



Review Process for Development in a Historic Overlay Zone

HERITAGE PRESERVATION COMMISSION TRAINING

SEPTEMBER 2025

Flagstaff Zoning Code 10-30.30 Heritage Preservation

- A local ordinance that covers potential historic resources and archeological resources that may be affected by development within the City
- A requirement of our Certified Local Government (CLG) Agreement with the State Historic Preservation Office





Flagstaff Zoning Code 10-30.30 Heritage Preservation

- Legal basis for the Commission's and the Heritage Preservation Officer's authority
- The Commission has quasi-judicial authority and is not only advisory



What's in 10-30.30?

10-30.30.010 Purpose

10-30.30.020 Applicability

10-30.30.030 General Provisions

10-30.30.040 Designation of Landmark
Properties or Historic Overlay Zones

10-30.30.050 Cultural Resources

10-30.30.060 Development of a Landmark Property and
Property within a Historic Overlay Zone

10-30.30.070 Violations and Enforcement

10-30.30.080 Appeals



What is Development?

Common Types of Applications

- **Building Permit:** The permit required for new construction and additions pursuant to the City Code.
- **Sign Permit:** The structure and location permit required for the placement and installation of either a temporary or permanent sign.
- **Concept Plan:** A generalized plan that conceptually illustrates a development proposal, including the identification of proposed land uses, land use intensity, circulation, and common space/sensitive areas.
- **Site Plan:** A graphic depiction of features on a site such as existing and proposed structures, paved areas, ingress/egress points, and landscaped areas. Submitted after approved Concept Plan.



