

ORDINANCE NO. 1686

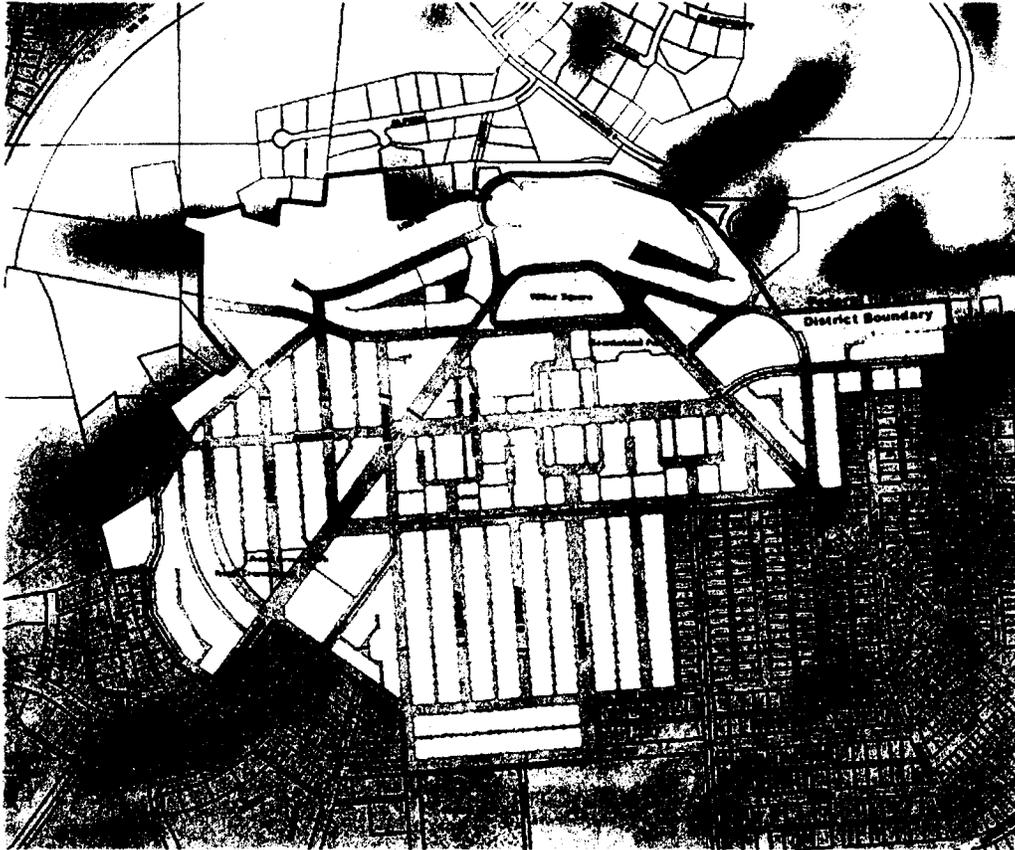
AN ORDINANCE OF THE CITY OF BOULDER CITY
REPEALING TITLE 11, ZONING AND SUBDIVISIONS,
CHAPTER 27, HISTORIC RESOURCES; AND ENACTING
A NEW CHAPTER 27, HISTORIC PRESERVATION;
AMENDING TITLE 3 TO ADD A NEW CHAPTER 7,
HISTORIC PRESERVATION COMMISSION, TO REVISE
THE HISTORIC PRESERVATION REGULATIONS AND
STANDARDS FOR BOULDER CITY

Section 1. Boulder City, Nevada, does by this Ordinance hereby repeal current Chapter 27, “Historic Resources” of Title 11 of the Boulder City Municipal Code in its entirety and replace it with a new Chapter 27, “Historic Preservation” and amends Title 3 of the Boulder City Municipal Code by adding a new Chapter 7, “Historic Preservation Commission” as shown on **Exhibit A**.

Section 2. Historic Preservation Committee Members appointed pursuant to the former Section 11-27-2 repealed by Section 1 herein and currently serving shall serve out their remaining term as members of the Historic Preservation Commission, with term limits to be imposed dating back to service on the former Historic Preservation Committee.

