

**2.8.7        RESERVED**

**2.8.8        "H" HISTORIC PRESERVATION ZONE (HPZ).**

2.8.8.1        Purpose. The purpose of this 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, historic sites and structures, and archaeological resources. This zone is intended to ensure the retention of early structures and to keep them in active use and in their original appearance, setting, and placement. 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 order to preserve property values, provide for future development, and promote an awareness of the heritage of Tucson among both residents and visitors to the community.

2.8.8.2        Applicability. The Historic Preservation Zone (HPZ) is an overlay zone superimposed over underlying zoning.

- A. The HPZ applies to specifically mapped areas where there is an individual historically important structure, a group of surviving related structures in their original setting, or an archaeological site which gives a historic dimension to the city. A list of established historic districts and Historic Landmarks is published as Development Standard 9-03.0 and is updated by the Department of Urban Planning and Design based on Mayor and Council action. Demolition requests in pending historic districts are subject to the requirements of Sec. 2.8.8.12. To identify each of the HPZ historic districts or Historic Landmarks on the City of Tucson Zoning Maps, the preface "H" is added to the assigned residential, office, commercial, or industrial zone designation, i.e., R-1 becomes HR-1. (Ord. No. 9967, §2, 7/1/04)
- B. The designation, amendment and change to boundaries of a historic district are established by the Mayor and Council in accordance with Sec. 2.8.8.3 and the Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). (Ord. No. 9967, §2, 7/1/04)

2.8.8.3        Establishment and Amendment to Historic Districts.

- A. *Criteria for Establishing and Amending Historic Districts.* In determining if an area, neighborhood, or district shall be established as a historic district, whether boundaries of an existing district shall be changed or the district dissolved the following criteria shall be examined.
  - 1. A historic district shall include historic sites or structures, as defined in Sec. 6.2.8.
  - 2. A 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.
  - 3. 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.
  - 4. There should be a sufficient number of structures of related or similar characteristics to make a recognizable entity.
- B. *Preliminary Assessment.* A preliminary assessment of the proposed historic district or Historic Landmark shall be provided to the DSD Director for review and recommendation to the Mayor and Council. The preliminary assessment should include the boundaries, a summary of the resources in the proposed historic district, evidence that a proposed district has historic significance, and a list of proposed advisory board members.

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---

C. *Proposed Historic District or Historic Landmark.*

1. An area may be proposed for historic district designation or amendment by any of the following.
  - a. The Mayor and Council.
  - b. The property owners of fifty-one (51) percent or more of the land area of the proposed historic district. (For calculation only, one owner per property.)
  - c. Sixty-five (65) percent or more of the property owners within the proposed historic district. (For calculation only, one owner per property.)
2. A property may be proposed for designation as a Historic Landmark, Contributing Property, or Noncontributing Property by any of the following.
  - a. The Mayor and Council.
  - b. The owner of the proposed Historic Landmark, Contributing Property, or Noncontributing Property if it is a single property or any of the owners if more than one property.
  - c. The Tucson-Pima County Historical Commission.

D. *Initiation.* The request to establish or amend a historic district or Historic Landmark is forwarded to the Tucson-Pima County Historical Commission for review and recommendation to the Mayor and Council. The Mayor and Council make a decision to initiate the establishment or amendment of a historic district or Historic Landmark. An amendment to the designation of properties within an established historic district does not require initiation by the Mayor and Council.

1. *Neighborhood Meeting.* Prior to requesting consideration by the Mayor and Council, the applicant shall offer to meet with all owners of and residents on property within the proposed district. This meeting may satisfy the requirement for a neighborhood meeting in *LUC* Sec. 5.4.1.B, provided the offer to meet shall be no more than one year before the Zoning Examiner public hearing.
2. *Public Meeting.* Requests to initiate the consideration of establishing or amending a historic district or Historic Landmark will be considered by the Mayor and Council in a public meeting.
3. *Decision.* The Mayor and Council make the decision on whether or not to initiate the process to consider the establishment of, or amendment to, a historic district or Historic Landmark. As part of the decision to initiate, the Mayor and Council shall determine the proposed boundaries of the historic district or Historic Landmark and appoint a historic district advisory board for the proposed historic district to assist in the evaluation. Appointment, terms, and qualifications of the advisory board shall be in accordance with Sec. 5.1.10.
4. *Notice of Decision.* A Notice of Decision is provided by the City Clerk.
5. *Expiration of Initiation.* The initiation by the Mayor and Council of the establishment of, or amendment to, a historic district or Historic Landmark shall expire five (5) years from the date the Mayor and Council make the decision to initiate.

E. *Historic Property Survey, Inventory and Development Standards.* Should the Mayor and Council initiate the establishment, amendment, or designation process, the following shall be accomplished by the advisory board and the Tucson-Pima County Historical Commission.

1. Survey and Inventory for a Proposed Historic District. It is the responsibility of the applicant and advisory board to prepare a cultural resources survey and inventory of the area initiated by the Mayor and Council for consideration. The survey and inventory shall identify historic sites and structures within the proposed boundaries by listing and on a map. The applicant and advisory board shall consult with staff during the survey and inventory process.
  2. Survey and Inventory of a Proposed Historic Landmark. It is the responsibility of the applicant to prepare a cultural survey and inventory for review by staff and recommendation to the Mayor and Council. The applicant shall consult with staff during the survey and inventory process.
  3. Initial Design Development Standards. It is the responsibility of the applicant and advisory board to prepare the initial development standard designating the design criteria and standards for the proposed historic district. The initial development standards shall be submitted to the Mayor and Council with the survey and inventory. The applicant shall consult with staff during the preparation of the initial design development standards.
  4. Acceptance. Staff will review the survey and inventory information and accept or reject the application within fourteen (14) days of submittal.
- F. *Change of Zoning.* Upon acceptance of the survey and inventory information by the DSD Department, the application shall be processed through the Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). The Mayor and Council decision on the change of zoning may include the designation of sites or structures as Contributing, Non-Contributing or Intrusive, the designation of historic landmarks and the boundaries of the historic district. In addition to the published and mailed notice, posted notice shall be provided at a minimum of three locations within the proposed district.
- G. *Dissolution of a Historic District.* A Historic District may be dissolved through the Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#).