Two Review Paths

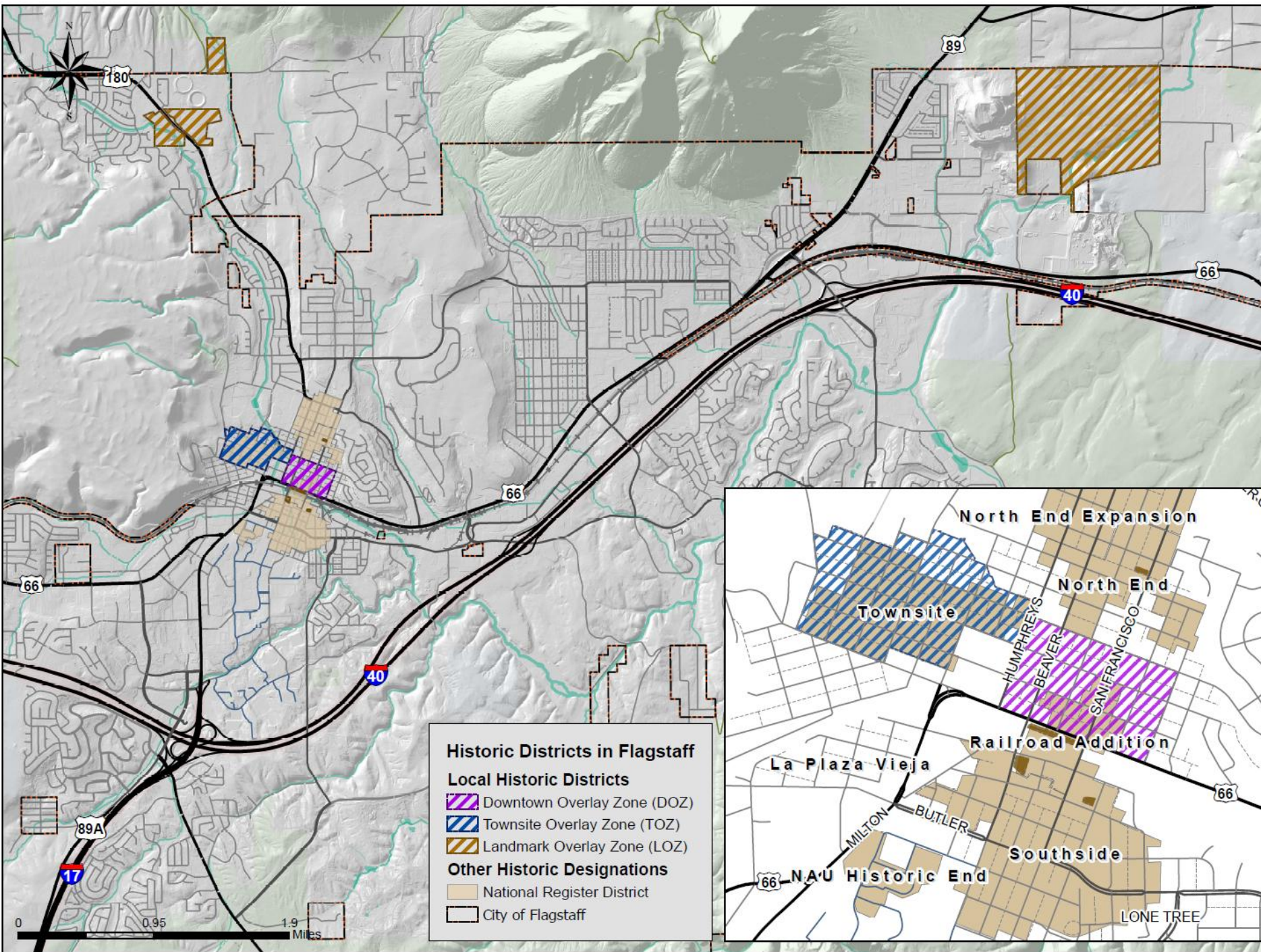


Does it involve listed properties, undeveloped land, or structures over 50 years old?

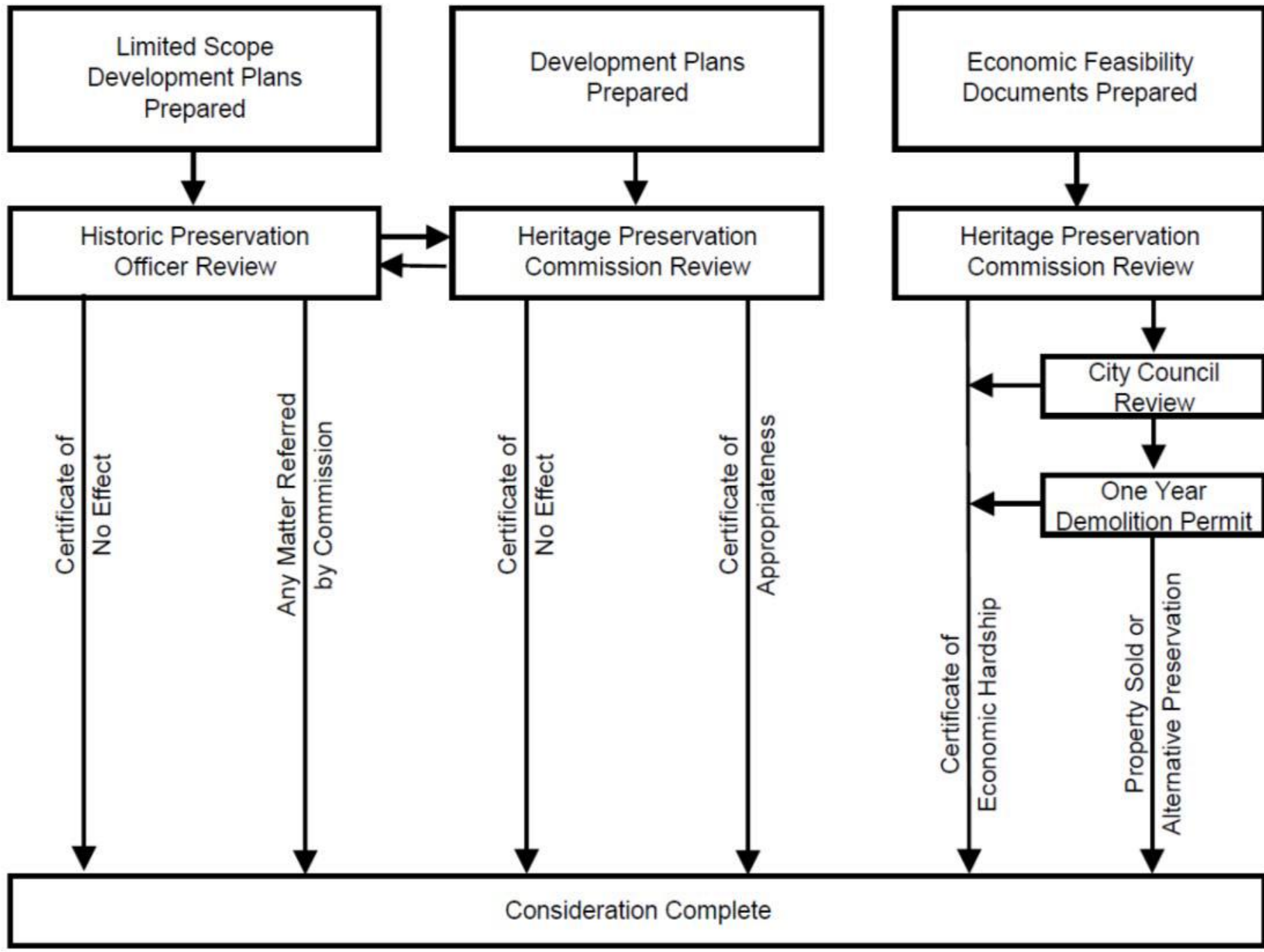
Follows 10-30.30.050: Cultural Resources process