Section 3. The Historic District Boundary as established by Ordinance No. 1572 and shown on the Boulder City, Nevada Zoning Map is reiterated as follows:

The Boulder City Historic District is that area which was listed on the National Register of Historic Places in 1983. It contains all or portions of the following streets: Denver, Lodge, Hillside, Park, Utah, Colorado, Arizona, Railroad, Ash, Date, Cherry, Birch, Nevada, Avenue A, Avenue B, Avenue C, Avenue D, California, Avenue F, Wyoming, New Mexico, Fifth, Hotel Plaza, Avenue G, Avenue H, Avenue I, Avenue K, and Avenue L as depicted on the map herein.



Section 4. The exterior design guidelines for historic properties as adopted under prior City Council Resolution Nos. 5371, 5381, 5382, 5566, 5567, 5658, 5778 and 5779 are hereby reaffirmed, with the exception that the application of the guidelines to historic properties shall be as per the provisions of the new Chapter 27 of Title 11 as adopted herein.

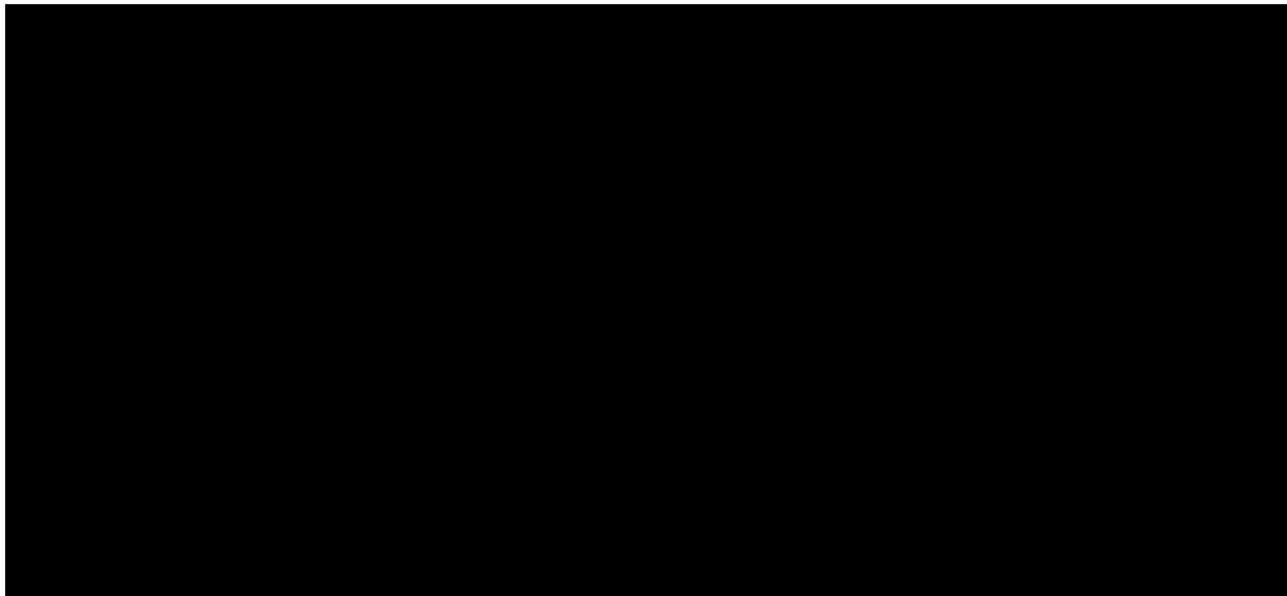
Section 5. VALIDITY. Each section and each provision or requirement of any section of this Ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 6. PUBLICATION. The City Clerk shall cause this Ordinance to be published in summary on Friday, the 14th day of October 2022 in the Las Vegas Review Journal, a daily newspaper published in Las Vegas, Nevada.

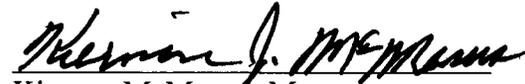
Section 7. EFFECTIVE. This Ordinance shall become effective, after its approval and publication, on the 3rd day of November 2022.



Bill No. 1921
Introduced by: C. Bridges



DATED and APPROVED this 11th day of October, 2022.