(Ord. No. 9967, §2, 7/1/04)

2.8.8.4 Permitted Uses. The land uses permitted within the HPZ are as follows.

- A. *Uses Permitted by the Underlying Zoning.* Those uses permitted by the underlying zoning and reasonably accommodated within existing structures without altering the historic nature or significance of the structure.
- B. *Retail Sales by Resident Artisans.* Retail sales by resident artisans may be permitted notwithstanding limitations of the underlying zoning regulations. A resident artisan use requires review and approval by the Development Services Department Director in accordance with the Limited Notice Procedure, Sec. 23A-40. A resident artisan use may be allowed as a secondary use to a principal residential use per the criteria listed below. (Ord. No. 9967, §2, 7/1/04)
  1. The resident artisan use applies only to the applicant's use and the premises for which approval was sought.
  2. Retail sales are limited to goods produced on the premises by an artisan residing on the premises limited to the following.
    - a. Fine and commercial art, sculpture, and writing.
    - b. Crafts, including ceramics, metal, wood, jewelry, leather, weaving, antique repair, and custom furniture.

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---

- c. Photography.
  - d. Similar activities as may be approved by the Development Services Department Director. (Ord. No. 9967, §2, 7/1/04)
- 3. The exterior appearance of the existing structure is not altered for the purposes of the nonresidential use.
  - 4. A sign shall identify only the resident artisan or residence and conform to the requirements of the HPZ and the Sign Code, Chapter 3 of the Tucson Code, except that the size of the sign is limited to one and one-half (1½) square feet in area.
  - 5. Storage, parking, and working areas are screened in conformance with Sec. [3.7.0](#), Landscaping and Screening Regulations, with materials compatible with those in the historic district as approved by the Development Services Department Director. (Ord. No. 9967, §2, 7/1/04)
  - 6. The resident artisan use occupies no more than twenty-five (25) percent of the floor area of the site, nor is there exterior display, activity, or advertisement of products or services.
  - 7. No more than one (1) nonresident is employed on the premises.
  - 8. The activity does not create traffic, parking, noise, odors, waste materials, electrical interference, or any other negative impact which would adversely affect the character of the historic district.
  - 9. Only products or services produced on site may be sold from the premises.

2.8.8.5 Development Review Required.

- A. *Generally.* Review and approval, of all properties, buildings, signs, and structures within the HPZ, are required for all development and improvements, including new construction or improvements which do not require building permits. All reviews are based on development criteria per Sec. 2.8.8.6. Prior to the submittal of a proposal, the applicant should consult with the applicable historic district advisory board and refer to the Secretary of the Interior's Standards for Rehabilitation.

Required review in the HPZ consists of two (2) distinct processes. Most new construction and improvements are reviewed through the complete HPZ review process per Sec. 2.8.8.5.B. Some new construction and improvements which are minor in nature are reviewed through a review process called a Minor Review per Sec. 2.8.8.5.C.

- B. *Full HPZ Review.* Approval is required in accordance with the DSD Full Notice Procedure, Sec. 23A-50 and 23A-51, for the following. Staff shall consult with the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee in deciding whether a proposed project conforms to the development criteria for the historic district. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Full HPZ review application for the purpose of determining notice and the right to appeal. (Ord. No. 9967, §2, 7/1/04)
- 1. Grading or the erection or construction of a new structure.
  - 2. A permit for any alteration involving the modification, addition, or moving of any part of an existing structure, including signs, which would affect the exterior appearance, except as provided in Sec. 2.8.8.5.C.

3. Repairs or new construction as provided for in Sec. 2.8.8.5.C that the Development Services Department Director determines must be approved under the full review process due to the cumulative effect of phased work which would normally be subject to the applicability of the complete HPZ review process. (Ord. No. 9967, §2, 7/1/04)
4. The construction or enlargement of a parking lot within a historic district or on a property containing a Historic Landmark.

C. *Minor HPZ Review.* Approval is required in accordance with the Administrative Design Procedure, Minor Design Review, Sec. 23A-32(2), for the following, including development or improvements which do not require a building permit. Staff shall consult with a representative of the appropriate advisory board and the Tucson-Pima County Historical Commission in deciding whether a proposed project conforms to the development criteria for the historic district. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Minor HPZ review application for the purpose of determining notice and the right to appeal the decision. (Ord. No. 9967, §2, 7/1/04)

1. Minor or necessary repairs to a structure provided that:
  - a. The total cost of such improvement is under one thousand five hundred dollars (\$1,500.00), except for the replacement cost of appliances and mechanical equipment; and
  - b. The repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced.
2. Emergency repairs provided that the repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced.
3. The change in copy of a sign.
4. Any alteration, which does not require a permit, involving the modification, addition, or moving of any part of an existing structure that would affect the exterior appearance. Alterations include, but are not limited to, fences and walls, except those alterations which the Development Services Department Director determines must be approved under the full review process due to the cumulative effect of phased work which would normally be subject to the applicability of the HPZ review. (Ord. No. 9967, §2, 7/1/04)

2.8.8.6 Development Criteria. The historic district advisory boards, Tucson-Pima County Historical Commission, staff, Development Services Department Director, and Mayor and Council shall be guided by the development criteria in this Section in evaluating all proposed development applications within the HPZ. (Ord. No. 9967, §2, 7/1/04)

