

Chapter 17.52

HP-1 HISTORICAL PRESERVATION ZONE

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17.52.010 PURPOSE

The purpose of the zone is to promote the educational, cultural, economic and general welfare of the community, and to ensure the harmonious growth and development of the municipality, by encouraging the preservation and rehabilitation of historic districts as well as historic sites and historic sites and structures therein and of historic landmarks. The existing zone is to be designated where there is a group or surviving related structures in their original setting or an individual historically important structure which give an historic dimension to the city. This zone is intended to encourage the retention of early structures, keep them in active use and in their original appearance, setting and placement rather than to modify uses in the underlying zones. It is also intended that new or remodeled structures, located within historic districts be designed and constructed to harmonize with structures located within the immediate vicinity, in future development and to promote an awareness of the heritage of Willcox among both residents and visitors to the community.

17.52.020 DEFINITIONS

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Within historic districts or landmarks, unless the context otherwise requires, the following words and phrases shall have the following meanings:

A. ALTERATION means any esthetic, architectural, mechanical or structural change to the exterior surface of any part of an existing structure. Applicants are advised to refer to the Secretary of the Interior's Standards for Rehabilitation when tax certification for rehabilitation is being contemplated.

B. DEVELOPMENT ZONE means a certain designated area in the vicinity of the lot to be developed in which certain historic and architectural features have been identified and shall be maintained for the enhancement of the historic district. The area encompassed by the HP1 zone shall constitute the development zone.

C. HEIGHT means the vertical distance measured between the highest part of a structure and the finished grade at the midpoint of the front façade of the principal structure, excluding chimneys, mechanical equipment and other miscellaneous additions.

D. HISTORIC SITE, HISTORIC STRUCTURE, or HISTORIC LANDMARK, means a site or structure, including signs affixed thereto, which:

1. Is documented as dating from a particular significant period in Willcox history, i.e., Territorial (1854-1912) or Post Territorial (After 1912).
2. Is associated with the lives of outstanding historical personages; or
3. Is associated with significant historic events or occurrences; or
4. Exemplifies the architectural period in which it was built and has distinguishing characteristics of an architectural style, method of construction; or
5. Contributes information of archaeological, historical, cultural or social importance relating to the heritage of the community.
6. Relates to events, personages or architectural styles which are at least fifty years old. However, outstanding examples less than fifty years old should be evaluated on their own merits.
7. Relates positively to buildings in its immediate vicinity in terms of scale, size, massing, etc., such that its removal would be an irreparable loss to the setting.

E. INTRUSION means a structure which detracts from the districts sense of time and place.

F. PREVAILING SETBACK means the most frequently occurring distances from the front facades of all structures in the development zone or historic district to the front property line.

G. PROPORTION means the relationship between the width and height of a buildings front façade, windows, doors, etc.

H. Rhythm means the ordered recurrent alteration of solids to voids in the front facade, streetscape, etc.

I. SITE UTILIZATION means the spacing between the sides of buildings.

17.52.030 INITIATION OR AMENDMENT OF HISTORIC DISTRICTS AND LANDMARKS

An historic district or landmark may be initiated by the owners of the proposed site, or by the Willcox Historic Preservation Commission.

17.52.040 ESTABLISHMENT OF HISTORIC DISTRICTS OR ADDITIONS TO EXISTING HISTORIC DISTRICTS AND LANDSCAPES

Prior to the establishment or amendment of an historic district or the designation of landmarks a public hearing shall be held before the Historic Preservation Commission, notice of which shall be provided to owners of real property located within the proposed historic district or landmark.

At the hearing, the Commission shall: 1) designate the boundaries of the historic district and identify intrusions: or 2) designate the historic landmarks.

Within thirty days after the close of the public hearing, the Commission shall render its decision concerning the establishment of the historic district or landmarks by written recommendation to the Planning and Zoning Commission. The Planning and Zoning Commission shall review the recommendation and forward the decision to Mayor and Council for final designation.