Kiernan McManus, Mayor

ATTEST:


Tami J. McKay, City Clerk

The foregoing Ordinance was first proposed and read by title to the City Council on the 27th day of September, 2022, which was a regular meeting; thereafter, on the 11th day of October 2022, a regular meeting was held and the proposed Ordinance was adopted by the following vote:

VOTING AYE: McManus, Adams, Bridges

VOTING NAY: Fox, Jorgensen

ABSENT: None

APPROVED


Kiernan McManus, Mayor

ATTEST:

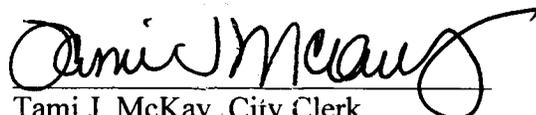

Tami J. McKay, City Clerk

Exhibit A

TITLE 11, CHAPTER 27: HISTORIC PRESERVATION

- 11-27-1 SHORT TITLE
- 11-27-2 PURPOSE
- 11-27-3 DEFINITIONS
- 11-27-4 PROCEDURES FOR HISTORIC PROPERTY RECOMMENDATIONS
- 11-27-5 CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS OR
NEW CONSTRUCTION AFFECTING HISTORIC PROPERTIES
- 11-27-6 DEMOLITION OF HISTORIC PROPERTIES
- 11-27-7 MINIMUM MAINTENANCE STANDARDS
- 11-27-8 ENFORCEMENT
- 11-27-9 SPECIAL RESTRICTIONS:
- 11-27-10 SEPARABILITY:
- 3-7-1 HISTORIC PRESERVATION COMMISSION
- 3-7-2 ORGANIZATION, OFFICERS, RULES, MEETINGS
- 3-7-3 POWERS, DUTIES, AND RESPONSIBILITIES OF THE COMMISSION

11-27-1 SHORT TITLE

This Chapter shall be known and may be cited as the Boulder City Historic Preservation Ordinance

11-27-2 PURPOSE

The purpose of this Chapter is to establish historic districts and properties for the educational, cultural, and economic benefit of City inhabitants, to raise public awareness of the benefits of historic preservation, and to encourage civic pride in Boulder City's history. Due to the pressures resulting from population growth and development, which may result in the destruction, impairment, or alteration of historic resources that reflect elements of the City's cultural and architectural heritage, the following policies and responsibilities are established:

- A. protect and enhance historic properties which represent distinctive elements of Boulder City's historic, architectural, and cultural heritage; preserve, protect, enhance, regulate, and use buildings, structures, sites, and areas which are unique or irreplaceable assets to the City and its neighborhoods, which provide examples of the physical surroundings in which past generations lived, or which are archaeologically significant for present and future generations;
- B. protect and enhance Boulder City's attractiveness to visitors and the support and stimulus to the economy thereby provided;
- C. ensure the harmonious, orderly, and efficient growth and development of the City that is sensitive to its historic resources;
- D. promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the City;
- E. encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation;
- F. provide a mechanism for identifying and preserving the historic resources of the City; and

Exhibit A to Bill No. 1921

- G. enhance the character of the community by taking the preservation of historic resources into account during development, and to assist property owners in the preservation and restoration of historic properties.

11-27-3 DEFINITIONS

The following words and phrases when used in this Chapter shall have, unless the context clearly indicates otherwise, the following meanings:

Adverse Effect. Any alteration or demolition that results in the loss or diminution of the very characteristics that made the property eligible as a historic resource in the first place.

Alteration. Any construction, addition, replacement, erection, or change of the exterior features of a historic property, including related demolition. For buildings, sites or structures, alteration includes without limitation the changing of roofing or siding materials; changing, eliminating, or adding doors, doorframes, windows, window frames, shutters, fences, railings, porches, balconies, signs, or other ornamentation; regrading; sitework; imploding or other use of dynamite. The term does not include ordinary maintenance.

Appropriate. A determination of conformity with the adopted Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation.

Certificate of Appropriateness. The document issued by the City approving alteration of any historic property designated under the authority of this Chapter as appropriate.

Certificate of Appropriateness Approval Matrix. The document recommended by the Commission and adopted by the City Council, and intended for use by the Commission, the Historic Preservation Officer, and the City that outlines whether a Certificate of Appropriateness requires review by the Historic Preservation Officer or requires Commission review based upon the extent of the Alteration or Demolition.

City. The City of Boulder City.

Commission. The Historic Preservation Commission of the City of Boulder City.

Contributing Property. A property or resource in a historic district that contributes to a historic district's historical significance through location, design, setting, materials, workmanship and association.