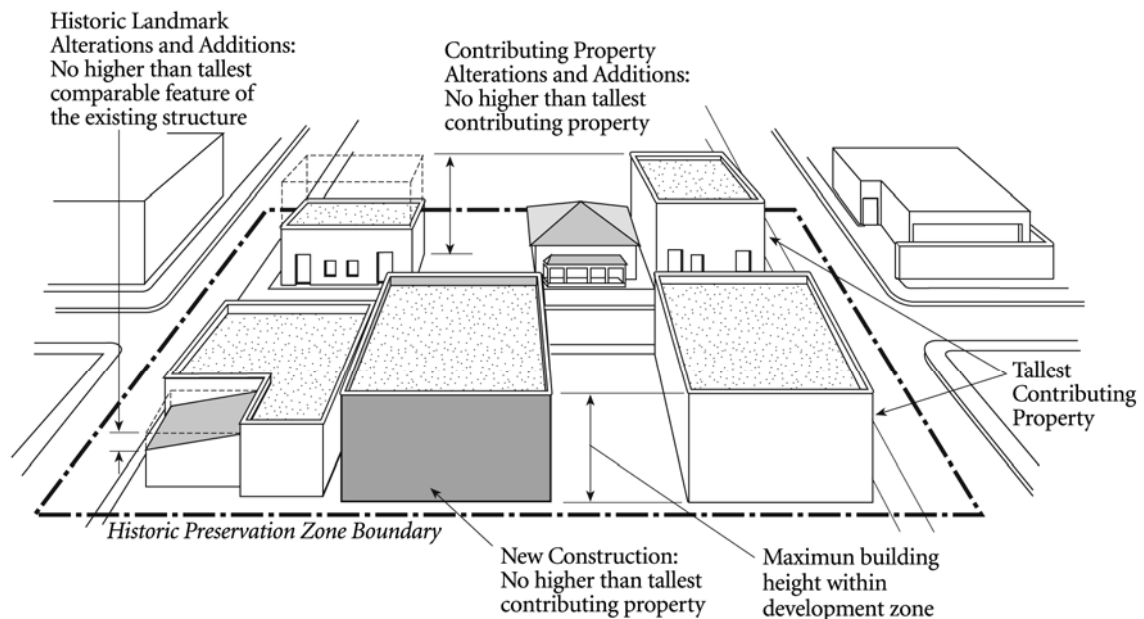
All proposed development within the HPZ shall be in compliance with the following criteria.

A. *Generally.*

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall properly preserve the historic and architectural characteristics which make it unique, and any changes or additions shall conform to the intrinsic and unique character of the building or structure itself. Any alterations to the interior of a publicly owned Historic Landmark shall be reviewed. The applicant should refer to the Secretary of the Interior's Standards for Rehabilitation when tax certification for rehabilitation work is contemplated.

CITY OF TUCSON LAND USE CODE  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

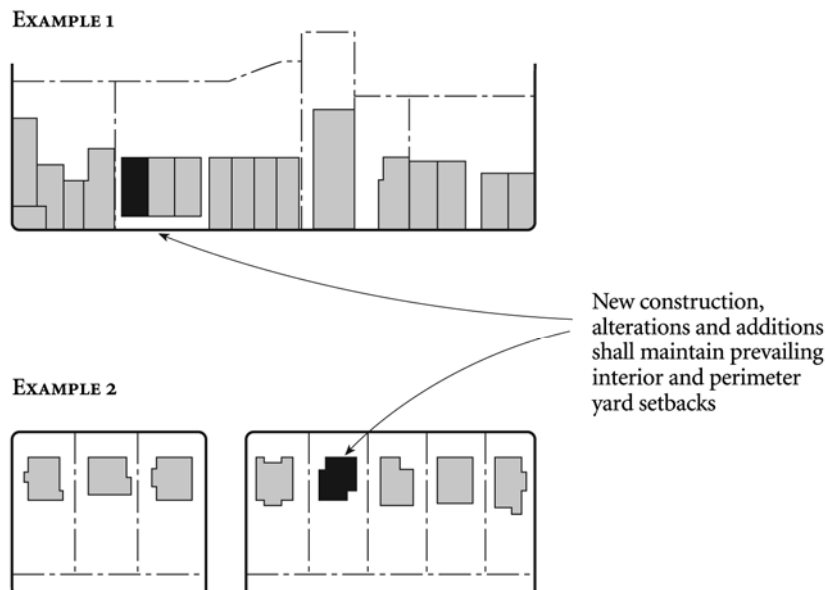
2. *Contributing Property.* Alterations or additions to a Contributing Property within a historic district shall reflect the architectural style and characteristics of the existing structure. The property may be renovated to an earlier historic style that applied to the property. In addition, such alterations or additions shall generally conform to the development criteria of Contributing Properties within the development zone of the site.
  3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property within a historic district shall reflect the architectural style of, and be compatible with, the Contributing Properties located within its development zone.
- B. *Height.* For the purposes of development zone compatibility, heights of principal structures shall be used to compare to proposed new construction of, or additions to, principal structures; accessory structure height is compared to other accessory structure heights. (See Illustration 2.8.8.6.B.)
1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall be no higher than the tallest comparable feature of the existing structure.
  2. *Contributing Property.* Alterations or additions to a Contributing Property shall be constructed no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone.
  3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall be constructed no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone.



**2.8.8.6.B Height Compatibility**

- C. *Setbacks.* (See Illustration 2.8.8.6.C.)

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall maintain the original front setback of the existing structure or the prevailing setback existing within its development zone, providing that such a setback is compatible with the historic character of the existing structure. Interior perimeter yard setbacks shall be consistent with those existing within the development zone.
2. *Contributing Property.* Alterations or additions to a Contributing Property shall maintain the prevailing street and interior perimeter yard setbacks existing within its development zone.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall maintain the prevailing street and interior perimeter yard setbacks existing within its development zone.



**2.8.8.6.C Prevailing Setbacks**

**D. *Proportion.***

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall reflect the proportions of the existing structure.
2. *Contributing Property.* Alterations or additions to a Contributing Property shall be consistent with the proportions of the existing structure and with the prevailing proportions of Contributing Properties within its development zone.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall reflect the prevailing proportions of Contributing Properties within its development zone.

**E. *Roof Types.***

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall have a roof compatible in configuration, mass, and materials to that of the architectural style of the existing structure.
2. *Contributing Property.* Alterations or additions to a Contributing Property shall have a roof compatible in configuration, mass, and materials to that of the architectural style of the existing structure.

