



Current Planning Services
7447 E. Indian School Rd.
Scottsdale, AZ 85251

Historic Preservation Commission Meeting Memorandum

Item No. 6
Topic: Historic Preservation Commission Training
Action Requested: This is a non-action item.
Meeting Date: June 2, 2016
From: Steve Venker, Historic Preservation Officer

Background

Previous training sessions have focused on the Annual Ethics Refresher training provided by the City Attorney. Recently a new member, Mr. Douglas Craig, was appointed to the Historic Preservation Commission.

Staff is proposing to provide training sessions for the Historic Preservation Commission due to the fact that most of the Commissioners are serving their first 3-year term.

This training session will focus on the provisions of Scottsdale Revised Code and Zoning Ordinance that establish, empower, and enable the Historic Preservation Commission to fulfill its responsibilities for the City of Scottsdale.

Attachments:

1. Excerpts from the City of Scottsdale General Plan 2001
2. Scottsdale Revised Code: Chapter 2 Administration, Division 1 Generally
3. Scottsdale Revised Code: Chapter 2 Administration, Division 9 Historic Preservation
4. Scottsdale Revised Code: Chapter 46 Planning Development and Fees, Article VI Protection of Archaeological Resources
5. Scottsdale Zoning Ordinance: Article I Section 1.1000 Historic Preservation Commission
6. Scottsdale Zoning Ordinance: Article I Section 1.1400 Violation and Penalty
7. Scottsdale Zoning Ordinance: Article III Section 3.100 Definitions
8. Scottsdale Zoning Ordinance: Article VI Section 6.100 (HP) Historic Property
9. Bylaws of the Historic Preservation Commission

Scottsdale's Values and Vision

The General Plan is the primary tool for guiding the future development of the city. On a daily basis the city is faced with tough choices about growth, housing, transportation, neighborhood improvement, and service delivery. A General Plan provides a guide for making these choices by describing long-term goals for the city's future as well as policies to guide day-to-day decisions.

Community Values

In the year 2025, Scottsdale will be a community that:

- Demonstrates its commitment to environmental, economic, and social sustainability and measures both the short and long-term impacts of our decisions;
- Creates, revitalizes, and preserves neighborhoods that have long-term viability, unique attributes and character, livability, connectivity to other neighborhoods in the community, and that fit together to form an exceptional citywide quality of life (i.e. the whole is greater than the sum of its parts);
- Facilitates human connection by anticipating and locating facilities and infrastructure that enable human communication and interaction; and by promoting policies that have a clear human orientation, value and benefit;
- Respects the environmental character of the city with preservation of desert and mountain lands, and innovative ways of protecting natural resources, clean air, water resources, natural habitat and wildlife migration routes, archaeological resources, vistas, and view and scenic corridors;
- Builds on its cultural heritage, promotes historical and archaeological preservation areas, and identifies and promotes the arts and tourism in a way that recognizes the unique desert environment in which we live;
- Coordinates transportation options with appropriate land uses to enable a decreased reliance on the automobile and more mobility choices;
- Maintains or improves its high standards of appearance, aesthetics, public amenities, and levels of service;

Character and Design

VISION STATEMENT

Scottsdale residents and visitors value the diverse character and unique quality of design that our Sonoran Desert community offers. Scottsdale promotes a quality of development and redevelopment that is considered above the norm in terms of aesthetic composition and sustainable durability. Appropriate development in Scottsdale will strike a balance that respects the natural desert settings, historically significant sites and structure and the surrounding neighborhood context, with the objectives and needs of future generations. Art and aesthetic enhancement will continue to be essential components of our community's character and lifestyle.

Introduction

The 1994-96 City Shape 2020 citizen-driven process, concluded that there were two major determinants that make Scottsdale a good place and continue to make it a good place: “character” and “quality.” The citizens determined that these two factors have been a major influence on how the community has grown and will continue to grow and develop. They also said that our expectations for and appreciation of character and quality might be very different from one part of the city to another because our individual neighborhoods are unique in so many ways.

Our neighborhoods were built at different times, beginning in the early 1950's. They might contain simple, well-built homes within walking distance of Downtown Scottsdale, townhouses with a resort-like lifestyle or large homes with equestrian facilities and a desert setting. Each style is richly diverse in its own right, yet a part of the larger Scottsdale community form.

Valuing our physical diversity created the drive to re-evaluate our community's General Plan in a new light. Today we approach general planning at three levels: the overarching whole community, the character of specific areas, and the individual neighborhoods.

Design Standards

Scottsdale has a rich heritage of initiating quality design standards and review processes. Examples of this focus on character and design include a strong sign ordinance, the Development (design) Review process, parking lot landscaping, protected Natural Area Open Space (NAOS), the Indian Bend Wash greenbelt, Scenic Corridors, and the Environmentally Sensitive Lands

see the General Plan section

to oversee connections, transitions and blending of these characters to be sure that our community comes together to create a unified composition.

Development Review

Community oversight has been and continues to be an important part of our community's heritage, and one that did not occur by happenstance. Our community leaders have carefully scrutinized new development, redevelopment, and related activity for decades. This forward thinking has resulted in a quality community even with the explosive growth experienced in the recent past. Through commitment to quality, respectful pride in past creations, and an ongoing striving for excellence, our city has and will continue to create a community held in high regard locally, nationally, and even internationally.

Historic and Archeological Preservation

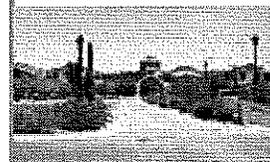
Although Scottsdale is a relatively young community it has recognized the significance of its historical and archeological past. A Historic Preservation Commission and Ordinance have been recently established. This Commission is charged with assuring that the legacy of Scottsdale is not lost in its growth and evolution. The amount of historic resources will increase greatly in the coming decades.

Arts and Culture

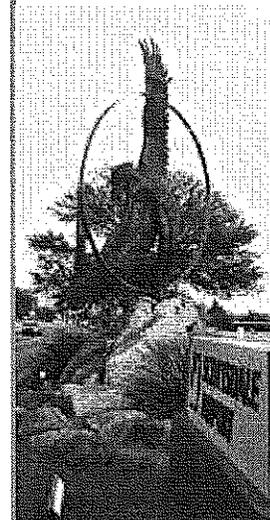
The arts are as integral to Scottsdale's character as is its Sonoran desert setting. In 1909, before a single Scottsdale street was paved, Marjorie Thomas built her art studio at what is now the intersection of Indian School Road and Drinkwater Boulevard. In the years that followed, Scottsdale was "discovered" time and time again by artists, poets and other creative individuals. The Scottsdale Visioning process recognized the importance of arts and culture to Scottsdale, making it one of the Four Dominant Themes that define Scottsdale's unique characteristics.

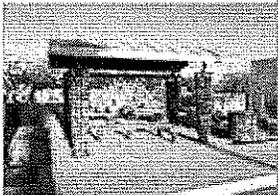
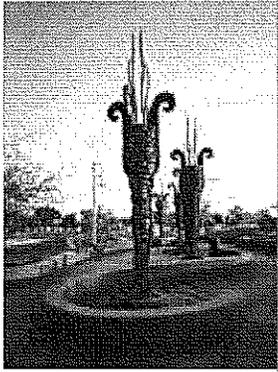
Scottsdale boasts more art galleries per capita than most major cities in the world. The more than 80 art galleries extending from Downtown to the northern reaches of the city have given Scottsdale an international reputation as a major art market, on par with New York, Los Angeles, and Santa Fe. Art dealers and collectors come from all over the world to shop at the local galleries. Additionally Scottsdale has recently begun to integrate public art into its urban fabric. It is appropriately fitting that a community known synonymously for art would choose art as a necessary component of its character and function.

Scottsdale has a strong tradition of public and private support for the arts. Since the city's incorporation in 1951, Scottsdale has gained a national reputation as an art center that includes public art, galleries, resident artists, and special events. The city has created a public art program to bring art into the daily lives of people that live in or visit Scottsdale.



see Scottsdale's
Values and Vision
section





Since 1968, the city has accepted donations to develop a city fine arts collection, beautify public spaces, and decorate city structures. The city has adopted a Percent for Art Ordinance that allows for the commissioning of specific art works for public spaces and establishes a cultural improvements program for the Downtown district. A second ordinance established the Fine Arts Trust Fund to be used for commissioning works of art. An additional funding source for the trust comes from one percent of the city's annual capital improvement project budget and these funds can be used citywide.

Public art includes artwork placed on and integrated into public property, such as parks, streets, walkways, plazas, landscaped areas, building surfaces, or in public buildings. Civic artwork should be experienced from the street or other public accessible places. Artwork in public buildings should be accessible to the public as much as possible.

The city has contracted with the Scottsdale Cultural Council since 1988 to administer its collection of fine art and the public art program. The Cultural Council charged their Art Collections Advisory Board (ACAB) with managing the Public Art Program and with developing procedures and policies for the acquisition and placement of public art. The ACAB determines annual objectives through a Public Art Master Plan. Citizen involvement in the development of a citywide public art plan is ongoing.

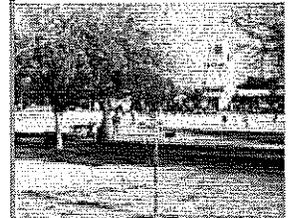
Scottsdale Values ...

- The special characteristics of the Sonoran Desert setting, including climate, vegetation, and topography.
- The culture and history embodied in the desert Southwest region and its character and design implications.
- Quality design that incorporates concepts, such as but not limited to context, aesthetics, craftsmanship, function, durability, and sustainability.
- Physical settings that enhance people's sense of place and comfort. Public and private spaces incorporated within and linked to adjacent developments that enable comfort, human scale, and social interaction.
- Diversity provided by the varying character of different areas within the city, while understanding the role of each in the composition of our community as a whole.