(Added by Addendum of Ordinance No. NS121, dated June 11, 1985)

ORDINANCE NO. NS121

ADDENDUM NUMBER TWO

17.52.050 CRITERIA FOR ESTABLISHING HISTORIC DISTRICTS

In determining if an area, neighborhood or district shall be established as an historic district the following criteria shall be examined:

- A. An historic district shall include historic sites or structures , as defined above.
- B. An historic district should include a group of related sites, buildings and structures in their original setting which contribute to an understanding of the heritage of the community.
- C. The group of structures, buildings or sites should provide the area with a sense of uniqueness, and it should be readily distinguishable from other areas of the community.
- D. There should be a sufficient number of structures of related or similar characteristics to make a recognizable entity.

17.52.060 PERMITTED USES

- A. Use requirements in the HP-1 historical preservation zone shall be as follows: any use permitted in the H-1 highway service zone, CC-1 central commercial zone, and GC-1 general commercial zone except for automobile filling stations, gasoline, oil, and L.P. gas storage and sales, automobile sales yards, non-accessory advertising signs and similar uses which were not in popular usage prior to 1900 (Prior code § 17.52.120)
- B. Landmarks shall retain their previous zoning use. An H shall be added to the zoning designation.

17.52.070 SEPARATE APPROVAL FOR SIGNS WITHIN AN HISTORIC DISTRICT OR LANDMARK PROTECTION AREA.

The appearance, color, size, position, method of attachment, texture of materials and design of such signs shall be in keeping with the collective characteristics of the structure located within the appropriate development zone shall be further limited as follows:

- A. The Zoning Administrator may recommend exceptions to these requirements where it can be shown that the proposed sign is consistent with the purpose and intent of the historic district and is historically authentic. The Historical Preservation Commission will decide.
- B. Off-site signs shall not be permitted. Directional signs may be permitted upon approval of the Historical Commission.
- C. Business signs shall be limited to one sign only for each street frontage per premises. Businesses having frontage on more than two streets will be allowed a total of three signs.
- D. Maximum area of any sign shall be eight square feet unless approved by the Historical Commission.

- E. No sign may extend above the top of the nearest façade, eaves or firewall of a building or structure.
- F. Design and materials of signs. Visible bulbs, not exceeding 10 watts per bulb are allowed. Neon tubing is not allowed without permission. Plastics are not allowed. Luminous paints are not allowed. Flashing lights are not allowed.

**17.52.080 HISTORIC DISTRICT DEVELOPMENT REVIEW**

The Zoning Administrator shall not issue a building, grading or demolition permit for the erection or construction of a new building or structure; or any alteration involving the modification, addition, moving or demolition of any part of an existing structure which would affect the exterior appearance of any existing building or the installation of a sign or the construction or enlargement of a parking lot within an historic district or on a property containing an historic landmark, or within an historic landmark protection area without written recommendation from the Historic Preservation Commission. An Historic Preservation Consultant shall be retained to review all development plans. No changes to facades of historic buildings may be made without review and approval.

**17.52.090 APPROVAL BY ZONING ADMINISTRATOR**

The Zoning Administrator shall authorize the issuance of a building permit for improvements only upon approval of a development plan in accordance with the following procedures. (Prior to the submittal of a development plan the applicant should consult with the Zoning Administrator concerning submission requirements.) It is also recommended that the applicant review the proposed development with the Historic Preservation Commission at the concept stage.