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---

3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have a roof compatible in configuration, mass, and materials to the prevailing historic style and period of the existing structures within the development zone in which the proposed structure will be constructed.

F. *Surface Texture.*

1. *Historic Landmark.* Surface texture of alterations or additions to a Historic Landmark shall be appropriate to the historic style of the existing structure and the period in which it was constructed.
2. *Contributing Property.* Surface texture of alterations or additions to a Contributing Property shall be appropriate to the historic style of the existing structure.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have a surface texture which is appropriate to the historic style of similar structures within the development zone and will reflect the historic periods existing within the historic district.

G. *Site Utilization.*

1. *Historic Landmark.* Site utilization of a Historic Landmark shall be appropriate to the historic period in which the existing structure was built.
2. *Contributing Property.* Site utilization of alterations or additions to a Contributing Property shall be consistent with the site utilization of Contributing Properties within the development zone.
3. *New Construction or Noncontributing Property.* Site utilization of new construction or alterations or additions to a Noncontributing Property shall be consistent with the site utilization of Contributing Properties within the development zone.

H. *Projections and Recessions.*

1. *Historic Landmark.* Projections and recessions of a Historic Landmark, such as porches, steps, awnings, overhangs, entrances, and windows, shall be appropriate to the style of the existing structure and the historic period in which it was built.
2. *Contributing Property.* Projections and recessions of a Contributing Property, such as porches, steps, awnings, overhangs, entrances, and windows, shall be appropriate to the style of the existing structure.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have projections and recessions, such as porches, steps, awnings, overhangs, entrances, and windows, that are compatible with the existing historic styles within the development zone and reflect the historic periods of the historic district.

I. *Details.*

1. *Historic Landmark.* Architectural details of a Historic Landmark, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, shall be appropriate to the historic style of the existing structure and the historic period in which it was built.



2. *Contributing Property.* Architectural details of a Contributing Property, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canals, shall be appropriate to the historic style of the existing structure.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have architectural details, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canals, that are compatible with the existing historic styles and historic periods of Contributing Properties within the development zone.

**J. *Building Form.***

1. *Historic Landmark.* Size, mass, and scale of alterations or additions to a Historic Landmark shall be compatible with those of the existing structure.
2. *Contributing Property.* Size, mass, and scale of alterations or additions to a Contributing Property shall be compatible with the existing structure and with the Contributing Properties within the development zone.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have size, mass, and scale that are compatible with the existing Contributing Properties within the development zone.

**K. *Rhythm.***

1. *Historic Landmark.* The proportion, pattern, and rhythm of openings of additions or alterations to a Historic Landmark shall be compatible with those of the existing structure.
2. *Contributing Property.* The proportion, pattern, and rhythm of openings of additions or alterations to a Contributing Property shall be compatible with those of the existing structure and with those of Contributing Properties in its development zone.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall reflect the proportion, pattern, and rhythm of openings of Contributing Properties in its development zone.

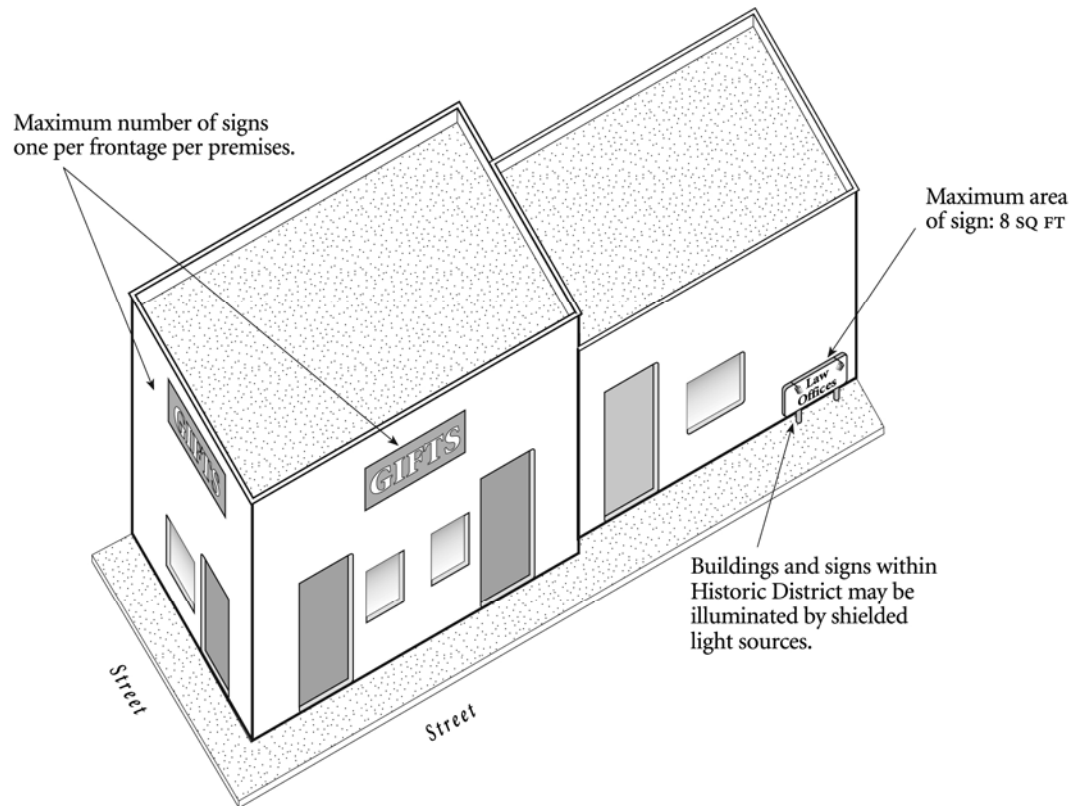
**L. *Additional Review Criteria.*** To provide flexibility in the review of applications which reflect the diverse and unique characteristics of the various historic districts, other pertinent factors generally affecting the appearance, harmony, and efficient functioning of the historic district may be used as appropriate for the particular application, such as the following.

