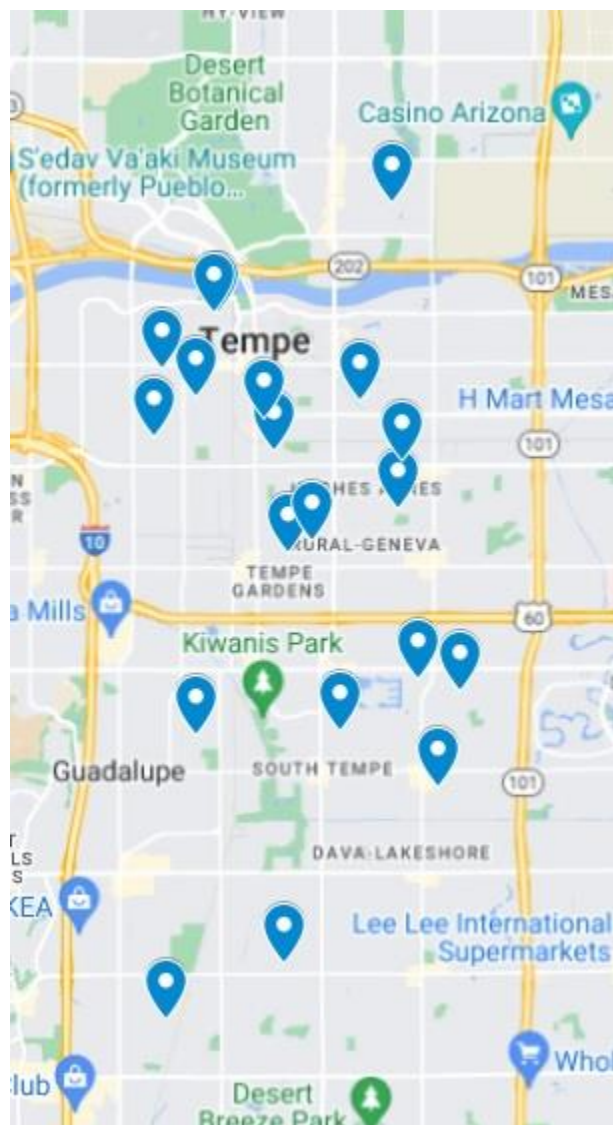
Information about the meeting and opportunity to comment was shared on the city's various social media channels and through an eblast and press release.

A notification email was sent to Tempe Forum subscribers, neighborhood contacts, relevant Boards and Commissions and previous participants in Historic Preservation outreach inviting them to attend the meeting or to comment online.

### III. Survey Results

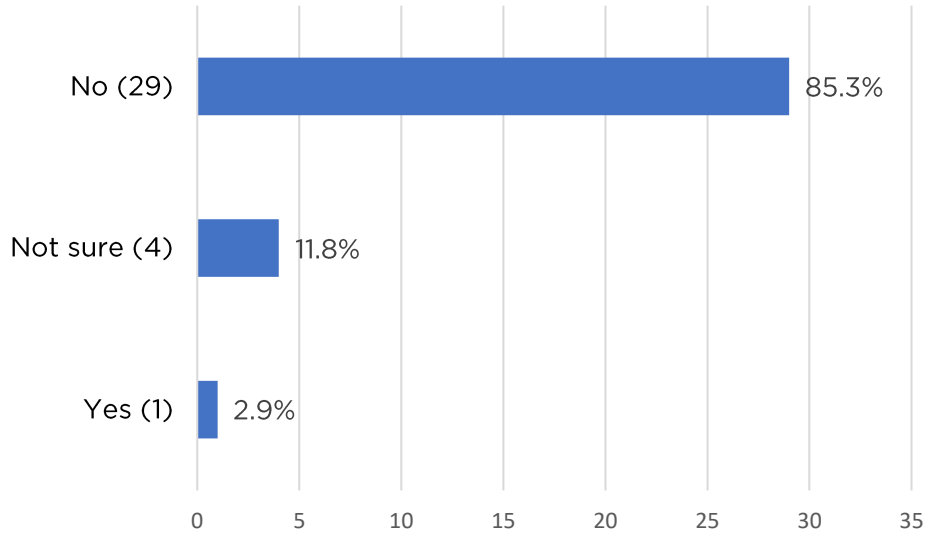
The survey was available online at [tempe.gov/Forum](https://tempe.gov/Forum) Sept. 26 through Oct. 9, 2023 to gather feedback on draft language for the Historic Preservation Ordinance update.