- A. APPLICATION. Application for historic district development review shall be accompanied by three copies of the development plan. Applicants are advised to refer to the Secretary of the Interior's Standards for Rehabilitation when tax certification for rehabilitation is being contemplated before submitting an application for review.
- B. DEVELOPMENT PLAN REQUIREMENTS. The development plan shall be drawn to scale and shall provide the following information where applicable:
  1. Property lines, easements, driveways and parking areas, existing and proposed landscaping, fences and walls;
  2. Location of all existing and proposed structures on the property;
  3. Drawings ("elevations") showing views of the existing structure as well as all proposed structures on the property;
  4. Specific graphic information regarding exterior materials, colors and architectural details (trim, hardware, etc.);

5. A sign plan, drawn to scale, showing the location, size, design, material, color, lettering and methods of attachment and illumination of all exterior signs;
  6. Any additional information deemed necessary by the Zoning Administrator to properly review the development plan.
- C. DEVELOPMENT PLAN FILING. The Zoning Administrator shall review each development plan for compliance with established application requirements and shall formally accept or reject the application within two working days.
  - D. REVIEW BY HISTORIC PRESERVATION COMMISSION. The Zoning Administrator shall, within one working day after acceptance of the application, transmit one copy of the accepted development plan to the Commission for their review and recommendation.
  - E. REVIEW BY HISTORIC PRESERVATION CONSULTANT. The Zoning Administrator shall, within one working day after acceptance of the application, transmit one copy of the accepted development plan to the Historic Preservation consultant for review and recommendation.
  - F. DECISION BY ZONING ADMINISTRATOR. The Zoning Administrator shall review the proposed development plan for its compliance with the purpose of this ordinance, applicable standards and criteria and shall approve, subject to conditions or disapprove the development plan within twenty (20) working days of the filing of an acceptable application unless the applicant requests an extension. In no event shall the Zoning Administrator act on the proposed development prior to the expiration of fifteen (15) working days without having considered the recommendations of the Historic Preservation Commission and the Historic Preservation Consultant.

The Zoning Administrator shall provide the applicant, the Commission, the Historic Preservation Consultant and any other interested person(s) with a written statement setting forth the reasons for his decision.

All work performed pursuant to the issuance of a building permit shall conform to the requirements of the permit and to the development plan. It shall be the duty of the Zoning Administrator and Commission members to inspect from time to time any work performed pursuant to the permit to assure such compliance. In the event work is not performed in accordance with the permit the Zoning Administrator shall issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such project as long as such stop work order shall continue in effect.

- G. APPEAL. The Zoning Administrator's decision may be appealed to the Board of Adjustments by the property owner, the Historic Preservation Commission or any citizen within fifteen (15) days after the decision is rendered by the Planning Director.

**17.52.100 CRITERIA FOR THE ALTERATION OF EXISTING STRUCTURES AND LANDMARKS OR THE CONSTRUCTION OF NEW STRUCTURES WITHIN HISTORIC DISTRICTS**

The alteration or moving of existing structures in historic districts or landmark protection areas; or the alteration or moving of designated historic sites or landmarks; or the construction of new structures within historic districts or landmark protection areas, shall comply with the following provisions:

- A. Alterations to an existing designated historic structure or landmark shall properly preserve the historical and architectural characteristics which make it unique, and any changes or additions shall conform to the intrinsic and unique character of other buildings or the structure itself. The applicant should refer to the Secretary of the Interior's Standards for Rehabilitation and be aware of current tax incentives when rehabilitation work is contemplated.
- B. New construction within an historic district shall require no specific architectural style; however, the following criteria shall be considered in determining whether the proposed design of a new structure is compatible with the collective characteristics of the structures located within the historic district or landmark protection area:

The following criteria shall be considered:

- 1. Height. Alterations to a designated historic structure may be no higher than the tallest comparable feature of the existing structure.,
- 2. Setback. Alterations to a designated historic structure must maintain the original front setback of the existing structure or the prevailing setback existing within its historic district or landmark protection area, providing that such a setback is compatible with the historic character of the existing structure.
- 3. Proportion. Alterations to a designated historic structure shall reflect the proportions of the existing structure.
- 4. Roof types. Alterations to a designated historic structure shall have roofs compatible in configuration, mass and materials to that of the style of the existing structure.
- 5. Surface texture of alterations to a designated historic structure shall be appropriate to the historical style of the existing structure and the period in which it was constructed.
- 6. Site utilization shall be appropriate to the historical period in which the existing structure was built.
- 7. Projections and recessions such as porches, steps, awnings, overhangs, entrances, windows, etc. shall be appropriate to the style of the existing structure and the historical period in which it was built.
- 8. Architectural details such as cornices, lintels, arches, grill work, shutters, window and door trim, canales, etc., shall be appropriate to the historical style of the existing structure and the historical period in which it was built.
- 9. Building form. Size, mass and scale of alterations to a designated historic structure shall be compatible with that of the existing structure.