- Protection of significant historic buildings and settings.
- Art integrated into our community as an important component of good design.

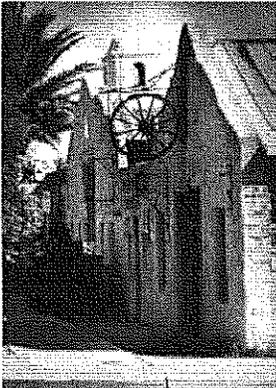
Goals and Approaches

1. **Determine the appropriateness of all development in terms of community goals, surrounding area character, and the specific context of the surrounding neighborhood.**
 - Respond to regional and citywide contexts with new and revitalized development in terms of:
 - Scottsdale as a southwestern desert community.
 - Scottsdale as a part of a large metropolitan area with a unique reputation, image, character and identity within its regional setting.
 - Relationships to surrounding land forms, land uses and transportation corridors.
 - Contributions to city wide linkages of open space and activity zones.
 - Consistently high community quality expectations.
 - Physical scale relating to the human perception at different points of experience.
 - Visual impacts (views, lighting, etc.) upon public settings and neighboring properties.
 - Visual and accessibility connections and separations.
 - Public buildings and facilities that demonstrate these concepts and “lead” by example.
 - Enrich the lives of all Scottsdale citizens by promoting safe, attractive, and context compatible development.
 - Encourage projects that are responsive to the natural environment, site conditions, and unique character of each area, while being responsive to people’s needs.
 - Ensure that all development is a part of and contributes to the established or planned character of the area of the proposed location. Character can cross land uses and zoning to include community regions containing a mixture of housing, employment, cultural, educational, commercial, and recreational uses. The overall type of character type that these uses are a part of describes the pattern and intensity of how these uses fit together. The following general character types are found in our community:
 - Urban Character Types** contain higher-density residential, non-residential, and mixed-use neighborhoods. The districts include apartments, high-density townhouses, commercial and employment



see the Character Types map for character type location

see the Goals
of the Historic
Preservation
Commission in
Appendices



see the Streetscape
map for Streetscape
classification area
locations

3. Identify Scottsdale's historic, archaeological and cultural resources, promote an awareness of them for future generations, and support their preservation and conservation.

- Continue the Historic and Archaeological Preservation Process. The Historic Preservation Commission advises the Planning Commission and City Council in all matters concerning historic and archaeological preservation.
- Enforce and refine the city's Historic Preservation Ordinance and the Archaeological Resource Preservation Ordinance to protect our significant resources and mitigate unavoidable loss.
- Continue the process of identifying Scottsdale's historic, archaeological, and cultural resources.
- Provide a variety of support and incentives to enhance and maintain significant historic and archaeological resources.
- Establish standards required to preserve and retain the historic character of designated resources.
- Promote revitalization of identified significant current or future historic resources through preservation, adaptive reuse or other means as an alternative to wholesale redevelopment.
- Initiate programs for the preservation, restoration or rehabilitation of City-owned historically significant structures and resources.
- Advocate programs for the restoration and rehabilitation of privately owned significant structures and resources.
- Discourage and work to prevent unwanted demolition of buildings and structures identified by the Commission as significant and work to prevent the destruction of significant archaeological resources.
- Develop partnerships with groups, such as the Scottsdale Historical Society, State Historic Preservation Office, and other local, regional, and national historic and archaeological boards and commissions in support of these goals.
- Promote the Historical and Archaeological Preservation programs within the community through education and public outreach.

4. Encourage "streetscapes" for major roadways that promote the city's visual quality and character, and blend into the character of the surrounding area.

Streetscape is a term used to describe the combination of individual design elements that give character to the street frontages of the city. Some examples of these elements are landscaping, street furniture, lighting, and sidewalk design. Streetscape design plays a major role in setting a standard of quality and innovation for other design issues.

Scottsdale, Arizona, Code of Ordinances >> DIVISION 1. GENERALLY >>

DIVISION 1. GENERALLY

Sec. 2-241. Membership generally.

Sec. 2-242. Resignation to seek public office.

Sec. 2-243. Code of ethical behavior.

Secs. 2-244—2-255. Reserved.

Sec. 2-241. Membership generally.

- (a) Unless otherwise specified elsewhere in this article, the provisions of this section shall apply to all boards and commissions.
- (b) All members of appointive boards and commissions shall be appointed by and serve without compensation at the pleasure of the council. At the time of appointment the appointee shall be a resident of the city and shall maintain residency during the term for which appointed. Loss of residence shall be deemed resignation from the office.
- (c) Unless otherwise specified in the Scottsdale Revised Code, the mayor and councilmembers shall not serve as members of any appointive board or commission.
- (d) Appointment to a board or commission, except the public safety personnel retirement system board and the personnel board, shall be for a term of three (3) years or until a successor is appointed. Terms shall commence on the date of appointment when the appointment is to fill an expired term or a vacancy arising from any cause other than expiration of term. Unless otherwise specified in the Scottsdale Revised Code, no member shall be appointed to more than one (1) board or commission at one (1) time. A member is considered to have resigned from an existing board or commission upon appointment to another board or commission and upon the appointment of a successor to replace the member. Once a total of six (6) years of service on the same board or commission is reached, a member is not eligible for reappointment to the same board or commission.
- (e) A member of a board or commission may be removed by the council at any time with or without cause. A member of a board or commission shall no longer serve and is considered to have resigned if the member is convicted of a felony or a crime of moral turpitude while serving on a board or commission. For purposes of this subsection, "moral turpitude" has the same meaning as set forth in section 16-3 of the Scottsdale Revised Code.
- (f) Members of each board and commission shall elect a chair and vice-chair at their first meeting of the calendar year. Such officers shall serve for a term of one (1) year or until their successors are elected.
- (g) A committee of any board or commission shall not be created unless authorized by the city council prior to its creation. Any committee created by a board or commission following city council authorization may include only members of the appointing board or commission unless the city council approves the appointment of a nonmember.
- (h) In the event a member of a board or commission is unwilling or unable to serve, or if any member is absent or tardy from three (3) consecutive meetings, or four (4) meetings within a six-month period, then the chair shall notify the mayor or the mayor's designee so that the

ATTACHMENT #2

consideration of removal and replacement of the member may be scheduled for city council action.

- (i) A board or commission shall consist of no more than seven (7) members.
- (j) No councilmember shall appoint or vote for the appointment of any relative to a board or commission. For purposes of this subsection, "relative" has the same meaning as set forth in section 14-134 of the Scottsdale Revised Code.

(Code 1972, § 2-451; Ord. No. 3842, § 1, 2-10-09; Ord. No. 3963, § 1, 9-13-11)

Charter reference— Membership restrictions and requirements for boards, commissions, etc., art. 5, §§ 1, 2.

Sec. 2-242. Resignation to seek public office.

- (a) A member of an appointive board or commission shall resign as a member of the board or commission prior to offering himself or herself for nomination or election to any salaried public office, including city, state or federal offices. A board or commission member shall be deemed to have offered himself or herself for election upon the filing of a nomination paper pursuant to A.R.S. § 16-311, or making a public declaration of candidacy, whichever occurs first.
- (b) This provision applies to members of all city boards or commissions, who have been appointed by the city council, pursuant to its authority under the city charter, including, without limitation all boards and commissions authorized or established by the provisions of this article, the zoning ordinance of the City of Scottsdale and any other provisions of this Code.
- (c) A resignation pursuant to this section shall be made in writing and filed with the city clerk. The resignation shall become effective upon filing with the clerk.

(Ord. No. 2652, § 1, 4-4-94)

Sec. 2-243. Code of ethical behavior.

The provisions of the City of Scottsdale Code of Ethical Behavior, as set forth in divisions 3 and 4 of article II of this chapter, apply to all members of city appointive boards and commissions.

(Ord. No. 3675, § 2, 5-2-06)

Secs. 2-244—2-255. Reserved.

Scottsdale, Arizona, Code of Ordinances >> DIVISION 9. HISTORIC PRESERVATION COMMISSION >>**DIVISION 9. HISTORIC PRESERVATION COMMISSION ^[18]**

Sec. 2-311. Established.

Sec. 2-312. Membership.

Sec. 2-313. Purpose; powers and duties.

Sec. 2-314. Procedures; rules and regulations.

Sec. 2-315. Remain in existence.

Sec. 2-316. Conditions; terms.

Secs. 2-317—2-320. Reserved.

Sec. 2-311. Established.

The city council hereby establishes the Scottsdale Historic Preservation Commission.

(Ord. No. 3017, 6-2-97)

Sec. 2-312. Membership.

The Scottsdale Historic Preservation Commission shall consist of seven (7) members, each of whom shall be appointed by the City Council. Each member shall have demonstrated special interest, knowledge or experience in at least one of the following: building construction, history, architectural history, architecture, historic architecture, planning archaeology, historic archaeology, real estate, historic preservation law or other historic preservation related field. At least one member should be selected from each of the following professions: registered architect, real estate professional, archaeologist, historian.

(Ord. No. 3017, 6-2-97; Ord. No. 3242, § 11, 7-13-99)

Sec. 2-313. Purpose; powers and duties.