1. *Color.* Color of a building or structure, including trim, roof, and other details, shall be appropriate to the architectural style of the subject structure and its historic period. Color may be reviewed in the context of a required HPZ review; painting alone shall not be considered through an HPZ review.
2. *Landscaping.* Plantings and other ornamental features shall reflect the historic period of the subject structure. Landscaping may be reviewed in the context of a required HPZ review; landscaping alone shall not be considered through an HPZ review.
3. *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 with Contributing Properties within the development zone and shall reflect the historic period of the historic district.

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---

4. *Utilities.* New aboveground power and telephone line installation and new utility connections shall be reviewed for appropriateness and compatibility, especially the use of electric utility boxes on front facades.
- M. *Signs.* The appearance, color, size, position, method of attachment, texture of materials, and design of signs within a historic district shall be in keeping with the collective characteristics of the structures located within the appropriate development zone. Signs allowed in the underlying land use zone are further regulated by Chapter 3, Signs, of the Tucson Code. The signs allowed in the underlying land use zone are further limited as follows. (*See Illustration 2.8.8.6.M.*)
1. Off-site signs shall not be permitted.
  2. Business signs shall be limited to one (1) sign only for each street frontage per premises. Businesses having frontage on more than two (2) streets shall be allowed a total of three (3) signs. Freestanding signs shall be limited to one (1) sign per premises.
  3. The maximum area of a sign shall be eight (8) square feet.
  4. No sign may extend above the top of the nearest facade, eaves, or fire wall of a building or structure.
  5. Design and materials of signs. Visible bulbs, not exceeding twenty (20) watts per bulb, shall be allowed. Bulbs within fixtures are not limited in wattage. Neon tubing may be allowed on commercially zoned properties, where historically appropriate. Clear plexiglas and acrylic, when used as a substitute for glass, shall be allowed; otherwise, plastics shall not be allowed. Luminous paints are not allowed.
  6. Buildings and signs within the historic district may be illuminated by remote light sources, provided that these light sources are shielded to protect adjacent properties.
  7. The applicant may apply for a variance from 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. (Ord. No. 9179, §1, 12/14/98)



#### 2.8.8.6.M Signs

- N. *Motor Vehicle and Bicycle Parking Areas.* Parking spaces as required by this Code shall be provided on or off the site on a property within the boundaries of a zone that allows for parking as a principal use. Off-site parking spaces for uses within the HPZ shall not be located more than six hundred (600) feet, within the same or another block, from the land use the spaces serve, except within the boundaries of the El Presidio Historic District where required parking spaces may be provided not more than six hundred (600) feet beyond the historic district boundary. All new or modified vehicular use areas within the historic district shall be screened as required by Sec. [3.7.0](#), Landscaping and Screening Regulations, using compatible structural and plant materials. (See *Illustration 2.8.8.6.N.*)

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---



Required parking for uses located within the boundaries of the El Presidio Historic District may be provided not more than 600 FT beyond the historic district boundary, on properties zoned to allow parking.

**2.8.8.6.N Parking Areas**

- 2.8.8.7 **Demolition Review Required.** It is the intent of this Section to preserve the historic and architectural resources within the HPZ and the Rio Nuevo and Downtown Zone (RND) in their original appearance, setting, and placement. Demolition of a historic property can cause an irreplaceable loss to the quality and character of the city of Tucson. However, it is recognized that there can be circumstances beyond the control of a property owner which may result in the necessary demolition of a structure within the HPZ or RND. These circumstances include a building which constitutes an imminent safety hazard, involves a resource whose loss does not diminish or adversely affect the integrity of the historic district, or imposes an unreasonable economic hardship on its owners. A proposed change of use shall not be considered in the analysis of unreasonable economic hardship. (Ord. No. 9967, §2, 7/1/04)
- A. *Preapplication.* A preapplication conference to determine which review process and what submittal requirements apply is encouraged.
- B. *Review and Approval Required.* No demolition permit will be issued by the City for demolition or relocation of all or any part of a structure, site, sign, or Historic Landmark which would affect its exterior appearance within the HPZ before review and approval occurs. Review is required under the following procedures.
1. *Emergency Demolition.* If the structure has been determined by the Chief Building Official to be an imminent hazard to public safety and repairs would be impractical, emergency demolition procedures to be followed will be in accordance with the requirements for such sites and structures of Chapter 6 of the Tucson Code. Refer to Development Standard 4-01.0 for information on these procedures.
  2. *Intrusions and noncontributing, nonhistoric structures.* For structures designated as intrusions or noncontributing, nonhistoric properties in historic districts, the DSD Director shall consult with the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee to insure that the structure is properly classified at the time of the request for demolition. If the structure is an intrusion or noncontributing, nonhistoric, no further review shall be required. If the Director determines that the structure has not been properly designated, the Director may delay the issuance of the permit until the proper designation is determined by the Zoning Administrator or may proceed with the appropriate review process as if the designation had been changed. (Ord. No. 9967, §2, 7/1/04)
  3. *Contributing Properties, Nonhistoric.* Review by staff, the applicable historic district advisory board, and the Tucson-Pima County Historical Commission is required before a decision is made by the Development Services Department Director. The procedure for review shall be in accordance with the Limited Notice Procedure, Sec. 23A-40. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Full HPZ review application for the purpose of determining notice and the right to appeal the decision. The criteria used to make this decision shall be as follows. (Ord. No. 9967, §2, 7/1/04)
    - a. The structure or site is of no historic or architectural value or significance and does not contribute to the historic value of the property.
    - b. Loss of the structure would not adversely affect the integrity of the historic district or the historic, architectural, or aesthetic relationship to adjacent properties, and its demolition would be inconsequential to the historic preservation needs of the area.
    - c. Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans will have on the architectural, cultural, historic, archaeological, social, aesthetic, or environmental character of the surrounding area as well as the economic impact of the new development.