Demolition. Any act or process that destroys or razes in whole or in part a historic property, or permanently impairs its structural integrity. For the purposes of this Chapter, demolition does not include removal of building features in conjunction with an alteration, unless the footprint of the historic property, or part thereof is also being removed.

Demolition by Neglect. Intentional acts or omissions that allow a historic property to suffer severe deterioration, potentially beyond the point of repair.

Design Guidelines. Standards recommended by the Commission, adopted by the City Council, and intended for use by the Commission, the Historic Preservation Officer, property owners and tenants to ensure that rehabilitation and new construction respect the character of designated historic properties.

Historic District. A geographically definable area, urban or rural, designated as such by ordinance which includes or encompasses such historic properties including without limitation buildings, sites, structures, or objects as the Commission may determine to be appropriate for historic preservation and designated as such as a result of formal adoption by City Council under the terms of this Chapter. Such designated district or districts need not be a single enclosed area nor do the areas or sites have to be contiguous to constitute a historic district. A historic district may include contributing, non-contributing or undeveloped properties.

Historic Property. Any building, structure, object, landscape, area or site that is significant in the history, architecture, archaeology or culture of this community, the state or the nation and designated as such as a result of formal adoption by the Boulder City Council under the terms of this Chapter as either part of a historic district or individually.

Historic Preservation. The identification, evaluation, recordation, documentation, curation, acquisition, management, protection, restoration, rehabilitation, stabilization, maintenance, interpretation and conservation of historic properties.

Historic Preservation Officer. An independent preservation professional who must have a demonstrated

Exhibit A to Bill No. 1921

interest in historic preservation, meets the Secretary of the Interior's Professional Qualification Standards (SOI-PQS), and/or is a qualified professional in one or more pertinent fields such as historic preservation, historic architecture, urban design, archaeology, cultural geography, landscape architecture or land use planning.

Historic Property Register for Boulder City. The Boulder City Historic Property Register is established for the purpose of listing the historic properties designated under the provisions of this Chapter. The official record of all historic properties and districts is maintained by the Community Development Department.

National Register of Historic Places. The National Register of Historic Places (NRHP) is the United States federal government's official list established by the National Historic Preservation Act of 1966 (as amended) and codified in 36 CFR 60 (as amended) of historically designated districts, sites, buildings, structures and objects deemed worthy of preservation for their local, state, or national historical, architectural, or cultural significance.

Non-Contributing Property. A building, site, structure, or object located within a historic district which does not add to a historic district's sense of time, place, and historic development but may contribute in other aspects. A non-contributing property or resource may possess characteristics that make it important to the overall historic character of the historic district such as, but not limited to mass, scale, streetscape features, setbacks or proximity to contributing structures. A building, site, structure, or object within a historic district may be non-contributing because (a) it was not present during the period of significance, or (b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period. A non-contributing building, site, structure, or object that is within an historic district remains subject to the Historic Preservation Ordinance. This classification has been designated through a survey or a formal hearing process.

Ordinary Maintenance. Regular, cyclical, or seasonal care, upkeep, repair, or replacement of any portion of a historic property in order to maintain a safe, sanitary, and stable condition. This type of work does not alter the exterior of the property, building, or structure and does not require a Certificate of Appropriateness or building permit.

Secretary of the Interior's Standards for Rehabilitation. Standards developed and adopted, as amended, by the Secretary of the Interior of the United States to guide work funded by, or otherwise conducted under the auspices of, the federal government on historic properties and archeological sites. Specific guidelines are given for preservation, rehabilitation, restoration and reconstruction. For further information refer to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings and the City's Design Guidelines, both available in the Community Development Department.

11-27-4 PROCEDURES FOR HISTORIC PROPERTY RECOMMENDATIONS

- A. *Designation.* The City Council may designate historic properties or districts to accomplish the purposes of this Chapter. In making such designations, the Council shall consider the recommendation of the Historic Preservation Commission.
- B. *Public Hearing.* The Council shall conduct a public hearing on such historic designations according to public hearing procedures described in this chapter, and NRS Chapters 278 and 384.
- C. *Recommendation by the Historic Preservation Commission.* In general, the Council will not schedule a public hearing for historic designation until the nomination for such designation is reviewed and approved by the Commission.
 1. *Public Hearing.* The Commission shall conduct a public hearing on all historic designation recommendations.
 2. *Initiation of Process.* The owner of the subject property, a Commission member, or any Council member may recommend a historic property designation in writing. The decision to consider the request shall be approved or denied by a majority of the Commission present.