- (a) The Commission is charged with developing a comprehensive Historic Preservation Program and assisting the city in becoming a Certified Local Government in Arizona.
- (b) The Scottsdale Historic Preservation Commission shall:
 - (1) Establish a process for identifying Scottsdale's historic, archaeological, and cultural resources;
 - (2) Develop recommendations to provide a variety of support and incentives, including funding concepts, to enhance and maintain significant historic and archaeological resources;
 - (3) Review proposed alterations to historic and archaeological resources through the Certificate of Appropriateness process;
 - (4) Identify resources and districts of historic significance in the city;
 - (5) Develop, maintain, and from time to time amend, plans for the preservation of resources of historic significance in the city;
 - (6)

ATTACHMENT #3

- Establish standards necessary to preserve the historic character of resources designated historic;
- (7) Establish and maintain the Scottsdale Historic Register; inventory historic properties, including archaeological resources, and recommend to the city council designations for historic property districts;
 - (8) Establish guidelines for evaluation of historic and archaeological resources; provide public information and education on preservation;
 - (9) Coordinate resources and provide technical assistance;
 - (10) Develop criteria and review procedure;
 - (11) Promote revitalization of the city through preservation;
 - (12) Confer with other city, county, regional, State, and national historic preservation boards and commissions;
 - (13) Initiate programs for the restoration or rehabilitation of city-owned historic buildings;
 - (14) Advocate and recommend programs for the restoration or rehabilitation of privately owned buildings and the preservation of archaeological resources;
 - (15) Discourage, and work with city departments to prevent, unwanted demolition of historic buildings and structures, and the destruction of archaeological resources; and
 - (16) Develop partnerships with groups such as the Scottsdale Historical Society and the State Historic Preservation Office.
 - (17) Report its progress to the city council twice a year.

(Ord. No. 3017, 6-2-97; Ord. No. 3242, § 11, 7-13-99)

Sec. 2-314. Procedures; rules and regulations.

The Historic Preservation Commission will:

- (1) Establish rules, regulations and procedures that shall govern its affairs, including provisions for the selection of a chairman and vice-chairman and such other officers as may be deemed reasonably necessary for the effective and efficient operation of the board.
- (2) Establish the time, place and manner of notice of all regular and special meetings.
- (3) Establish the manner of adoption, amendment and repeal of the rules and regulations of the board.

(Ord. No. 3017, 6-2-97)

Sec. 2-315. Remain in existence.

The commission shall remain in existence until city council determines that the tasks it has been charged to carry out have been completed.

(Ord. No. 3017, 6-2-97)

Sec. 2-316. Conditions; terms.

The commission members shall be subject to the conditions set forth in section 2-241 of the Scottsdale Revised Code and shall be appointed for three-year terms, except that the original members shall be appointed for staggered terms: two (2) for one (1) year, two (2) for two (2) years, and three (3) for three (3) years.

(Ord. No. 3017, 6-2-97)

Secs. 2-317—2-320. Reserved.

FOOTNOTE(S):

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Editor's note— Ordinance No. 2936, § 1, adopted August 5, 1996, repealed §§ 2-311—2-314 in their entirety. Formerly, such section pertained to international relations commission and derived from Ord. No. 2529, § 1, 5-2-93. Subsequently, Ord. No. 3017, adopted June 2, 1997, added §§ 2-311—2-316. (Back)

Scottsdale, Arizona, Code of Ordinances >> VOLUME II - >> Chapter 46 - PLANNING, DEVELOPMENT AND FEES >> ARTICLE VI. PROTECTION OF ARCHAEOLOGICAL RESOURCES >>

ARTICLE VI. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Sec. 46-130. Definitions.

Sec. 46-131. Purposes.

Sec. 46-132. Surveys of archaeological sites and exemptions.

Sec. 46-133. Review procedures for archaeological resources.

Sec. 46-134. Discoveries of archaeological resources during construction.

Sec. 46-135. Cemeteries and human remains.

Sec. 46-136. Fee schedule.

Sec. 46-137. Enforcement.

Secs. 46-138—46-140. Reserved.

Sec. 46-130. Definitions.

In this article:

Archaeological resources means any material remains of past human life or activities which are at least fifty (50) years old and of historic or pre-historic significance. Such materials include, but are not limited to petroglyphs, pictographs, paintings, ornaments, jewelry, textiles, ceremonial objects, armaments, vessels, ships, vehicles, human skeletal remains, rock art, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, water-control devices, pit houses, rock paintings, rock carvings, intaglios, graves, personal items and clothing, household or business refuse, printed matter, manufactured items, or any piece of any of the forgoing items.

Archaeological site means a concentration of archaeological resources inferred to be locations used for past specific human activities.

Archaeological site, recorded, means an archaeological site in Arizona that has been identified by a qualified archaeologist and has been recorded in a database at the Arizona State Museum and/or the State Historic Preservation Office (SHPO) so that the location is mapped and documentation on the archaeological resources found at the location or collected from the location is available for research use.

Archaeological site, significant, shall mean archaeological resources determined by the historic preservation officer, historic preservation commission, or a committee of the commission, to be significant in the City of Scottsdale when one (1) or more of the city's nine (9) criteria for significance are contained in the archaeological resources on a property, or designated HP District by city council.

Archaeologist, City, shall mean the qualified archaeologist appointed by the city manager to administer the sections of the Zoning Ordinance of the City of Scottsdale relating to archaeological resources.

ATTACHMENT #4

Archaeologist, qualified, shall mean an individual or firm meeting the Arizona State Museum's standards and professional qualifications.

Certificate of Approval shall mean an official form issued by the city stating that the applicant has satisfactorily implemented the approved mitigation plan for a significant archaeological resource.

Certificate of No Effect shall mean an official form issued by the city stating that no archaeological resources were identified in the archaeological survey and report, or that the archaeological resources that may be impacted by the proposed work have been determined not to be significant, or that proposed work involving one (1) or more significant archaeological resources or sites will have no detrimental effect on the character of the resources or sites and, therefore, work may proceed as specified in the certificate without obtaining further authorization under this article, and authorizing the issuance of any permits for said proposed work.

Certificate of Economic Hardship shall mean an official form issued by the city whereby the city grants an exemption from the requirement to implement a mitigation plan for reasons of economic hardship.

Development shall mean the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two (2) or more parcels, and the creation or termination of access rights. "Development" includes, but is not limited to, such activities as the construction, reconstruction, or alteration of the size, or material change in the external appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain, or bank of a watercourse.

Development project shall mean any development resulting from the approval of a building permit, lot split, preliminary or final plat, rezoning application, grading permit, public or private infrastructure improvement, development review, master plans, native plant removal, relocation or revegetation, or use permit.

Historic Preservation Officer shall mean the person appointed by the city manager to administer the city's historic preservation program and maintain the Scottsdale Historic Register.

Preservation easement shall mean a nonpossessory interest in real property, granted to the city pursuant to Arizona Revised Statutes Title 33, Chapter 2, Article 4, Conservation Easements, which imposes limitations or affirmative obligations on the property to preserve the historical, architectural, archaeological, or cultural aspects of the real property.

Mitigation plan shall mean a plan for the preservation, recovery, excavation, archiving, monitoring and/or documentation of one (1) or more significant archaeological resources or sites.

(Ord. No. 3243, § 2, 7-13-99)

Sec. 46-131. Purposes.

The purposes of these regulations on archaeological resources are to:

- (1) Assure the identification and preservation of archaeological sites in place, and the recovery of cultural remains when appropriate by requiring surveys and test

- excavations, and provide methods for emergency treatment of archaeological resources found through unexpected discovery; and
- (2) Promote the preservation of the information provided by archaeological resources, within public or private development where appropriate, through procedures to evaluate sites and mitigate unavoidable information loss by providing for the treatment of those resources and with recovery of those resources where applicable.

(Ord. No. 3243, § 2, 7-13-99)

Sec. 46-132. Surveys of archaeological sites and exemptions.

An archaeology survey and report by a qualified archaeologist pursuant to guidelines adopted by the Historic Preservation Commission shall be required for all public or private development projects, unless the development project is included in the exemptions in section 46-132a. through d. below. Applicants should complete the survey and report early in the application process so the information can be used to evaluate the impacts of the proposed development on any significant archaeological sites, and so the review of the survey and report does not delay the processing of the application.

- (1) An archaeology survey and report is not required for the following exempt development projects:
- a. A private single family residence on a single family lot.
 - b. A non-residential development with one (1) acre or less ground disturbance activity by the project. This exemption does not apply to a linear project, such as an underground utility installation, greater than one thousand (1,000) feet in length, and with above ground or below ground disturbance of greater than two (2) feet in width or depth.
 - c. Any development project within a land area that has been mapped by the historic preservation commission to be exempt based upon recent research. The historic preservation commission can establish and modify exempt areas based upon available data.
 - d. Any approved master planned development with a previously completed and approved archaeological survey and report within the last five (5) years. Development review board applications in a master planned development can still be required to complete a mitigation plan if a significant archaeological site is impacted by the development.
 - e. Any existing development project subject to a development or redevelopment agreement that contains specific provisions requiring the identification of archaeological resources in a report and the consideration of archaeological resources. The terms of the agreement shall control the requirements for archaeological resources.
- (2) Section 46-134 on discoveries during construction still applies to any development project exempt from completing an archaeology survey and report.
- (3) An archaeology survey is not required for a development project on previously disturbed land where fifty (50) percent or more of the land was built upon prior to the current development project. Section 46-134 on discoveries during construction still applies to a development project on previously disturbed land.
- (4) The following approved and pending applications, as of the effective date of Ordinance 3243, and subsequent applications relying on the prior approvals listed are exempt from the archaeology survey and report requirement. Section 46-134 on

discoveries during construction still applies to any development project exempt from completing an archaeology survey and report.

- a. Building permits.
- b. Single family residential lot splits into two or three lots.
- c. Development review board cases including preliminary plats. This exemption does not apply to requests for extensions beyond the one (1) year time period the development review board approval is valid.
- d. Final plats.