CITY OF TUCSON *LAND USE CODE*  
 ARTICLE II. ZONES  
 DIVISION 8. OVERLAY ZONES  
 HISTORIC PRESERVATION ZONE (HPZ)

---

- d. Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism, or neglect.
- 4. *Historic Contributing Properties and Historic Landmarks.* Review by staff, the applicable historic district advisory board, and the Tucson-Pima County Historical Commission Plans Review Subcommittee is required before a decision is made by the Mayor and Council in accordance with Sec. 2.8.8.9. (Ord. No. 9967, §2, 7/1/04)
- 5. *Independent Portions of Structures.* A request may be made for the demolition of a portion of a structure if the demolition will not adversely affect the historical character of the property. For portions that may be independently designated as intrusions or noncontributing, nonhistoric elements, the DSD Director shall consult with the advisory board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to insure that the portion of the structure has been properly classified and that demolition will not have any adverse impact on the contributing or historic character of the property. If the portion of a structure is designated under this section as an intrusion or nonhistoric element, no further review shall be required. At least four (4) days prior to issuance of a demolition permit, the Director shall notify the applicant, the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee of the decision. A decision by the Director may be appealed by the advisory board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to the Zoning Examiner within three (3) days of the date of the decision. (Ord. No. 9967, §2, 7/1/04)

2.8.8.8 Maintenance.

- A. Maintenance of historic resources is important for property owners to maintain property values and for the cultural and aesthetic value to the community. Maintaining historic structures and sites preserves the special sense of place that encourages tourism and further investment in historic areas.
- B. All historic resources shall be preserved against decay and deterioration and kept in a state of good repair and free from certain structural defects. The purpose of this Section is to prevent an owner or other person having legal custody and control over a property from facilitating the demolition of a historic resource by neglecting it or permitting damage to it by weather or vandalism.
- C. Consistent with all other state and City codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control over a property shall maintain such buildings or structures in the same or better condition than that indicated in the most recently available inventory for the historic district in which the property is located. The following defects are indicators of a need for repair.
  - 1. Building elements are in a condition that they may fall and injure members of the general public or damage other property.
  - 2. Deteriorated or inadequate foundation.
  - 3. Defective or deteriorated flooring.
  - 4. Walls, partitions, or other vertical support members that split, lean, list, or buckle due to defective material or deterioration.
  - 5. Ceilings, roofs, ceiling and roof support members, or other horizontal members which sag, split, or buckle due to defective materials or deterioration.
  - 6. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
  - 7. Deteriorated, crumbling, or loose exterior plaster.

8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
  9. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
  10. Any fault, defect, or deterioration in the building which renders the same structurally unsafe or not properly watertight.
- D. If the Tucson-Pima County Historical Commission has reason to believe that a property is being neglected and subject to damage from weather or vandalism, the Tucson-Pima County Historical Commission shall so advise City staff. Staff will meet with the owner or other person having legal custody and control of the property and discuss ways to improve the condition of the property and shall assist those persons with an economic hardship in obtaining financial resources to accomplish such improvements. If there is no subsequent attempt, or insufficient effort is made, to correct any noted conditions after such meeting by the owner or other such person having legal custody and control, the Tucson-Pima County Historical Commission may make a formal request that the Chief Building Official take action to require corrections of defects in the subject building or structure so such building or structure shall be preserved in accordance with the purposes of this Section. The Chief Building Official may also require the property owner to remedy any defect or deterioration which constitutes a threat to the public health, safety, and welfare pursuant to the authority vested in him by the Uniform Code for the Abatement of Dangerous Buildings.

Deterioration caused by deliberate neglect of maintenance or repairs shall not be considered valid grounds for the approval of a demolition permit application.

- E. Vacant properties shall be maintained in a clean and orderly state.

2.8.8.9 Demolition of Historic Properties, Landmarks and Structures. Approval for the demolition of historic landmarks, demolition of structures on Contributing Historic Properties in historic districts and demolition of structures registered on the National Register of Historic Places or the Arizona Register of Historic Places in the Rio Nuevo and Downtown Zone (RND) shall be determined by Mayor and Council. The criterion used to make this decision shall be that the owner of the structure would be subject to unreasonable economic hardship if the building were not demolished. The procedure for approval shall be as follows.

- A. *Application.* Submittal of an application shall be in accordance with Development Standard 9-08.2.5.
- B. *Unreasonable Economic Hardship.* When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner must prove that reasonable use of the property cannot be made. The public benefits obtained from retaining the historic resource must be analyzed and duly considered by the DSD Director, the applicable advisory board, and the Tucson-Pima County Historical Commission. The owner shall submit the following information by affidavit to the DSD Director for transmittal to the review bodies for evaluation and recommendation.
1. For all property:
    - a. The assessed value of the land and improvements thereon according to the two (2) most recent assessments.
    - b. Real estate taxes for the previous two (2) years.
    - c. The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance.

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---

- d. Annual debt service, if any, for the previous two (2) years.
  - e. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, insuring, or ownership of property.
  - f. Any listing of the property for sale or rent, price asked, and offers received, if any.
  - g. Any consideration by the owner as to profitable adaptive uses for the property.
  - h. The current fair market value of the property as determined by at least two (2) independent appraisals.
  - i. An estimate of rehabilitation cost to restore the structure to active use.
  - j. Exceptions. When a property owner is financially unable to meet the requirements set forth in this subsection, the DSD Director may waive some or all of the requirements and/or request substitute information that a property owner may obtain without incurring any costs. An applicant may request a waiver of one or more of the submittal requirements based on the specific nature of the case. The DSD Director, who may consult with the Tucson-Pima County Historical Commission, shall make a determination on the waiver request. If a determination cannot be made based on information submitted and an appraisal has not been provided, the DSD Director shall request that an appraisal be made by the City.
2. In addition to the requirements in subsection 1 above, owners of income-producing property shall submit the following.
- a. Annual gross income from the property for the previous two (2) years.
  - b. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.
  - c. Annual cash flow, if any, for the previous two (2) years.
  - d. Proof that efforts have been made by the owner to obtain a reasonable return on investment based on previous service.