Exhibit A to Bill No. 1921

- a. If the recommendation is not originated by the property owner, notice of the proposed recommendation shall be mailed to the owner of the property. Such notice shall describe the property affected and provide notice of the date, time, and place at which a hearing before the Commission shall be conducted.
 - b. The hearing shall be not less than 30 days following the mailing of notice to the owner.
3. *Recommendations for Historic Districts or Properties.* At the conclusion of the public hearing, the Commission shall recommend to the Council the designation of a historic district or property under the following guidelines:
- a. An individual historic property may be designated if it is at least 50 years old and it substantially complies with two or more of the following:
 - i. Possesses significance in history, architecture, archeology, and culture.
 - ii. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 - iii. Is associated with persons or events that have made a significant impact in our past.
 - iv. Represents the work of a master designer, builder, or craftsman.
 - v. Embodies the distinctive characteristics of a type, period, or method of construction.
 - vi. Represents an established and familiar visual feature of the City.
 - b. A historic district may be designated if it substantially complies with both of the following:
 - i. Contains properties and an environmental setting which meet two or more of the criteria for designation of a historic property, and;
 - ii. Constitutes a distinct section of the City.
4. *Recommended Waivers.* The Commission's recommendation to the Council may include recommendations for exceptions from provisions of this Chapter. The Commission in its recommendation shall describe the reasons for the decision and provide written notice of the decision to the property owner within ten days of the hearing. The Commission shall forward its recommendation to the Council.
- D. *National Register Designation.* Inclusion of any area or property within the City in the National Register of Historic Places, as provided in the National Historic Preservation Act of 1966, shall not be construed as a local historic designation, and shall not automatically subject a property owner to the provisions of this Chapter.
- E. *Economic Incentives.* The Council, at its discretion, may make available economic incentives to enhance the possibility of designation as an historic property or district.
- F. *Community Significance Waivers.* The Council shall also be empowered to designate items for "community significance waivers." Upon the recommendation of the Commission and subject to the requirements set forth in NRS Chapter 278, waivers to provisions of this Title may be granted by the Council, including but not limited to setback and height restrictions that would otherwise require the historic properties or structures within historic districts to be altered. Such a waiver may also exempt square footage, animation, and prohibitions or any other Code provision as indicated by the City Council. At Council's discretion, designation of community

Exhibit A to Bill No. 1921

significance waivers may occur any time after the Commission has recommended historic status for any item. The Council may award such designation without further review by the Commission.

- G. *Community Significance Waiver Criteria.* The criteria for such designation shall be that the waiver is necessary to preserve the historic character or significance of the affected site. The protections and guidelines emanating from such designation shall be identical to those for historic properties or districts and shall expire at the time the land use that created the historical character of the item changes or ceases. Owners or managers of property containing items with community significance waivers shall paint, repair, and otherwise refurbish the items to keep them in good repair and working order. Failure to maintain the item may cause a rescission of the waiver designation.
- H. *Amendments.* The Council may also amend or rescind its designation of any historic property, district, or community significance waiver. The Commission's recommendation for such amendment or rescission of historic designation shall be effected in the same manner and procedure as was followed in the original designation, including a public hearing.

11-27-5 CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS OR NEW CONSTRUCTION AFFECTING HISTORIC PROPERTIES

- A. *Applicability.* Except for ordinary maintenance, no person shall carry out any alteration of any historic property making any material change to the character-defining features of the property, or other exterior elements visible from a public street (excluding alleys) which affect the appearance and cohesiveness of the property without a Certificate of Appropriateness. The application for a Certificate of Appropriateness must be reviewed and approved by the City pursuant to the provisions of this Chapter prior to the issuance of any building permit involving any property located within a historic district. The application shall be required in addition to, and not in lieu of, any required building permit.
- B. *Review Criteria.* In considering an application for a Certificate of Appropriateness, the City shall review the application for compliance with the Secretary of the Interior's Standards for Treatment of Historic Properties and the Design Guidelines. The Secretary of the Interior's Standards for Treatment of Historic Properties and any applicable Design Guidelines shall apply to all historic properties. All review criteria shall be made available to the applicant, and the public.
- C. *Procedure for Review.* The procedure for obtaining a Certificate of Appropriateness begins with the submission of a complete application to the Community Development Department on forms prescribed by the City. Depending on the type of alteration(s) described in the application and pursuant to the Certificate of Appropriateness Approval Matrix, as amended from time to time, the Community Development Department will either forward the application to the Historic Preservation Officer to be reviewed as set forth in subsection 2 of this Section or to the Commission as set forth in subsection 3 of this Section.
 - 1. The Certificate of Appropriateness application shall contain:
 - a. Name, address, and contact information of applicant and property owner, and physical address of the individual property.
 - b. Site plan of the individual property or map indicating the area of the proposed work showing all affected buildings and/or structures on the site.
 - c. Photographs of the existing conditions of the property as well as any historical photographs, if available.