(Ord. No. 3243, § 2, 7-13-99; Ord. No. 3432, § 1, 4-16-02)

Sec. 46-133. Review procedures for archaeological resources.

- (a) Applicants for development projects are encouraged to pursue HP District designation for archaeological resources determined to be significant.
- (b) No development or ground disturbance shall occur, nor shall any structure or building be built upon land containing archaeological resources until the city issues a certificate of no effect or a certificate of approval. Certificates are required for property at all development projects whether or not these sites have been designated as HP District or are listed on the Scottsdale Historic Register.
- (c) Archaeological resources are significant in the City of Scottsdale when one (1) or more of the following criteria are present on the property or are contained in the archaeological resources collected from the property:
 - (1) The property represents a period or periods of prehistory or history in Scottsdale more than fifty (50) years old. The property can be evaluated in comparison to similar known sites and compared to what is currently known of Scottsdale and the region's prehistory and history, and/or
 - (2) Important information is present on the property, or from artifacts collected from the property, and/or
 - (3) The property has research potential and research questions can be addressed through artifacts found on or collected from the property. The property has contributed important information regarding past human life and culture in Scottsdale and the desert, and/or
 - (4) The property contains a high frequency, density, diversity, or substantial number of archaeological resources, and/or
 - (5) The property's archaeological resources possess integrity that positively affects their significance and the potential for the resources to yield important information, and/or
 - (6) If artifacts have been excavated from the property, the information yielded from the artifacts and excavation has contributed to the knowledge of past cultures or archaeological techniques, and/or
 - (7) The property possesses resources, such as buildings or structures, which can be documented to be architecturally or historically significant in their own right, and/or
 - (8) The archaeological resources on or from the property have been acknowledged by the historic preservation commission or the city council as resources of particular importance in the history of human activities or settlement in the City of Scottsdale, and/or
 - (9)

In cooperation with any Native American community, the historic preservation commission or city council has identified the types of resources on the property as important and significant to the prehistory or history of Native Americans.

- (d) City staff and the Historic Preservation Commission shall use the archaeological survey and report prepared by a qualified archaeologist, and the criteria for significance in this section and section 6.113.A of the Zoning Code of the City of Scottsdale to identify significant archaeological resources.
- (e) Within seven (7) days of submission of an archaeological survey and report the City Archaeologist and/or Historic Preservation Officer shall review the survey and report and shall approve or disapprove the recommendation on the resource's significance, and shall approve a Certificate of No Effect if:
 - (1) No archaeological resources are located on the property according to the archaeological survey and report and based upon the city's review of the report, or
 - (2) The archaeological resources that may be impacted by the proposed work have been determined not to be significant, or
 - (3) The proposed development is assessed by staff to have no impact on significant archaeological resources and/or sites, and the applicant has documented that any significant resources will be protected through the use of preservation techniques acceptable to the city staff, such as, but not limited to, a preservation easement, dedication, site planning or zoning.

The Certificate of No Effect means that the project can proceed without obtaining further authorization under this ordinance when other applicable city permits have been approved.

- (f) If a Certificate of No Effect is not approved, a certificate of approval shall be required for archaeological resources according to the following procedures:
 - (1) The City Archaeologist and/or Historic Preservation Officer shall review the survey and report and shall approve or disapprove of the recommended significance of archaeological resources impacted by the proposed development. The survey and report can also be returned to the applicant for modifications by a qualified archaeologist if it is found to be incomplete and/or inaccurate by the City Archaeologist and/or Historic Preservation Officer.
 - (2) The Historic Preservation Officer shall require the applicant to have a mitigation plan prepared by a qualified archaeologist and submitted for review when it has been determined that a significant archaeological site exists on the property that is proposed to be impacted by development.
 - (3) The applicant may apply for a certificate of economic hardship if the time and cost of implementing the mitigation plan causes an economic hardship. A Certificate of Economic Hardship may be granted if it is determined that the cost of implementing the mitigation plan is unreasonably disproportionate to the other project costs and/or the time involved in its implementation significantly interferes with the ability to undertake the proposed development project. The Historic Preservation Commission shall review the Certificate of Economic Hardship application for the mitigation plan and shall approve or disapprove the Certificate for Economic Hardship.
 - (4) Review of mitigation plan:
 - a. The City Archaeologist and/or Historic Preservation Officer shall review the mitigation plan and shall approve or disapprove of the recommended mitigation plan within ten (10) days after it is submitted. If the plan is not approved as

- submitted, staff shall advise the applicant on the changes needed in the mitigation plan for it to be approved.
- b. The City Archaeologist and Historic Preservation Officer, in making a decision on the mitigation plan, shall consider methods to avoid, reduce, or mitigate effects on historic and cultural resources, such as a preservation easement, while taking into consideration the current needs of the property owner and reasonable methods for carrying out the recommended plan.
 - c. A Certificate of Approval shall be approved by the City Archaeologist and/or Historic Preservation Officer upon the satisfactory implementation of an approved mitigation plan.
 - d. The City Archaeologist and/or Historic Preservation Officer may, at their discretion, send any application for a certificate of approval or mitigation plan to the Historic Preservation Commission for a hearing and decision.
 - e. Construction activity on the site can proceed once all the necessary excavation and collecting of archaeological resources is complete. A final report describing the collection and summarizing the finding is due within one year after receiving a Certificate of Approval.
- (g) Appeals:
- (1) All appeals of staff determinations of the significance of archaeological sites, Certificates of No Effect, Certificates of Approval and disapproval of mitigation plans shall be made by the applicant within ten (10) days of the decision and shall be appealed to the Historic Preservation Commission.
 - (2) A hearing on appeals regarding archaeological resources and procedures shall be scheduled for the Historic Preservation Commission within fifteen (15) days of the request. The commission shall hold a hearing and can approve, disapprove, approve with stipulations or remand to the applicant for modifications the significance of archaeological sites, the Certificate of No Effect, the Certificate of Approval or the mitigation plan.
 - (3) The owner or applicant may appeal the Historic Preservation Commission's decision, including a decision on a Certificate of Economic Hardship, in writing to the city council within twenty (20) days of the commission's decision. The city council shall have the right to initiate its own review of any decision of the Historic Preservation Commission by a majority vote of the city council made within twenty (20) days of the commission's decision.
 - (4) The city clerk shall schedule the appeal for a city council agenda not more than forty (40) nor less than fifteen (15) days following submittal of the appeal. Notice of the hearing shall be mailed by first class mail to the applicant(s) and property owner(s) at least fifteen (15) days prior to the hearing and shall be posted on the property at least fifteen (15) days prior to the hearing.

(Ord. No. 3243, § 2, 7-13-99)

Sec. 46-134. Discoveries of archaeological resources during construction.

When a previously unidentified archaeological site is discovered in the course of construction, the property owner immediately shall notify the City Archaeologist or Historic Preservation Officer. The property owner shall have a preliminary study made by a qualified archaeologist to determine the effect that the proposed development project may have on the site. The City Archaeologist and/or Historic Preservation Officer, with concurrence from the qualified

archaeologist hired by the property owner, shall evaluate on-site the significance of the archaeological finding as soon as possible. When the Historic Preservation Officer, the qualified archaeologist hired by the property owner and the City Archaeologist concur that no adverse effect on the archaeological site will take place, the project may proceed immediately. Where an adverse effect on a significant archaeological site will take place, the project shall be referred to the Historic Preservation Commission at the commission's next regular meeting or a called meeting for review following the same procedure set forth for identified significant archaeological sites.

(Ord. No. 3243, § 2, 7-13-99)

Sec. 46-135. Cemeteries and human remains.

If human remains, funerary objects, sacred ceremonial objects or objects of national or tribal patrimony are discovered, the state laws established for this purpose will be followed.

(Ord. No. 3243, § 2, 7-13-99)

Sec. 46-136. Fee schedule.

No fee is required for an application for a Certificate of No Effect, a mitigation plan, a Certificate of Economic Hardship, or a Certificate of Approval.

(Ord. No. 3243, § 2, 7-13-99)

Sec. 46-137. Enforcement.

(a) *Classification of penalty.*

- (1) Any person, firm corporation, partnership, or association whether as principal, owner, agent, tenant, or otherwise who violates, disobeys, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of Chapter 46, Article VI, Protection of Archaeological Resources, is subject to a civil sanction.
- (2) A second or subsequent violation of any of the provisions of Chapter 46, Article VI, Protection of Archaeological Resources, within a two-year period following a finding of responsible to a civil violation of this article shall be charged as a class one misdemeanor offense.
- (3) Each day any violation of any provision of Chapter 46, Article VI, Protection of Archaeological Resources, or the failure to perform any act or duty required by this article continues shall constitute a separate violation.

(b) *Penalties.*

- (1) Upon a finding of responsible to a civil violation, the court shall impose a civil sanction not to exceed one thousand dollars (\$1,000.00), nor less than two hundred fifty dollars (\$250.00).
- (2) Upon a conviction of a misdemeanor the court may impose a sentence in accordance with section 1-8(a) of the Scottsdale Revised Code and state law for class one misdemeanors.
- (3) Additional penalties for violation of any section or other part of Chapter 46, Article VI, Protection of Archaeological Resources are:
 - a. Any person who alters, removes, relocates, or demolishes any archaeological resource in violation of this article shall be required to turn over any such resource, artifact, or object to the Historic Preservation Officer, and may be

required to restore the archaeological resource to its appearance or setting prior to the violation. Any action to enforce this provision shall be brought by the City of Scottsdale. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.

- b. If any person removes or destroys an archaeological resource in violation of this article, or removes such a resource from or on publicly- owned land or on a public right-of-way without a permit, then the Scottsdale business license of the company, individual, principal owner, or its or his successor in interest initiating (such as the developer or property owner) such removal or destruction shall be revoked for a period of three (3) years.