*C. Negotiations Prior to Decisions on Demolition Applications.*

- 1. Whenever an application for a permit for the demolition or relocation of a Historic Landmark or historic Contributing Property is submitted to the DSD Director, the application shall be scheduled for public hearing before the Mayor and Council not sooner than ninety (90) days from the date the application is accepted. During this time period, City staff shall discuss the proposed demolition with the property owner and other City officials to see if an alternative to demolition can be found before a formal consideration of the application by the Mayor and Council. The DSD Director shall analyze alternatives to demolition and request, from other City departments or agencies, information necessary for this analysis.
- 2. If within this ninety (90) day period either one (1) of the following two (2) events occurs, the Mayor and Council may defer hearing the application for six (6) months, and it shall be considered to have been withdrawn by the applicant during such six (6) month period.



- a. The owner shall enter into a binding contract for the sale of the property.
  - b. The City of Tucson shall acquire the property by available legal process for rehabilitation or reuse by the City or other disposition with appropriate preservation restrictions.
3. If within the ninety (90) day period neither of the two (2) events summarized above has occurred, a public hearing shall be scheduled before the Mayor and Council on the demolition application on the next available agenda.
- D. **Review of Application.** The Tucson-Pima County Historical Commission and the historic district advisory board review demolition applications. Staff, within five (5) days after acceptance of the application, transmits one (1) copy of the accepted site plan to the appropriate historic district advisory board and one (1) copy to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation. The historic district advisory board may forward a recommendation to the Tucson-Pima County Historical Commission and the DSD Director within twenty-two (22) days after acceptance of the application. The Tucson-Pima County Historical Commission shall forward a recommendation to the DSD Director and the historic district advisory board within thirty-one (31) days after acceptance of the application.
- E. **Recommendations.** The recommendations of the DSD Director, the Tucson-Pima County Historical Commission, and the appropriate advisory board shall be forwarded to the Mayor and Council for consideration.
- F. **Mayor and Council Consideration.** The Mayor and Council consider the application in public hearing. Public Notice, mailed notice and published notice shall be by provided not less than fifteen (15) days prior to the public hearing. Additional Mailed Notice shall be provided to the property owners within three hundred (300) feet of the site, neighborhood associations within one mile of the site, the applicable advisory board, and the Tucson-Pima County Historical Commission.
- G. **Mayor and Council Decision.** The Mayor and Council shall make a decision on an application to demolish a Historic Landmark or historic Contributing Property. To approve the application, the Mayor and Council must find that the owner will suffer an unreasonable economic hardship if a demolition permit is not approved. Any approval is subject to the following.
1. The applicant must seek approval of replacement plans prior to receiving a demolition permit and all other necessary permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations, site plans, and dimensional schematic design drawings which shall meet be reviewed in accordance with the Administrative Design Review Procedure– Minor Design Review Procedure, Development Compliance Review, Sec. 23A-32(2).
  2. A demolition permit will be issued concurrently with the building permit for replacement following submittal by the applicant of proof of financial ability to complete the replacement project.
  3. A decision on a demolition application results in the administrative closure of the case file by staff. A decision on a demolition application applies to the property.
  4. Reapplication for demolition permits for a structure which was previously denied for demolition cannot be submitted to the City for three (3) years from the date of the Mayor and Council decision. A change in property ownership shall not be considered a basis for reapplication. Substantially new conditions, as determined by the DSD Director in consultation with the advisory board and the Tucson-Pima County Historical Commission, are a basis for earlier reapplication.
- H. **Provisions for Vacant Lots and Areas After Demolition.**

CITY OF TUCSON *LAND USE CODE*  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---

1. When a site, sign, Historic Landmark, or structure is demolished and the area left vacant, the area will be maintained in a clean and inoffensive manner.
  2. When a structure is demolished and the area converted to another use not requiring buildings, such as a parking lot, the area will be buffered by landscaping and walls or fences that comply with the landscaping and screening requirements of Sec. [3.7.0](#) and generally conform to the character of the other buildings and structures located within its development zone. The site plan required as part of the review procedure shall indicate how the landscaping and screening will be accomplished.
- I Penalties and Remedies for Unauthorized Demolition; Notice of Entry of Judgment. Any property owner, individual, company, or person, as defined in Tucson Code Section 1-2(16), who causes a structure, site, or Historic Landmark located within a historic district to be demolished, without following procedures as established in this Section, will be subject to the following.
1. A mandatory fine of:
    - a. Not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) per violation for demolition of an accessory structure that is a Noncontributing Property, or Not less than fifteen hundred dollars (\$1,500.00) nor more than twenty-five hundred dollars (\$2,500.00) per violation for demolition of a principal structure or site that is a Noncontributing Property; or
    - b. Not less than two thousand dollars (\$2,000.00) nor more than twenty-five hundred dollars (\$2,500.00) per violation for demolition of a Historic Landmark or Contributing Property.
  2. In addition to any fine imposed pursuant to Sec. 5.4.2.9.J.1, the DSD Director will, upon finalization of judgment:
    - a. Issue a formal complaint with the Arizona State Registrar of Contractors against any contractor or company involved with an unauthorized demolition; and
    - b. Issue a formal notification of the violation to the State Historic Preservation Office regarding the unauthorized demolition of any structure, site, or Historic Landmark.
  3. In addition to any fine imposed pursuant to Sec. 5.4.2.9.J.1, one (1) of the following will be imposed as a penalty or remedy.
    - a. Reconstruction or restoration of a Contributing Property or a Historic Landmark to its appearance prior to the violation.
    - b. Prohibition or restriction of building permits for new construction on the site for not more than seven (7) years, but not less than thirty (30) days, for a Noncontributing Property or two (2) years for a Contributing Property or Historic Landmark and prohibition or restriction of permits involving work in the public right-of-way for not more than seven (7) years, but not less than thirty (30) days, for a Noncontributing Property or two (2) years for a Contributing Property or Historic Landmark.
    - c. Upon finalization of judgment setting forth a remedy as provided in 2.8.8.9.J.3.a or Sec. 2.8.8.9.J.3.b, the DSD Director or designate will file the judgment in the office of the Pima County Recorder.
  4. The following factors will be considered in imposing any penalty or remedy pursuant to Sec. 5.4.2.9.J.1 or Sec. 5.4.2.9.J.3.