Is it in the Downtown, Townsite, or Landmark Overlay?

Also follows 10-30.30.060: Development of a Landmark Property and Property within a Historic Overlay Zone process



Map of Overlay Districts





Certificate of No Effect

Applicability

This approval is appropriate if the proposed work is compatible with the historic or archaeological character of a cultural resource, such that there will be no major impact on the resource, thereby not diminishing, eliminating, or adversely affecting the significance or integrity of the resource.



Certificate of No Effect

Criteria for Approval

- a. The proposed work is consistent with the purpose and intent of this division;
- b. The proposed work is compatible with its context:
 - (1) The appropriate context for a landmark or a historic property is the property itself and, to a much lesser extent, the surrounding properties and neighborhood;
 - (2) The appropriate context of work in a historic overlay zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;
- c. The cultural resources associated with the proposed work have been sufficiently identified and evaluated;
- d. There are no major impacts to any on-site cultural resources; and
- e. The proposed work is consistent with applicable development standards and design guidelines.



Certificate of No Effect

Examples

Minor work that has a limited impact in relation to the total cultural resource, including:

- (1) Conforming signs excluding comprehensive sign programs;
- (2) A remodel, addition, deck or porch that does not expand the floor area or any outdoor activity area by more than 10 percent or 200 square feet;
- (3) An accessory structure that is not more than the lesser of 10 percent of the main building's footprint or 400 square feet;
- (4) Minor alterations such as storefront windows or doors, other fenestration, awnings, shutters, gutters, porch rails, accessible features and facilities, paint colors, lighting, roofing, fencing, retaining walls, walkways, driveways or landscaping;
- (5) Demolition or removal of inappropriate features that are non-original, including additions, accessory structures and structures that are not cultural resources; and
- (6) Modifications to support systems (mechanical, electrical, satellite dishes and so forth), that are properly sited and screened.



Certificate of Appropriateness

Applicability

This approval is appropriate if the proposed work alters a cultural resource, but does so in such a way that is compatible with the historic or archaeological character of the resource and all major impacts are mitigated such that the work does not diminish, eliminate, or adversely affect the significance or integrity of the resource.



Certificate of Appropriateness

Criteria for Approval

- a. The proposed work is consistent with the purpose and intent of this division;
- b. The proposed work is compatible with its context:
 - (1) The appropriate context for a landmark or a historic property is the property itself and, to a much lesser extent, the surrounding properties and neighborhood;
 - (2) The appropriate context of work in a historic overlay zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;
- c. The cultural resources associated with the proposed work have been sufficiently identified and evaluated;
- d. Major impacts on cultural resources are sufficiently mitigated; and
- e. The proposed work is consistent with applicable development standards and design guidelines.