(Ord. No. 3243, § 3, 7-13-99)

Secs. 46-138—46-140. Reserved.

Sec. 1.1000. Historic Preservation Commission.**Sec. 1.1001. Purpose and powers.**

The Scottsdale Historic Preservation Commission shall advise the Planning Commission and the City Council in all matters concerning historic and archaeological preservation, shall consider and make recommendations to the Planning Commission and the City Council about applications to designate and rezone property as HP District, and exercise the powers the City Council has delegated to the Commission.

(Ord. No. 3242, § 4, 7-13-99)

Sec. 1.1002. Historic Preservation Officer and City Archaeologist.

- A. The City Council hereby authorizes the City Manager, or designee, to designate an Historic Preservation Officer and a City Archaeologist.
- B. The Historic Preservation Officer and City Archaeologist shall assist the Historic Preservation Commission in carrying out its duties, and perform administrative duties required by Chapter 46, Article VI of the Scottsdale Revised Code and by the Zoning Ordinance of the City of Scottsdale.

(Ord. No. 3242, § 4, 7-13-99)

Sec. 1.1003. Procedures; notice and hearing.

- A. All applications for Historic Property (HP) District zoning shall be considered by the Historic Preservation Commission pursuant to the requirements of Section 6.100 of the Zoning Ordinance of the City of Scottsdale.
- B. All applications for development of property within an HP District are subject to the provisions of Section 6.100 of the Zoning Ordinance of the City of Scottsdale.

(Ord. No. 3242, § 4, 7-13-99)

Sec. 1.1400. Violation and Penalty.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1401. Classification of penalty.

- A. Any person, firm, corporation, partnership, or association, whether as principal, owner, agent, tenant, or otherwise, who violates, disobeys, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance is subject to a civil sanction (by issuance of a civil citation or long form complaint) or administrative remedy, including an administrative consent order.
- B. Notwithstanding subsection A of this section, if a violation is enforced by issuance of a civil citation or long form complaint, a second or subsequent violation of this ordinance within two (2) years of the date of the first civil citation or long form complaint shall be deemed a misdemeanor.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1402. Penalties.

- A. Upon a finding of responsible to a civil violation, the court shall impose a civil sanction not greater than two thousand five-hundred dollars (\$2,500.00) except if the violation is for a non-permitted use or a conditional use permit stipulation then the mandatory minimum civil sanction shall be five hundred dollars (\$500.00).
- B. Upon a conviction of a misdemeanor, the court may impose a sentence in accordance with section 1-8(a) of the Scottsdale Revised Code and state law for class one misdemeanors. Probation may be imposed in accordance with the provisions of Title 12, Chapter 9, Arizona Revised Statutes.
- C. In addition to the penalties prescribed in this section, a person or enterprise who is found in violation of section 6.1035 shall be sentenced pursuant to section 6.1100.C.4.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1403. Commencement of civil action.

- A. A civil violation may be commenced by issuance of a citation or by long form complaint.
- B. The citation will be substantially in the same form as the Arizona Traffic Ticket and Complaint and shall direct the defendant to appear in Scottsdale City Court at a date specified in the citation.
- C. Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:
 - 1. By having the defendant sign the citation with a promise to appear in court.
 - 2. If the defendant refuses to sign the citation by hand delivering a copy of the citation to the defendant.
 - 3. By mailing a copy of the citation to the person charged by certified or registered mail, return receipt requested, to the person's last known address.
 - 4. In the event service cannot be accomplished as set forth in subsections C.1, C.2 or C.3, by any means allowed by the Arizona Rules of Civil Procedure for the Superior Court may be used.

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(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1404. Authority to issue civil complaint.

The Zoning Administrator, Scottsdale Police Officer, City Attorney, or the City Manager or designee, may issue a civil citation pursuant to this chapter.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1405. Default judgment.

- A. If the defendant fails to appear as directed on the citation, the court shall enter a default judgment and shall impose a civil sanction for the violation.
- B. If the defendant fails to appear for a pre-trial conference or trial, the defendant's failure to appear shall be deemed an admission of the offense and the court shall enter judgment against the defendant and shall impose a civil sanction for the violation.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1406. Rules of procedure.

- A. The Arizona Rules of Court in Civil Traffic Violation Cases shall be followed by the Scottsdale City Court for civil violations of this ordinance except as modified or where inconsistent with the provisions of this Article.
- B. The Arizona Rules of Criminal Procedure shall be followed by the Scottsdale City Court for criminal violations of this ordinance except as modified or where inconsistent with provisions of this Article.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1407. Collection of civil sanctions.

Any judgment for civil sanctions taken pursuant to this Article may be collected as any other civil judgment.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1408. Violations not exclusive.

Violations of this ordinance are in addition to any other violation enumerated within the Scottsdale ordinances and Code and in no way limits the penalties, actions, or abatement procedures which may be taken by the City of Scottsdale for any violation of this ordinance which is also a violation of any other ordinance or Code provision of the City of Scottsdale, or statutes of the State of Arizona.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1409. Each day separate violation.

Each day any violation of any provision of this ordinance or the failure to perform any act or duty required by this ordinance continues shall constitute a separate offense.

(Ord. No. 4121, § 1, 12-9-13)

Sec. 1.1410. Injunction.

- A. If any building or structure is constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the city, or any owner or tenant of real property in the same contiguous zoning district as the building or structure in question, in addition to other remedies, may institute any appropriate action or proceedings:
1. To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use;
 2. To prevent the occupancy of the building structure or land;
 3. To prevent any illegal act, conduct, business or use in or about the premises; or
 4. To restrain, correct or abate the violation.
- B. When any such action is instituted by an owner or tenant, notice of such action shall be served upon the municipality at the time suit is begun, by serving a copy of the complaint on the City Clerk.
- C. In any such action or proceeding, the court with jurisdiction thereof has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purpose of this ordinance.

(Ord. No. 4121, § 1, 12-9-13)

Archaeological and Historic Preservation definitions

Source: Scottsdale Zoning Ordinance Article III Definitions, Section 3.100

Certificate of Appropriateness is the City form stating that the proposed work on an historic or archaeological resource is compatible with the historic or archaeological character of the property and, therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the City may issue any permits needed to do the work specified in the certificate.

Certificate of Demolition Approval shall mean an official form issued by the city authorizing removal of all or part of a structure which is located within an Historic Property District or an area under application for Historic Property District designation.

Certificate of Economic Hardship shall mean an official form issued by the city, in connection with a Certificate of Demolition Approval, demonstrating that a reasonable rate of return cannot be obtained for an income producing property or that no beneficial use exists for a non-income producing property.

HP or Historic Property District shall mean an historic resource subject to HP (Historic Property) zoning overlay zoning.

Historic designation report shall mean the written and visual information compiled to demonstrate how and why a Scottsdale resource may be eligible to be placed on the Scottsdale Historic Register and zoned HP District.

Historic Preservation Commission shall mean the Historic Preservation Commission appointed by the Scottsdale City Council for the City of Scottsdale.

Historic Preservation Plan shall mean a plan for the preservation of historic resources and landmarks on the Scottsdale Historic Register.

Sec. 6.100. (HP) Historic Property. ^[9]**Sec. 6.110. In General.****Sec. 6.111. Purposes.**

The (HP) Historic Property zoning overlay district is intended to protect and enhance the cultural, historical, social or archaeological heritage of the City of Scottsdale. The HP District encourages the retention of historic resources by keeping them in active use in their original appearance, setting, and placement. More specifically, the purposes of these historic preservation regulations are to:

- A. Protect, enhance and preserve improvements and landscape features of historic resources which represent distinctive elements of the city's cultural, educational, social, economic, political, architectural and archaeological history;
- B. Safeguard the city's historic, aesthetic and cultural heritage, and encourage cultural heritage tourism at appropriate historic and archaeological sites;
- C. Foster civic pride in the accomplishments of the past and promote public awareness of the rich heritage of Scottsdale from all periods of history and prehistory;
- D. Retain and enhance historic resources and those properties which contribute to the character of an Historic Property District, and encourage their adaptation for current use;
- E. Assure that alterations of existing structures are compatible with the original structure and character of an historic resource;
- F. Assure new construction and subdivision of lots in an Historic Property District are compatible with the character of the District;
- G. Encourage the restoration of historic resources, and protect and enhance property values through the restoration, preservation and promotion of historic resources.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.112. Definitions.

In addition to the definitions found in section 3.100 of the zoning ordinance of the City of Scottsdale, and where there is a conflict between definitions, the following definitions apply to section 6.100 of the zoning ordinance of the City of Scottsdale:

Alter or remodel shall mean any architectural, structural, landscaping, electrical, or mechanical change to an historic resource that requires a building permit.

Building shall mean a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. The term "building" may refer to an historically related complex such as a courthouse and jail, or a house and barn.

District shall mean a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events

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or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

Historic property or historic resource means any prehistoric or historic district, site, building, structure, object, or landmark included in, or eligible for inclusion on, the National Register of Historic Places, the Arizona Register of Historic Places, or the Scottsdale Historic Register, including artifacts, records, and material remains related to such property or resource. The term includes archaeological resources.

Landmark shall mean an historic resource that the City Council designates as possessing exceptional significance.

Object shall mean a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. This term may include landscape features.

Site shall mean the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure. A site may encompass more than one lot or parcel.

Structure shall mean any piece of work constructed or erected by humans, and made up of interdependent and interrelated parts in a definite pattern of organization.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.113. Criteria.