10. Color. Color of a building or structure, including trim, roof, etc., shall be appropriate to the architectural style of the subject structure and its historical period.
  11. Landscaping. Planting and other ornamental features shall reflect the historical period of the subject structure.
  12. Enclosures. Fences, walls or other physical features used to enclose open space or provide privacy shall be compatible with the architectural style of the subject structure and compatible with other historic structures within the historic district or landmark protection area and reflect the historical period of the historical district or landmark protection area.
  13. Utilities. New above-ground power, telephone line and cable television installation shall be reviewed for appropriateness and compatibility. No electric utility boxes shall be used in front facades.
- C. Alterations to an intrusion within an historic district shall reflect the architectural style and characteristics of the existing structure. In addition, such alterations shall generally conform to the height, mass, scale, color, etc., of the structures within the historic district.

**17.52.110 DEMOLITION OF STRUCTURES WITHIN DISTRICTS OR LANDMARKS.**

No demolition permit shall be issued by the Zoning Administrator for demolition of all or any significant part of a structure, building or landmark which has been designated as historic before review by the Historic Preservation Commission and the Historic Preservation Consultant.

The Historic Preservation Commission may deny a demolition permit.

In making its decision, the Commission shall hold a public hearing to determine if the applicant has shown that the preservation of the structure is physically and/or economically feasible.

The Commission shall also take into consideration post-demolition plans for the site.

- A. If preservation is found to be physically and/or economically infeasible, the Zoning Administrator shall notify the applicant that the issuance of the demolition permit is approved by the Historic Preservation Commission.
- B. If the preservation of the structure is found to be feasible, the Commission shall attempt to convince the owner to preserve the building or structure, if he does not so agree within 30 days, the Commission shall have 6 months to advertise to have the property purchased at fair market value by someone who will agree to preserve the building or structure for 10 years. If no purchaser is found within the 6 month period the demolition permit shall be issued.



17.52.120 POST-DEMOLITION CONSIDERATIONS

- A. If demolished and the area left vacant, the area shall be maintained in a clean and unoffensive manner.
- B. If demolished and the area converted to another use not requiring buildings (such as a parking lot), the area shall be buffered by landscaping and walls or fences that generally conform to the character of the other buildings and structures located within its historic district or landmark protection area.
- C. If demolished and a new structure erected, the structure shall generally conform to the character of the buildings located within its historic district or landmark protection area as determined by using the historic district criteria as identified in Section 17.52.110

17.52/130 MAINTENANCE

Historic district structures, sites, and landmarks shall be kept in good repair by the property owner so as not to detract from their exterior appearance. Deterioration caused by deliberate neglect of maintenance or repairs shall not be considered valid grounds for the approval of a demolition permit application.

The Zoning Administrator shall advise the Historic Preservation Commission of cases of deliberate neglect or failure to meet minimum building code standards. The Historical Commission and the Historic Preservation Consultant shall review such cases and make recommendations to the Zoning Administrator.

The Zoning Administrator shall decide if maintenance is necessary. The owner shall be notified and a public hearing will be held by the Historic Preservation Commission.

If the Commission finds that deliberate neglect is occurring, the owner shall be cited and shall have 90 days to make the specific repairs necessary to correct the neglect.

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If the repairs are not completed within 90 days the City of Willcox may make the repairs and place a lien for the expenses against the property owner.