21 respondents provided an address with approximately 95% in Tempe.



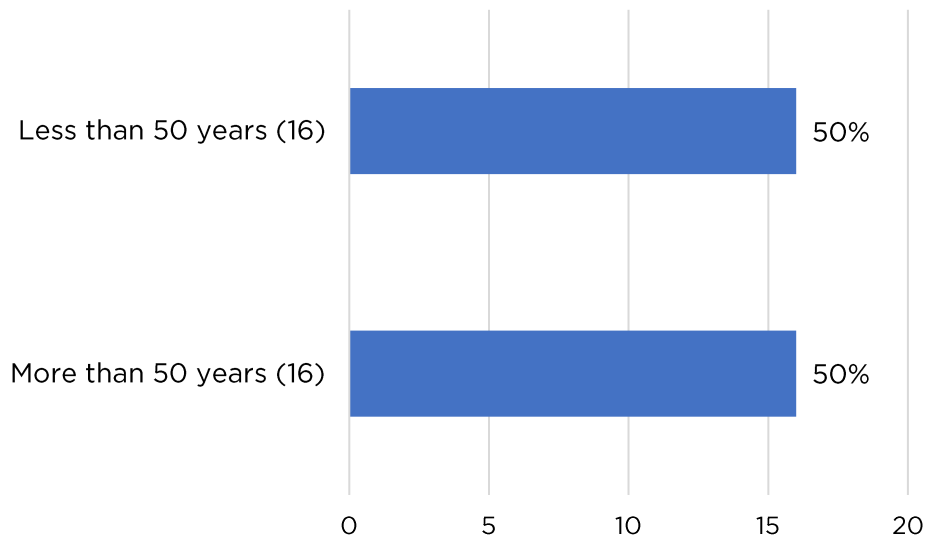


1. Do you own a historic property?



Responses: 34

2. If you live in Tempe what is the age of your home?



Responses: 32

3. Proposed changes include increasing the maximum length of stays on issuing demolition permits for Historic properties from 180 to 365 days and Historic Eligible properties from 30 days to 60 days, as well as imposing a maximum stay of 60 days on issuing demolition permits for all properties 50 years or older. Please share any comments on these revisions.

1. Current rules seem adequate. I don't see any reason to make it harder to remove unwanted property and allow Tempe to improve. If a property is still set to be demolished in 180 days then it will still be set

to be demolished in 365. This just makes it take longer and cost more money to make those changes.

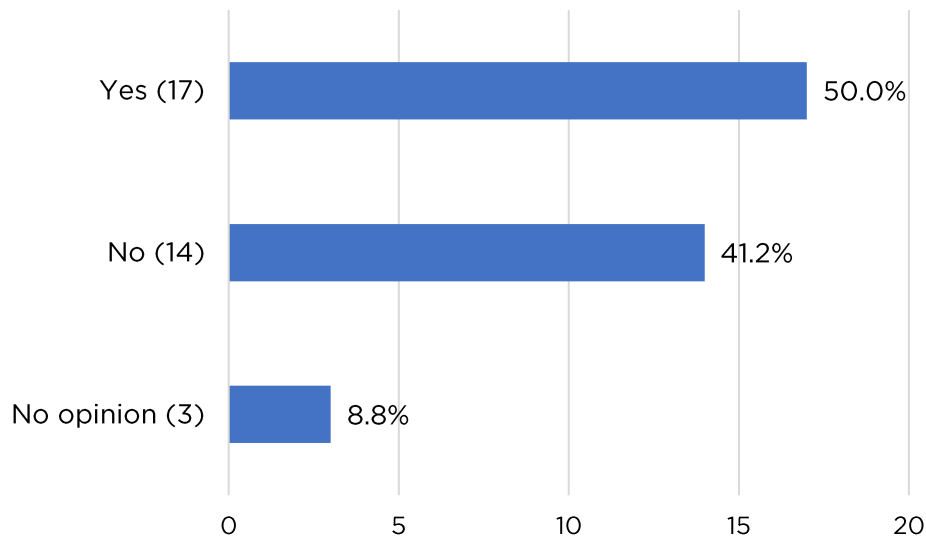
2. Demolition permits is too long, a lot can change in a full year and this will lead to projects not happening.
3. Extending the stay on demolition permits disproportionately hinders development and economic growth. The proposed changes could result in prolonged vacancies, fostering neglect and decay, which counteract preservation goals. A balanced approach, ensuring swift permit processing while safeguarding historic assets, is crucial for sustainable progress and maintaining the architectural integrity of our community.
4. good idea. hopefully a compromise can be reached and a part of community history can be saved.
5. Horrible. Tempe needs more housing stock, especially in purpose-built exclusionary neighborhoods in South Tempe. This ordinance is transparently designed to try and render incoming preemption useless.
6. I do not agree with these changes. I would like to see justification of why sound reasons to prevent demolition of a property could be more effectively put forward during a longer time period.
7. I like this. I believe Tempe needs to continue to invest in long term housing. Our historic buildings, when built well, should be around for a long time. I hate seeing these cheap buildings that come up and down.
8. I oppose all the changes listed.
9. I think it helps to discourage demolition of potentially valuable historic buildings.
10. i think the proposed changes will make things harder for commercial building and the impact to develop more housing for people will be impacted.
11. I think these revisions are long overdue.
12. Increasing the maximum delay for issuing demolition permits most likely would not actually provide any additional protection. If an eligible property is determined not to be historically significant within the first 30 days, prolonging the stay would just be redundant and burdensome. And the 50 year cutoff is completely arbitrary and contrary to actual historic preservation. Just because a property is 50+ years old does not mean it actually holds any historic significance for the city or neighborhood, and at the same time makes future, most likely more efficient development more difficult.
13. I've lived in several pre 1973 buildings in Tempe and my current apartment is the only one that could be described as livable (owing to a complete gutting in 2007) these stucco track houses were not intended to last this long and anything which was actually designed by an architect at the time is already listed. Demolishing unfit housing shouldn't be complicated.
14. none