- A. *Historic Resource.* To be eligible for designation as an historic resource and placement on the Scottsdale Historic Register, a district, site, building, structure, or object must be located in Scottsdale and have special historical significance in United States, Arizona or Scottsdale history, architecture, archaeology, engineering, or culture. Fifty (50) years of age is a general estimate of the time necessary for achieving historical significance, but resources younger than fifty (50) years are eligible for designation as an historic property and placement on the Scottsdale Historic Register in appropriate cases. Historical significance is present in buildings, districts, structures, sites, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
 2. That are associated with the lives of persons significant in our past; or
 3. That embody the distinctive characteristics 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. That have yielded, or may be likely to yield, information important in prehistory or history; and
 5. That in addition to having retained their integrity of location, design, setting, materials, workmanship, feeling, and association, possess physical features necessary to convey that significance and are significant within the historic context of the Scottsdale geographic area and chronological periods known to have been associated with the occupation and settlement of Scottsdale by people from all involved cultures.

- B. *Landmarks.* To be eligible for designation as a Landmark, a district, site, building, structure or object must meet all the criteria for designation as an historic resource and placement on the Scottsdale Historic Register, and in addition must possess exceptional significance in United States, Arizona or Scottsdale history, archaeology, architecture, engineering, or culture, as determined by the City Council. Such exceptional significance is present in those historic resources which:
1. Contain outstanding or extraordinary examples of an architectural style; and/or
 2. Contain or are associated with a major historic event or activity; and/or
 3. Are associated with the lives of historically significant persons; and/or
 4. Embody distinctive characteristics of a type, period, or method of construction; and/or
 5. Represent the work of a master; and/or
 6. Contain important, intact archaeological resources; and/or
 7. Are of unique visual quality and identification; and/or
 8. Are of general historic or cultural recognition by the community.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.114. Existing HP exemption.

Properties that were zoned HP Historic Property under the old HP zoning standards, last amended by Ordinance No. 2830, shall be exempt from the new HP District ordinance standards for a period of one (1) year from the effective date of Ordinance No. 3242. This exemption shall only apply to properties zoned HP prior to the effective date of the new HP District standards.

- A. The properties zoned HP prior to the new standards shall continue to follow all the old HP Historic Property district standards during the one (1) year exemption period.
- B. At the end of the one (1) year exemption period, all of the HP District standards in Ordinance No. 3242 shall apply to the exempt properties zoned HP under the old standards, provided that the HP District has not been removed by an ordinance adopted by City Council during the exemption period.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.115. Use regulations and property development standards.

- A. *Uses permitted.* Any use permitted in the underlying zone.
- B. *Uses permitted by conditional use permit.* Any use permitted by conditional use permit in the underlying zone.
- C. *Property development standards.* The development standards of the underlying zone shall apply in addition to the development requirements imposed by this section on Historic Property.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.116. Off-street parking.

The provisions of article IX shall apply.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.117. Signs.

The sign provisions of article VIII shall apply.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.119. Historic Preservation Plan

- A. Before or within a reasonable time, as determined by the Historic Preservation Officer, following City Council approval of the HP District designation for an historic resource, the applicant and the Historic Preservation Officer shall prepare an Historic Preservation Plan. Such a plan shall:
1. Identify the geographical location of the HP District, and
 2. Specify the objectives concerning the development or preservation of buildings, sites, objects, structures and landmarks within the HP District, and
 3. Formulate a program for public action including the provision of public facilities and the regulation of private development and demolition necessary to realize these objectives, and
 4. Describe any plans for public access and visitation of the property, including any planned participation in a cultural heritage tourism program, and
 5. Set forth standards necessary to preserve and maintain the historical character of the historic resource. These standards shall include design guidelines that shall apply only to the exterior features of the historic resource.
 - a. Each Historic Preservation Plan shall include a general set of standards, reflecting the overall character of the HP District, which shall be used by the Historic Preservation Commission and the Historic Preservation Office to review applications for the certificates required within the HP District.
 - b. When the HP District involves single-family residences, the Historic Preservation Plan may include a development agreement and/or a preservation easement.
 - c. Upon approval by the City Council, an Historic Preservation Plan may include a specific set of design guidelines that modify the standards set in the underlying zoning district. If any of these provisions are to be contained in design guidelines for an HP District, the guidelines shall be approved according to the procedures for establishing HP Districts, including the public hearing processes before the Planning Commission and the City Council. In the alternative, this specific set of guidelines may be made part of the ordinance establishing the District and placing overlay HP District zoning on the property.
- B. The Historic Preservation Plan must be approved by the Historic Preservation Commission, which may approve or modify the plan proposed by the applicant or the Historic Preservation Officer. The plan approved by the Commission is final unless within twenty (20) days of the date of the approval either the City Council initiates review of the plan or the applicant appeals the Historic Preservation Plan to the City Council. The applicant shall file an appeal with the City Clerk and shall include in the appeal request a brief statement of the grounds of the appeal and the relief requested.
- C. The City Council shall have the right and prerogative to initiate its own review of any Historic Preservation Plan approved by the Historic Preservation Commission. Such a review must be initiated within twenty (20) days of the Historic Preservation Commission's approval of the Historic Preservation Plan. Notice of such Council-initiated review of any plan approved by the Historic Preservation Commission shall be given to the applicant and the Historic

Preservation Officer by the City Clerk within ten (10) days after the Council votes to initiate a review of the Plan.

- D. The City Clerk shall schedule the appeal for a City Council agenda not more than forty (40) or less than fifteen (15) days following submittal of the appeal. The City Council at its meeting shall uphold, modify, or remand for further consideration the plan approved by the Commission. The decision of the City Council shall be final.

(Ord. No. 3242, § 7, 7-13-99; Ord. No. 3920, § 1(Exh. § 52), 11-9-10)

Sec. 6.120. Development of Historic Resources.

Sec. 6.121. Alteration of historic resources; approvals required.

- A. No building, permanent sign, or other structure in an HP District shall be erected, demolished, moved, restored, rehabilitated, reconstructed, altered, or changed in exterior appearance, nor shall any historic resource be altered, moved, remodeled, demolished, enlarged or extended contrary to the Historic Preservation Plan for the HP District or historic resource until plans for such activities have been submitted to and approved by the Historic Preservation Officer or the Historic Preservation Commission, and the City has issued a Certificate of No Effect, a Certificate of Appropriateness, or a Certificate of Demolition Approval for the subject property. This requirement is in addition to any other permit or approval required by law.
- B. Failure to comply with a stipulation, standard, or plan made a part of any of these approvals shall constitute a violation of section 6.100 of the Zoning Ordinance of the City of Scottsdale. An approved plan shall be binding upon the owner/applicant and their successors and assignees. No permit shall be issued for any building or structure not in compliance with the plan, except that temporary facilities shall be permitted in conjunction with construction. No structure or other element specified on the Historic Preservation Plan shall be eliminated, or altered or provided in another manner, unless an amendment is approved in conjunction with the procedures for original approval.
- C. Maintenance of the historic resource pursuant to the Historic Preservation Plan is required. Ordinary maintenance or repair of any structure in the HP District that does not alter or modify the historic character of the structure will not require a Certificate of No Effect or a Certificate of Appropriateness.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.122. Review process on applications requiring a Certificate of No Effect or a Certificate of Appropriateness.

- A. When a building permit or other permit is sought from the City to alter, remodel, move, build, or otherwise develop or landscape property or archaeological sites in an HP District, issuance of the permit shall be deferred until after a Certificate of No Effect or a Certificate of Appropriateness is obtained from the Historic Preservation Commission.
- B. In the event work requiring a Certificate of Appropriateness or a Certificate of No Effect is being performed without such a Certificate, the Historic Preservation Officer or other city inspector shall contact the person performing the work and ask that all work cease. If work continues, the Historic Preservation Officer shall ask that a Stop Work Order be issued by the Building Official. In the event work is being performed that is not in accordance with a Certificate of Appropriateness issued by the Historic Preservation Commission, the Historic

- Preservation Officer shall ask that a Stop Work Order be issued by the Building Official. The City may seek an injunction to enforce a Stop Work Order.
- C. The Zoning Administrator shall refer requests for permits for property located within an HP District to the Historic Preservation Officer.
- D. The Historic Preservation Officer or designee shall issue a Certificate of No Effect within seven (7) days after receipt of an application if:
- (1) It is determined the proposed work is minor and clearly within the adopted Historic Preservation Plan, and
 - (2) Any modifications to the proposed work requested by the Historic Preservation Officer are agreed to by the owner/applicant, and
 - (3) The proposed work will not diminish, eliminate, or adversely affect the historic character of the subject property or the HP District.
- E. A Certificate of No Effect shall expire and become null and void two (2) years from the date of issuance unless construction work is started within that time.
- F. If a Certificate of No Effect is not issued, a Certificate of Appropriateness from the Historic Preservation Commission shall be required.
- G. The review and decision on a Certificate of Appropriateness shall be conducted in the following manner:
1. In cases where Development Review Board approval is necessary in addition to a Certificate of Appropriateness, the Historic Preservation Officer and the Zoning Administrator shall confer to decide whether the historic aspects or the development review aspects dominate the proposed development, and shall decide whether it is more appropriate for the Historic Preservation Commission or the Development Review Board to consider the proposal. If the case is presented to the Historic Preservation Commission only, the Commission shall have the power to grant or deny Development Review Approval in addition to its ruling on the Certificate of Appropriateness.
 2. In all cases to be heard by the Historic Preservation Commission, the Historic Preservation Officer shall review the application for a Certificate of Appropriateness and shall schedule a public hearing before the Commission within thirty (30) days of the filing of an application for a development permit. Notice of the application shall be posted on the property at least ten (10) days before the date set for the public hearing before the Historic Preservation Commission. The Historic Preservation Commission shall review the application in light of the standard set forth below and the evidence presented at the hearing, and shall either grant or deny the Certificate of Appropriateness, grant it with stipulations, or issue a Certificate of No Effect.
 3. The standard for evaluating a Certificate of Appropriateness is consistent with the Historic Preservation Plan for the resource.
 4. The owner or applicant may appeal the Historic Preservation Commission's decision in writing to the City Council within twenty (20) days of the Commission's decision.
 5. The City Council shall have the right to initiate its own review of any decision of the Historic Preservation Commission by a majority vote of the City Council made within twenty (20) days of the Commission's decision.
 6. The City Clerk shall schedule the appeal for a City Council agenda not more than forty (40) or less than fifteen (15) days following submittal of the appeal. Notice of the hearing shall be mailed by first class mail to the applicant(s) and property owner(s) at