- a. Whether the structure, site, or Historic Landmark is one of the last remaining examples of its kind in the neighborhood, city, or region.
- b. Whether there exists sufficient documentation, plans, or other data so as to make reconstruction feasible.
- c. The age of the original structure, site, or Historic Landmark and all subsequent additions and modifications.
- d. The physical condition of the structure, site, or Historic Landmark immediately prior to its total or partial demolition.
- e. The amount of demolition sustained by the structure, site, or Historic Landmark.
- f. Whether or not, had total or partial demolition occurred, the structure, site, or Historic Landmark could have been put into a reasonable economic use either prior to or after rehabilitation.
- g. Whether the structure, site, or Historic Landmark was eligible for inclusion on the National Register of Historic Places immediately prior to its total or partial demolition.
- h. Whether the structure, site, or Historic Landmark is included on the National Register of Historic Places.
- i. Whether the responsible party has a legal or equitable interest in the structure, site, or Historic Landmark.

(Ord. No. 9967, §2, 7/1/04)

2.8.8.10 Reserved. (Ord. No. 9967, §2, 7/1/04)

2.8.8.11 Reserved. (Ord. No. 9967, §2, 7/1/04,

2.8.8.12 Pending Historic Districts.

- A. *Purpose.* It is the purpose of this Section to preserve structures of historic or architectural significance, but it is recognized that all areas of significance cannot be identified, analyzed, and designated at one time. However, it is important to protect properties with potentially qualifying buildings from inappropriate demolitions until review and hearings can be completed for possible HPZ designation.
- B. *Applicability.* The following process is established for the review of proposed demolitions of structures which are located in areas of the city where the Mayor and Council have initiated the process of HPZ district formation and imposed interim regulations.
  1. These procedures shall apply to any building or structure that is located within an area of an application for an HPZ district between such time as the Mayor and Council either initiate the establishment of a historic district or enact an ordinance to apply these regulations and the time action is taken on the application by the Mayor and Council, but for no more than one (1) year.
  2. The provisions of this Section apply to all areas of the city under application for HPZ designation on the effective date of this ordinance and to all areas of the city for which applications for HPZ designation are initiated after the effective date of this ordinance.

CITY OF TUCSON LAND USE CODE  
ARTICLE II. ZONES  
DIVISION 8. OVERLAY ZONES  
HISTORIC PRESERVATION ZONE (HPZ)

---

3. An application for a demolition permit shall be exempt from these demolition review requirements if the Chief Building Official makes a written determination, and the Development Services Department Director concurs, that the building currently is an imminent hazard to the public safety, is structurally unsound, and should be demolished. (Ord. No. 9967, §2, 7/1/04)
- C. *Review and Decision.* Procedures for review of, and decisions on, applications for demolition permits are the same as those outlined in Sec. 2.8.8.7.B.3.
- D. *Temporary Stay of Demolition.* In the event a demolition application is denied, no permit for demolition shall be issued unless a subsequent demolition approval has been requested and granted or until adoption of historic preservation zoning for the property.
  1. If the historic preservation zoning has not been placed on the property at the time of expiration of the temporary restraint on demolition, the Development Services Department Director shall grant a demolition approval for the subject property. (Ord. No. 9967, §22, 7/1/04)
  2. At the time of adoption of historic preservation zoning, the temporary restraint of demolition and any stays of demolition in effect shall expire. The Development Services Department Director's decision on demolition requests, at that time, shall be regulated by Sec. 2.8.8.7. The demolition request shall be finalized in accordance with the procedures of that Section. (Ord. No. 9967, §22, 7/1/04)

2.8.8.13 Specific Regulations - San Xavier Environs Historic District.

- A. *Purpose.* The purpose of this zone is to promote the public health, safety, convenience, and general welfare through conservation of the historical heritage of the city of Tucson and Pima County by delimiting an area of influence from an established historic site and by providing for certain appropriate controls.
- B. *Applicability.* The specific regulations of the San Xavier Environs Historic District apply to an area extending one and one-half (1.5) miles from San Xavier Mission, which is a historic site. The one and one-half (1.5) mile radius is divided into three areas (A, B, and C) for the purposes of applying specific regulations within each area.
- C. *Development Regulations.* These regulations are in addition to those of the underlying zones, and where in conflict, the more restrictive of the two applies. The additional regulations by area are as follows.
  1. *Area A.* Area A is the area within one (1) mile of the established historic site.

- a. Residential density shall not exceed two (2) dwelling units per thirty-six thousand (36,000) square feet of lot area.
  - b. All outdoor lighting shall be hooded and controlled so that the source of the light shall not be visible from adjoining properties.
  - c. Commercial and industrial uses shall provide planting screens or approved walls on the side or sides oriented toward the historic site no less than six (6) feet in height.
  - d. Regardless of any other regulation, no structure shall exceed two (2) stories (maximum height: thirty [30] feet).
  - e. The requirements of this Section shall not apply to the alteration of another established historic site within Area A.
  - f. The color of all structures shall be earth tones.
2. *Area B.* Area B is the area within one and one-quarter (1.25) mile and one (1) mile of the established historic site.
- a. Residential density of four (4) dwelling units per thirty-six thousand (36,000) square feet shall be permitted, provided the underlying zone allows this density.
  - b. Development regulations in accordance with Sec. 2.8.8.13.C.1.b through Sec. 2.8.8.13.C.1.f.
3. *Area C.* Area C is the area within one and one-half (1.5) mile and one and one-quarter (1.25) mile of the established historic site.
- a. Residential density of six (6) dwelling units per thirty-six thousand (36,000) square feet shall be permitted, provided the underlying zone allows this density.
  - b. Development regulations in accordance with Sec. 2.8.8.13.C.1.b through Sec. 2.8.8.13.C.1.f.
- D. *Review Process.* Review shall be in accordance with Sec. 2.8.8.11.