15. Oppose the 50 years or older term. 50 years or older should not be considered a historic property, as it will affect ability to build affordable housing in Tempe neighborhoods in the future.
16. Sec. 14A-7(j) is an unneeded change. Making any structure 50 years or older eligible for protection in terms of a 60-day waiting period/approval process is a dramatic expansion of what standard historic preservation policies use as eligibility, and is inconsistent with Sec. 14A-4. Within ten years, this would protect shabby structures built in the early 1980s, both commercial and residential. Has Tempe staff identified which ugly commercial structures this will be protecting soon and making more expensive to redo? Don't do this. The other changes are reasonable, but do NOT change Sec. 14A-7(j).
17. The 50 year limit is very arbitrary and will not protect historic homes from developers who are willing to wait. What this plan will do is cause unnecessary burden on homeowners seeking to update properties or increase the amount of housing in Tempe. Ultimately the council and planners have failed to show what is so worth "preserving" about a home built in 1970. Asbestos??, no... Do not pass this.
18. These changes make it more onerous to redevelop properties that are hardly historical, and will result in even more properties becoming protected as time goes on. Historical status should not be a blanket designation and should carry actual research and reasoning behind it aside from just age. Tempe needs to be able to change with the times to guarantee affordability for residents.
19. This is a terrible idea. It's already far too difficult to update Tempe buildings to match the current needs of residents. Every effort should be made to encourage owners and developers to update the structures on their land to serve Tempe 2023, not Tempe 1973. Imagine other world cities sticking to their first draft instead of updating as they grew--you'd have farms up and down the island of Manhattan! Add to that the fact that many ""historical"" (nothing in this city is historically significant--it's brand new!) properties are in the city center, where jobs and amenities are concentrated, and you have a recipe for a reduced quality of life for all residents. Every hurdle the city adds to This is a California-style reform, and it will only lead to California-style results. Do we want our cities restricted to rich senior citizens or desperately poor vagrants? While young productive workers with families are banished to exurbs?
20. This is regulation is overly broad and unnecessarily restricts the ability of property owners to exercise their rights of ownership. This expansion will increase development costs and will be abused by anti-progress neighbors to slow or block quality projects. There is very little in Tempe that merits historic preservation - most certainly not 1970's tract housing to which this will apply.
21. This is the wrong direction we need for Tempe. Historic buildings are nice, but not all 50+ year old properties are historical The majority aren't even close and in 10 years a supermajority of homes will fall

under this ordinance. It will only make it harder for homeowners to do what they want with their own property. We should be making it easier to redevelop Tempe not harder.