Exhibit A to Bill No. 1921

- d. A written statement explaining alteration or new construction request.
 - e. Any other information which the Commission may deem necessary pursuant to this Section.
2. Administrative review pursuant to the Certificate of Appropriateness Approval Matrix.
 - a. Upon receipt of a completed Certificate of Appropriateness application designated for administrative review as determined by the Certificate of Appropriateness Approval Matrix, the Historic Preservation Officer shall review the application for compliance with the Secretary of the Interior's Standards for Rehabilitation and the Design Guidelines. The applicant is encouraged to schedule a meeting with the Historic Preservation Officer prior to the submittal of an application to discuss the proposed work and get initial design direction.
 - b. The Historic Preservation Officer shall prepare a recommendation of approval or denial consisting of written findings of fact, conclusions of law, and specific conditions of approval (if any), supporting the recommendation within 30 calendar days. The Historic Preservation Officer shall forward its recommendation to the Community Development Department for building permit review.
 - i. Any specific conditions of approval as identified by the Historic Preservation Officer shall be attached to the construction documents.
 - c. The Historic Preservation Officer reserves the right to forward any Certificate of Appropriateness application to the Commission for review and approval when direction on design policy is needed or if unable to determine compliance with the Secretary of the Interior's Standards for Rehabilitation or the Design Guidelines.
 - d. If the Historic Preservation Officer finds the proposed work will have an adverse effect on the historic property or the historic district, or if the proposed work is inconsistent with the Secretary of the Interior's Standards for Rehabilitation or Design Guidelines, the Historic Preservation Officer shall prepare written reasoning for recommending disapproval of the application and specify any changes to the application which are necessary for approval of same.
 3. Commission review pursuant to the Certificate of Appropriateness Approval Matrix.
 - a. Proposed work to all City-owned Historic Properties and for all City preservation related incentive programs or federal projects must be reviewed by the Historic Preservation Commission.
 - b. Upon receipt of a completed Certificate of Appropriateness application designated for commission review as determined by the Certificate of Appropriateness Approval Matrix, the Historic Preservation Officer shall review the application for a preliminary determination of compliance with the Secretary of the Interior's Standards for Rehabilitation and the Design Guidelines within 30 calendar days. The applicant is encouraged to schedule a meeting with the Historic Preservation Officer prior to the submittal of an application to discuss the proposed work and get initial design direction.

Exhibit A to Bill No. 1921

- c. Upon receipt of a preliminary determination of compliance by the Historic Preservation Officer, the Community Development Department shall schedule a public hearing at the next available regularly scheduled Historic Preservation Commission meeting. Notice of the pending Commission hearing for compliance with the Secretary of the Interior's Standards for Rehabilitation and Design Guidelines must be mailed to the property owner(s) within 300 feet of the subject property no less than ten calendar days prior to the scheduled hearing. All review criteria shall be made available to the applicant prior to the hearing. If no hearing has been scheduled within 90 calendar days of the original receipt of the application by the Community Development Department, a Certificate of Appropriateness shall be deemed issued, and the City shall so advise the applicant in writing.
 - d. The Historic Preservation Commission shall review the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that the proposed work is in compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted Design Guidelines. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.
 - e. The Historic Preservation Commission may take action to approve, postpone to request additional information, or deny the application. If no hearing has been scheduled within ninety (90) days of the original receipt of the application by the Community Development Department, a Certificate of Appropriateness shall be deemed issued and the City shall so advise the applicant in writing.
 - f. If the Commission approves the application, the City shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law and any specific conditions of approval (if any) supporting the decision. An applicant shall have one year from the date of issuance of a Certificate of Appropriateness to secure a building permit for the specified improvements or the Certificate of Appropriateness shall become null and void.
 - g. If the Commission finds the proposed work will have an adverse effect on the historic property or the historic district, or if the proposed work is inconsistent with the Secretary of the Interior's Standards for Rehabilitation or any applicable adopted Design Guidelines, the City shall advise the applicant at the hearing of the disapproval of the application and of any changes to the application which are necessary for approval of the same. Within five calendar days following the meeting, the City shall provide the applicant in writing the Commission decision.
 - h. Any decision by the Commission may be appealed to the City Council within seven calendar days in accordance with the provisions of NRS 278.3195 and Title 11, Chapter 34 of the City Code. A written notice of the public hearing for the appeal request shall also be provided to all parties who received mailed notice for the Commission hearing.
 - i. The City Council shall give notice and hold a public hearing on the appeal in the manner set forth in Title 11, Chapter 34. Appeals to the City Council shall be considered only on the record made before the Commission and may only allege that the Commission's decision was arbitrary, capricious, or illegal.
- D. *Ordinary Maintenance.* Nothing in this Chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a property within a historic district which does not involve a change in design, material, or outward appearance that requires the issuance of a building permit. In-kind repair, replacement and repainting is included in the