- least fifteen (15) days prior to the hearing and shall be posted on the property at least fifteen (15) days prior to the hearing.
7. In the event the initial hearing on an appeal to the City Council is not held within one hundred twenty (120) days of the date the permit application was filed, the Certificate of Appropriateness shall be deemed approved.
 8. The City Council may uphold, reverse, or modify the decision of the Historic Preservation Commission.
 9. The owner, applicant, or any person aggrieved by the decision of City Council on a Certificate of No Effect or a Certificate of Appropriateness may appeal that decision by filing a special action in Superior Court within thirty (30) days of that decision.
 10. No change shall be made in the approved plans of the project after issuance of a Certificate of No Effect or a Certificate of Appropriateness without resubmitting the plans for the project to the Historic Preservation Officer and approval of the change in the same manner as provided above.
 11. A Certificate of Appropriateness shall expire and become null and void two (2) years from the date of issuance unless construction work is started within that time.
- H. If a Certificate of No Effect or a Certificate of Appropriateness is issued, the owner/applicant shall proceed with any Development Review Board application required by the zoning ordinance of the City of Scottsdale.

(Ord. No. 3242, § 7, 7-13-99; Ord. No. 3920, § 1(Exh. §§ 53—55), 11-9-10)

Sec. 6.124. Stay of demolition pending consideration of application for designation.

- A. No demolition permit shall be issued by the City for a resource that is located within an area of an application for HP District between such time as the application is filed with the City and the time action is taken on the application by the City Council, unless a Certificate of Demolition Approval is issued by the Historic Preservation Commission or the City Council.
- B. The following procedures are hereby established for the review of proposed demolition of property which is part of or located in areas where an application for HP District designation is pending:
 1. All owner/applicant requests for a demolition permit for property that is part of a pending application for HP District designation will be referred to the Historic Preservation Officer. The Historic Preservation Officer shall inform the owner/applicant that they must apply for a Certificate of Demolition Approval. The Historic Preservation Commission may establish criteria, for certain types of structures or actions, authorizing the Historic Preservation Officer to staff approve an application for a Certificate of Demolition Approval and to waive a public hearing.
 2. The Historic Preservation Officer shall review the application for a Certificate of Demolition Approval and shall schedule a public hearing of the Historic Preservation Commission within sixty (60) days following the filing of the Certificate of Demolition Approval application. Notice of the hearing shall be posted on the property at least thirty (30) days before the hearing. Notice of the hearing shall be mailed by first class mail to the applicant(s) and property owner(s) at least fifteen (15) days prior to the hearing.
 3. At the public hearing, the Commission shall issue a Certificate of Demolition Approval only if the owner/applicant demonstrates:
 - a.

- That the building, structure or addition is of minimal historic significance because of its location, condition, modifications, or other factors, and its demolition is inconsequential to the historic preservation needs of the area; or
- b. That the denial of a Certificate of Demolition Approval and a demolition permit will result in an economic hardship to the property owner as discussed in a section 6.135; or
 - c. That the building has been determined by the Building Official to be an imminent hazard to the public safety and that repairs would be impractical.
4. The Commission's decision shall be final unless appealed by the owner/applicant in writing within twenty (20) days following the decision. The City Council shall have the right to initiate its own review of a decision of the Historic Preservation Commission to grant or deny demolition approval by a majority vote of the City Council made within twenty (20) days following the decision. If appealed the City Clerk shall schedule the appeal for a City Council agenda, not more than forty (40) or less than fifteen (15) days following submittal of the appeal. Notice of the hearing shall be mailed by first class mail to the owner/applicant(s) and at least fifteen (15) days prior to the hearing and shall be posted on the property at least fifteen (15) days prior to the hearing.
- C. In the event a Certificate of Demolition Approval is denied, no permit for demolition shall be issued for one (1) year from the date of the Historic Preservation Commission's initial hearing on the subject property, except if HP District zoning has not been placed on the property at the expiration of the one (1) year from the date the application was filed, the Historic Preservation Officer shall issue a Certificate of Demolition Approval for the subject property.
 - D. At the time of adoption of HP District zoning, the temporary restraint of demolition and any stays of demolition in effect shall expire. Demolition approvals at that time shall be regulated by section 6.123 pertaining specifically to the process of demolition approval in an HP District.
 - E. A Certificate of Demolition Approval may be conditioned on stipulations that provide for rights of access to the property for the purposes of documentation or for agreed upon removal of artifacts. Additionally the Historic Preservation Officer may stipulate that the owner/applicant provide an approved Historic Designation Report of the structure including photographs and other relevant information to the Historic Preservation Commission prior to approval of demolition.
 - F. A Certificate of Demolition Approval shall expire and become null and void one (1) year from the date of issuance unless demolition is started within that time.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.125. Certificate of economic hardship.

- A. Separate standards for obtaining a Certificate of Economic Hardship are established for investment or income producing and non-income producing properties:
 1. Economic hardship for a non-income producing property shall be found when the property owner demonstrates that the property has no beneficial use as a single-family dwelling or for an institutional use in its present condition or if rehabilitated.
 2. Economic hardship for an income producing property shall be found when the property owner demonstrates that a reasonable rate of return cannot be obtained from the resource if it retains its historic features, buildings, or structures in either its present condition or if it is rehabilitated.
- B.

Owners seeking a Certificate of Economic Hardship must provide sufficient information, as determined by the Historic Preservation Officer, to support the application for the Certificate. 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 tenant improvements.
- C. The Commission may require an owner/applicant who has received a recommendation for a Certificate of Economic Hardship to complete the following prior to being granted a Certificate of Demolition Approval:
1. Documentation of the sites, buildings, structures, or objects which are intended to be demolished
 2. Preparation of a salvage strategy for reuse of the building materials deemed valuable by the Historic Preservation Commission for other preservation and restoration activities.
- D. A Certificate of Demolition Approval may be conditioned on stipulations that provide for rights of access to the property for the purposes of documentation or for agreed upon removal of artifacts.
- E. A Certificate of Demolition approval shall expire and become null and void one (1) year from the date of issuance unless demolition is started within that time.

(Ord. No. 3242, § 7, 7-13-99)

Sec. 6.130. Enforcement. ^[10]

Sec. 6.131. Classification of penalty.

- (A) Any person, firm, corporation, partnership, or association whether as principal, owner, agent, tenant, or otherwise who violates, disobeys, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of section 6.100, (HP) Historic Property, is subject to a civil sanction.
- (B) A second or subsequent violation of any of the provisions of section 6.100, (HP) Historic Property, within a two-year period following a finding of responsible to a civil violation of section 6.100 shall be charged as a Class One misdemeanor offense.
- (C) Each day any violation of any provision of section 6.100, (HP) Historic Property, or the failure to perform any act or duty required by section 6.100 continues shall constitute a separate violation.

(Ord. No. 3242, § 8, 7-13-99)

Sec. 6.132. Penalties.

- (A) Upon a finding of responsible to a civil violation, the court shall impose a civil sanction not to exceed one thousand dollars (\$1,000.00), nor less than a fine of two hundred fifty dollars (\$250.00). Each day any violation of any provision of section 6.100, (HP) Historic Property, or the failure to perform any act or duty required by Section 6.100 continues shall constitute a separate violation.

- (B) Upon a conviction of a misdemeanor the court may impose a sentence in accordance with section 1-8(a) of the Scottsdale Revised Code and State law for class one misdemeanors.
- (C) Additional penalties for violation of any section or other part of section 6.100, (HP) Historic Property:
- (1) Any person who constructs, reconstructs, alters, restores, renovates, relocates, stabilizes, repairs or demolishes any historic or archaeological resource or landmark in violation of any section of this ordinance shall be required to restore the resource or landmark to its appearance or setting prior to the violation. Any action to enforce this provision shall be brought by the City of Scottsdale. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.
 - (2) If construction, reconstruction, alteration, restoration, renovation, relocation, or stabilization of an archaeological or historic resource or landmark located in an HP District, or on publicly- owned land, or on a public right-of-way occurs without a Certificate of No Effect, a Certificate of Demolition Approval, or a Certificate of Appropriateness, then the Scottsdale business license of the company, individual, principal owner, or its or his successor in interest initiating (such as the developer or property owner) such construction, reconstruction, alteration, restoration, renovation, relocation, or stabilization shall be revoked for a period of three (3) years.
 - (3) If demolition of an archaeological or historic resource or landmark located in an HP District, or located on publicly-owned property, or on a public right-of-way occurs without a permit or a Certificate of Demolition Approval, then any permits on subject property will be denied for a period of three (3) years. In addition, the owner/applicant shall not be entitled to have issued to him by any City office a permit allowing any curb cuts on the subject property for a period of three (3) years from and after the date of such demolition.

(Ord. No. 3242, § 8, 7-13-99)

Sec. 6.133. Enforcement actions.

The provisions of Sections 1.1400 through 1.1412 of the Zoning Ordinance of the City of Scottsdale apply to actions to enforce Section 6.100, (HP) Historic Property.