22. We should preserve and amplify Tempe's historical homes and buildings.
23. What constitutes "demolition"? Is that full removal of the property? Changing some % of it? Overall, an extension seems fine. A full year on Historic Properties seems excessive, but perhaps I am missing info.

4. Do you support waiving application fees to designate a property in the Tempe Historic Property Register?



Responses: 34

5. Some of the changes are technical in nature and include:
- Revising and clarifying the "Violations" section of the ordinance
  - Expanding the definition of Archaeologically Sensitive areas
  - Aligning notification requirements in the ordinance with those in the Zoning and Development Code.
  - Aligning language related to filing protests against a proposed historic district with the procedures mandated in A.R.S. 9-462.04(H).

Please share any comments on these revisions.

1. comments sent directly to HPO, including edits to Archaeologically Sensitive locations associated with projected canals and proposed changes for Archaeologically Sensitive locations related to HP zoning and Certificates of Appropriateness
2. Everyone in the city knows that the "historic" housing stock represents readily available and non unique vernacular architecture and that many houses in Tempe are beyond their intended lifespan. Historic designation is exclusively used to circumvent democratic pressure to increase development in the city. Stop permitting these people to use obtuse language to prevent the development that Tempe residents have repeatedly indicated support for.

3. Expanding Archaeologically Sensitive areas by 250ft in all directions seems needlessly wide and could impact improvement projects. I would hate to see something like a bike path get blocked because its 200ft from a sensitive site. I understand wanting to protect possible sites of importance but anything more than 50ft could compromise other projects.
4. I oppose all the changes listed.
5. Make the proceses simple cheap and in keeping the history preserved
6. Needs further explanation
7. None at all. I like the definition expansion of the Archaeologically Sensitive areas.
8. Notification must be streamlined and shared within the zoning, development and preservation offices. Also expanding the definition of archaeologically sensitive area will help to clarify what is a and is not considered sensitive areas.
9. Revising the Violations section risks introducing rigid penalties, undermining the current language that allows for a nuanced approach based on the violation's scale and scope. This flexibility is essential for fair enforcement and ensuring that the punishment is commensurate with the offense, promoting a balanced and just regulatory environment.
10. There are probably fewer than a dozen structures of any historical note in Tempe. Instead of denying this, the local governments should lean in and embrace heavy up-zoned redevelopment. We could be a world class city and every Arizonan would benefit.
11. These are logical and sound revisions.
12. These seem like good revisions.
13. why would the HPO have the ability to make these decisions versus the standing council decision. 30 day stays of demolition seems more reasonable than doubling the time

## 6. Please share any additional comments on the proposed updates.

1. adaptive reuse and compatible architectural designs must be adapted to preserve the character of historically significant areas in Tempe. Many cities across the globe have been able to achieve this, historic preservation and compatible development. Downtown Tempe and long Mill Ave. help to tell the story of how San Pablo and Hayden's Ferry became Tempe. the buildings help to tell these stories to future generations.
2. Historic protection should be limited to sites on the national historic register, city registration prevents density and forces renters into unsafe and unfit housing.
3. Historical preservation is important but most of the properties about to become 50 years old do not have any historical significance. Tempe needs more affordable housing and housing supply in general. Creating a lengthy and more expensive development process will reduce future

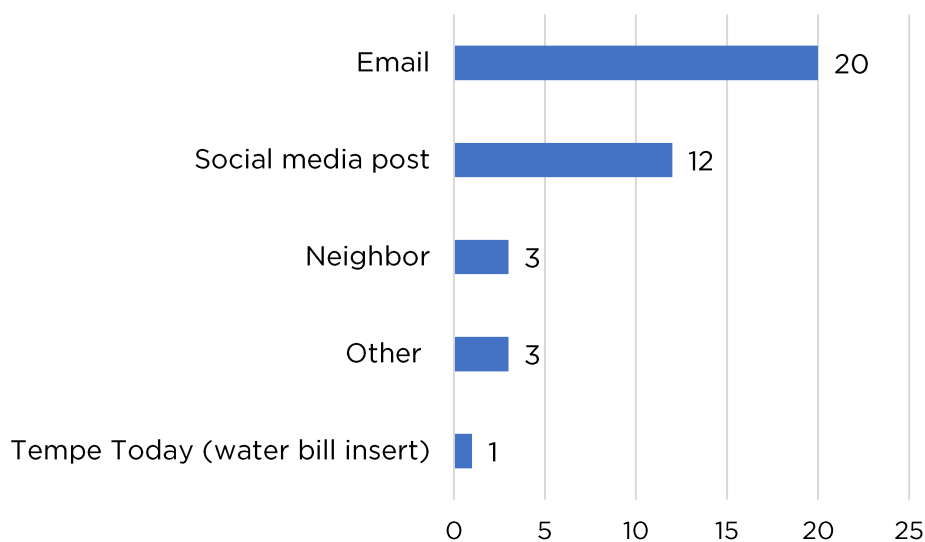
development opportunities. This is not a good use of funds or time and I oppose all of the proposed changes.