Certificate of Appropriateness

Examples

- New ADU or garage
- New infill building
- Exterior remodel or addition
- Storefront alterations
- Other projects that conform to the established design standards for the overlay and sufficiently mitigate all major impacts





Certificate of Economic Hardship

Applicability

This approval is appropriate if the proposed work, including demolition and appropriate mitigation measures, will deprive the property owner of reasonable use of or a reasonable economic return on the property; or, will result in a substantial reduction in the economic value of the property; or, will result in a substantial economic burden on the property owner because the property owner cannot reasonably maintain the property in its current form.



Certificate of Economic Hardship

Criteria for Approval

- a. The cultural resources associated with the proposed work have been sufficiently identified and evaluated;
- b. An economic hardship exists (a lack of reasonable use or return, a substantial reduction in the value, or a substantial burden);
- c. Preservation is economically infeasible;
- d. The economic hardship is not a self-created hardship;
- e. Alternative development has been fully explored; and
- f. Alternative financing has been fully explored.



Certificate of Economic Hardship

Examples

- Only Flagstaff example: inappropriate, unpermitted window replacements that were cost prohibitive to restore
- Example from Phoenix: Phoenix Laundry and Dry Cleaning





Temporary Delay of Demolition

If a certificate of economic hardship is denied by the Heritage Preservation Commission, no demolition shall be permitted for a period of one year from the date of the public meeting when the request was denied. During the temporary delay period, the applicant shall consult in good faith with the Heritage Preservation Commission, State and local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in the preservation or sale of the property. The property owner shall advertise the property for sale at a fair market value based on appraisals. Following the temporary delay period, if no other plan demonstrates a reasonable alternative and no purchaser has been found, the proposed demolition will be allowed, subject to the issuance of the appropriate permit by the Building Official.



Temporary Delay of Demolition



Examples

- No Flagstaff examples
- Example from Phoenix: Mystery Castle





What are Major Impacts?

- a. Physical destruction or damage to all or part of the resource;
- b. Alteration to all or part of the resource that is not consistent with applicable standards and guidelines;
- c. Relocation or isolation of the cultural resource from its setting;
- d. Excessive replacement of original materials;
- e. Alteration of the character of the cultural resource's setting;
- f. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting; or
- g. Neglect of a cultural resource resulting in its deterioration or destruction.



How can they be mitigated?

Order of Preferred Mitigation for Major Impacts

- (1) Avoidance of significant cultural resources or impacts by not taking a certain action or parts of an action;
- (2) Preservation of cultural resources in place;
- (3) Minimizing major impacts by limiting the degree or magnitude of the action and its implementation;
- (4) Allow other parties to acquire cultural resources, cultural resource sites, or conservation easements;
- (5) Data recovery.



Appeals



10-30.30.080

Any person, firm, or corporation aggrieved by a decision of the Historic Preservation Officer or the Heritage Preservation Commission in interpreting, applying, or enforcing this division may file an appeal in accordance with the appeal provisions established in Section [10-20.80.030](#), Appeals of Permits and Other Approvals.



Appeals



10-20.80.030 Appeals

The appeal shall be filed with the City Clerk within 10 days.

The appeal shall be accompanied by a non-refundable filing fee.

Once an appeal is filed by an aggrieved person, any action on the associated development is suspended until the appeal is processed and a final decision is rendered by the applicable review authority unless otherwise specified in this Zoning Code.

Planning Permits and Approvals:				
Certificate of Appropriateness	10-30.30.060	HPO – Recommend	Heritage Preservation – Decision	Council – Appeal
Certificate of Economic Hardship	10-30.30.060	HPO – Recommend	Heritage Preservation – Decision	Council – Appeal
Certificate of No Effect	10-30.30.060	HPO – Recommend	Heritage Preservation – Decision	Council – Appeal
Conditional Use Permits	10-20.40.050	Director – Recommend	Planning – Decision	Council – Appeal
Cultural Resource Studies (Letter Reports)	10-30.30.050	HPO – Decision	Heritage Preservation – Appeal	Council – Appeal