(Ord. No. 3242, § 8, 7-13-99)

BYLAWS OF THE HISTORIC PRESERVATION COMMISSION

Approved September 11, 1997; Amended March 10, 2011; Amended September 13, 2012;
December 11, 2014; May 5, 2016

The Historic Preservation Commission was established by Ordinance No. 3017, dated June 2, 1997. The purpose, powers and duties of the Commission are established by ordinance and are codified in Scottsdale Revised Code Section 2-313 and in Article 1 of Ordinance No. 455, the Zoning Ordinance of the City of Scottsdale.

I. ORGANIZATION

101. Elections
The Chair and Vice-Chair shall be elected annually, at the first meeting of the Calendar year. The Chair and Vice-Chair shall take office immediately upon completion of nomination and voting, and shall each serve for a term of one year. The Chair shall be elected first and the Vice-Chair immediately thereafter.
102. Chair
The Chair shall preside at all meetings and hearings of the Commission, decide all points of order or procedure, and perform any duties required by ordinance or these rules.
103. Vice-Chair
The Vice-Chair shall be the Acting Chair and shall perform all duties of the office whenever the Chair is absent or has declared a Conflict of Interest.
104. Vacancy
Should the office of the Chair be vacated, the Vice-Chair will succeed him or her for the remaining term of office. At the next Commission meeting, a new election will be held for the Vice-Chair's office. Should the Vice-Chair's office be vacated, a new election will be held at the next Commission meeting to elect a Vice-Chair.
105. Staff Liaison
It shall be the duty of the Staff Liaison to conduct all official correspondence of the Commission; send out all approved Commission notices; publicly disseminate all agendas; be responsible for taking and distributing minutes; perform all the customary duties of the office; and perform any other such administrative duties as shall be reasonably requested by the Commission.
106. Committees
The Commission may recommend to the City Council the appointment of such committees as it feels necessary on any subject pertinent to the matters being heard by the Commission. Any committee created by the Commission following the City Council authorization may include only members of the Commission unless the City Council approves the appointment of non-members. Members of committees may be nominated by any member of the Commission and shall be approved by a majority of the Commission.

The Chair shall select a committee Chair from Commission members to be responsible for presiding over all meetings, setting the agenda and meeting dates in conjunction with the Staff Liaison, and making reports back to the Commission. Each committee shall conduct its business according to these bylaws unless otherwise specified.

107. Legal Counsel

The City Attorney or his or her designated representative shall be the legal counsel for the Commission. Advice of counsel shall be received and entered into the minutes before disposition of any request, of any question of law or matter requiring legal interpretations or advice.

II. MEETINGS

201. Regular Meetings

Regular meetings of the Commission are generally to be held on the first Thursday of each month at 5:30 PM. In the event the Commission desires to cancel a future meeting, it may do so by consensus of a majority of the members present at a public meeting. When it is determined between public meetings that a meeting should be canceled for lack of quorum or other reason, the Commission Chair and Staff Liaison may so cancel by posting notification of cancellation in as timely a manner as possible, and at least 24 hours prior to the scheduled meeting as required by the Open Meeting law, at all the legal posting sites in the city of Scottsdale as determined by the City Council.

202. Special Meetings

Special meetings for good cause may be held by the Commission on call of its Chair or by a request of a majority of its members to City staff, which request shall be filed with the Staff Liaison, or as scheduled by a majority of the members at any previous meeting. The manner of the call shall be noted in the minutes of the special meeting, each member shall be given at least forty-eight (48) hours notice of the meeting and the Staff Liaison shall receive forty-eight (48) hours notice and shall post meeting notices twenty-four (24) hours before such meeting.

203. Executive Sessions

No Executive Sessions shall be held except under circumstances authorized by statute. If after consultation with the City Attorney an executive session is deemed necessary it shall be scheduled through a motion and vote by the Commission at a prior meeting.

204. Open Meeting Laws

All meetings of the Commission and its committees shall be conducted in accordance with the provisions of the Arizona Open Meetings Laws. Any action calling for a formal vote shall take place only at a formal meeting.

205. Quorum

A quorum is necessary to hold a meeting or study session and for the transaction of business. A quorum shall consist of at least four (4) members. The business of the Commission shall be transacted by a concurring vote of four (4) members, except as provided through any amendments in accordance with Section IV. 401.

206. Proxy Voting
There shall be no proxy voting on the Commission or any of its committees, nor can proxies be extended for the purpose of establishing a Quorum of the Commission or any of its committees.
207. Location of Meetings
The location of meetings of the Historic Preservation Commission and its committees shall be in the location as designated by the Chair, and posted as provided by law.
208. Member Attendance
In the event that a member of the Commission is unwilling or unable to serve, or if any member is absent from three (3) consecutive meetings, or four (4) meetings within a six-month period, then the Chair shall notify the Mayor or Mayor's designee so that the consideration of removal and replacement of the member may be scheduled for City Council action.
209. Applicant Attendance
The applicant, or an authorized representative, in any case being heard before the Commission shall be present in person unless the Historic Preservation Officer or the Chair of the Commission has been notified of the absence in writing prior to the public hearing. If the applicant or his or her authorized representative shall not submit such notice and shall not appear before the Commission as regularly scheduled, the application scheduled for hearing may be continued. If the applicant or his or her authorized representative fails to appear as scheduled two times, the Commission can proceed to vote on the item and can take such failure to appear into consideration in its vote.
210. Public Comment, Presentations, Time Limitations
Any member of the public, whether speaking on behalf of him or herself or as a representative of a property owner, an organization or group, when addressing the Commission on any matter shall be limited to a three (3) minute presentation. The Chair may, upon showing of good cause, suspend this rule on a particular matter or for a particular individual.
211. Agenda Items
The Staff Liaison will place items on the agenda as directed by the Chair with assistance from City staff, or by a majority vote of the members of the Commission. Any Commission member can submit items to the chair for inclusion into the agenda. If a Commissioner, a landowner, an organization or other interested citizen would like an item placed on the next meeting's agenda, they should make a request at a Commission meeting that an item be placed on a future Commission meeting agenda for consideration, or notify the Chair at least ten (10) days preceding the Commission meeting.
212. Conflict of Interest

All members of the Commission and committees shall comply with the State Conflict of Interest Law, Title 38, Chapter 3, Article 8, Arizona Revised Statutes and all City of Scottsdale Ethics Code provisions.

213. Tie Vote

If an agenda item receives a tie vote of the members present, then the item is deemed to be denied. In the event of a tie vote, a member that voted in the negative may, in the same meeting, offer a motion to continue the case to a future meeting of the Commission or committee.

III. OFFICIAL RECORDS

301. Definition of Records

The official records shall include these bylaws, and the minutes of the Commission and its committees together with all findings, applications, Historic Preservation Officer (HPO) or staff reports, maps, photos, exhibits, correspondence, decisions, and other official actions or other items filed with or issued by the Commission or its committees.

302. Recording of Vote

Minutes shall be kept for all meetings of the Commission and shall show the vote of each member on every question on which the Commission is required to act, or shall indicate absence or failure to vote. Minutes shall also show records of the Commission's examinations, remarks at public hearings, and other official actions. It shall be recorded in the minutes when a Commissioner declares a conflict of interest and does not participate in the discussion or vote on an agenda item. The Commission will review and approve minutes of the previous meeting at the regular meeting.

303. Public Record

All of the official records of the Commission shall be public records open to public inspection during normal working hours.

304. Agenda

The agenda for all regularly scheduled meetings shall be prepared and posted at least twenty-four (24) hours prior to any meeting, and made available to the public. The agenda and public notice must be in accordance with all public open meeting laws.

305. Site Posting

The site of each case that is scheduled for a Commission hearing shall be posted prior to the hearing as required by Ordinance No. 455, the Zoning Ordinance of the City of Scottsdale. HPC public hearing cases subject to ordinance required site postings include HP overlay zoning cases and applications for Certificates of Appropriateness.

IV. RULES AND AMENDMENTS

401. Amendment Procedure

Amendments to these bylaws may be made by the Commission upon the concurring vote of four (4) of the Commission members, provided any such amendment is proposed at a preceding meeting, or is submitted in writing at a prior regular meeting of

the Commission, and is noted in the minutes of such meeting. The Commission shall review the previously submitted amendments at the regular meeting. Amendments adopted as above shall become effective at the next regular meeting of the Commission.

402. Retention of Bylaws

The original of these bylaws and any amendments thereto shall be placed on record in the offices of the City Clerk on archival paper within ten (10) days of being adopted by the Commission.

403. Robert's Rule of Order

When any question of parliamentary procedure arises, it shall be decided on the basis of Robert's Rules of Parliamentary Procedure, unless otherwise specified in these Bylaws of the Commission.

404. Written Communications

All written communications to City Council and other official bodies, individuals, and outside groups shall be sent out over the signature of the Chair, or the Vice-Chair if the Chair is not available.

405. Public Representations, Presentations and Communications

The Chair is the designated spokesperson for the Commission. If the Chair is not available for an oral presentation or report to City Council or other official body, the Vice-Chair will be the spokesperson for the Commission to make the oral presentation. If both the Chair and Vice-Chair are not available for a presentation or report to City Council or other official body, the Chair may designate a Commission member as spokesperson for the HPC. Requests to Commission members for information on official actions of the Commission should be forwarded to the Chair whenever possible.

406. Interpretation and Conflict

In the event that any Historic Preservation Commission bylaw shall be at variance with any State statute or any ordinance or resolution of the City of Scottsdale, the statute, ordinance, or resolution shall prevail. These bylaws are intended only to supplement such ordinance and resolutions and may not amend, annul, or abrogate any ordinance or resolution of the City of Scottsdale.