4. I am interested in preserving specific landmarks and iconic buildings in Tempe. However, nonspecific expansions of historical preservation such as this don't accomplish any concrete preservation goal which substantially improves or protects the character of the city, and instead simply serves as an additional barrier to developing new, denser housing in our growing city.
5. Less focus on housing more on community related places
6. Please make it easier to redevelop Tempe.
7. Tempe has a lot of history. We should continue to preserve and maintain it
8. The preservation of historic places needs to be balanced with the need for progress. Nobody wants an important building replaced with a tire shop but sometimes the term 'historic' is used as a shield to prevent real progress. This means we need to give fair protections and not over protect anything labeled as 'historic'.
9. The proposed changes to the historic preservation ordinance are misguided and could seriously hamper our city's growth and adaptability. While it's important to cherish our history, we must also recognize when regulations become impediments. The move to prolong the issuance of demolition permits for Historic properties and Historic Eligible properties doesn't just create minor inconveniences; it stifles innovative development, directly impacting our city's potential to address pressing housing needs. Don't forget, almost 50% of renting households in Tempe are cost burdened, meaning they are paying 30% or more of their household income on housing costs alone. Furthermore, the 60-day maximum stay for all properties aged 50 years or older is an overgeneralization. Not every property of this age holds significant historic merit. My house was built in the early 60's, but by no means do I consider it 'historic.' Many neighborhoods would immediately fall under this designation. By implementing such a blanket restriction, we risk sidelining essential development projects in favor of properties that might not warrant such protection. And it muddies the waters for properties that are actually historic and special in nature. We're at a pivotal moment in Tempe's growth trajectory. This city deserves policies that simultaneously respect our past while ambitiously paving the way for a thriving future. These proposed changes fall short of that vision and would, in fact, hinder our progress. It's time to reconsider and reshape these regulations for the benefit of all Tempe residents, present and future.
10. The proposed revision of Sec 14A-7(j), which introduces a 50-year cutoff for historic eligible properties, represents a hasty and arbitrary alteration that threatens to stymie the growth and development of Tempe. The existing standards have been crafted with a balanced approach, ensuring that the historic character of our city is preserved without imposing undue burdens on property owners. This arbitrary 50-

year cutoff lacks a substantial rationale and threatens to envelop a broad range of properties under the historic eligible category, thereby imposing restrictive conditions on their development or modification. This is especially concerning as it can significantly hamper the efforts of small and minority property owners and developers who aim to enhance the economic value of their properties, thus contributing to the broader economic growth of the area. The extension of the clearance period as proposed is not only unreasonable but also discriminatory, as it disproportionately affects these groups. Furthermore, the existing standards have been effective in maintaining a harmonious blend of historical preservation and modern development. They ensure a meticulous and well-considered evaluation of properties based on their true historic value rather than an arbitrary age cutoff. This thoughtful approach has allowed Tempe to flourish while cherishing its historical heritage. Moreover, the proposed longer clearance period introduces an additional layer of bureaucratic delay, which can be detrimental to timely development projects. This extended waiting period could lead to missed opportunities, financial strains, and a stifling of innovation and investment in our city. In light of these concerns, it is imperative that the existing standard of historic eligible properties in Sec 14A-7(j) be upheld. This will ensure that the growth and development of Tempe continue unabated, while still paying homage to its rich historical legacy, striking a balance that benefits all stakeholders involved.

11. This procedure does not make sense and will not serve to protect actual historic houses. The Tempe Women’s Club is still open for sale while the council is so concerned with protecting land sub-divisions in central Tempe which are resistant to useful increases in density. This entire process makes no sense and will hurt the community.

**12. How did you hear about this survey? Check all that apply**



Responses: 33