Exhibit A to Bill No. 1921

definition of ordinary maintenance unless painting involves an exterior masonry surface that was not previously painted.

11-27-6 DEMOLITION OF HISTORIC PROPERTIES

It is the intent of this Chapter to preserve the historic and architectural resources of the City through limitations on demolition of properties in historic districts to the extent it is economically feasible, practical and necessary. The demolition or removal of historic buildings, structures, and sites in the City diminishes the character of the City's historic districts and is strongly discouraged. Instead, the City recommends and supports preservation and rehabilitation within the historic district. It is recognized, however, that structural deterioration, economic hardship and other factors not entirely within the control of the property owner may result in the necessary demolition or removal of a historic building, structure or site.

A. *Demolition, removal or repair of hazardous or dangerous historic properties.*

1. If the building official determines a historic property to be structurally unsound and a hazardous or dangerous building pursuant to the provisions found in the City's adopted building code, the building official shall be required to provide written notice to the Commission of the ordered demolition, removal or repair of the property prior to taking such action.
2. The property owner(s) of the historic property demolished or removed under this procedure is subject to the penalties found in Section 11-27-8 if the Commission finds demolition by neglect.

B. *Certificates of Appropriateness for demolition affecting historic properties.* No person shall carry out the demolition of a historic property, including secondary buildings that are not previously deemed a hazardous or dangerous building by the building official, without the review and approval of a Certificate of Appropriateness for Demolition application by the Commission. The application shall be required in addition to, and not in lieu of, any required building permit.

1. In the absence of a determination by the building official of the subject property as a hazardous or dangerous building, the Commission may consider an application for a Certificate of Appropriateness for demolition of a historic property, only if it meets compliance with one or more of the following:
 - a. The subject building, structure or object is an accessory building and/or landscape feature that is not integral to the historic interpretation or integrity of the historic property.
 - b. The applicant is requesting a Certificate of Appropriateness for demolition of a historic property on the basis of economic hardship pursuant to paragraph (C)(3) of this Section.
 - c. The subject building, structure or object has lost its architectural significance and integrity over time for reasons not entirely within the control of the current or previous property owner(s).

C. *Procedure for Certificates of Appropriateness for demolition affecting historic properties.* The procedure for obtaining a Certificate of Appropriateness for demolition may be initiated by the City for all City-owned historic properties, or by the individual property owner(s) of the subject historic property. The application must be submitted to the Community Development Department for review and approval by the Commission prior to the commencement of any work. An application for Certificate of Appropriateness for demolition shall be made on forms as prescribed by the City.

Exhibit A to Bill No. 1921

1. The application shall contain:
 - a. Name, address, and contact information of applicant and property owner, and physical address of the individual property.
 - b. Site plan of the individual property or map indicating the area of the proposed demolition showing all affected buildings and/or structures on the site.
 - c. Photographs of the existing conditions of the property, adjacent properties, as well as any historical photographs, if available.
 - d. A written statement explaining justification for demolition.
 - e. All future development plans for the property, if available.
 - f. Any other information which the Commission may deem necessary pursuant to this Section.
2. An individual property that is under review by the City for a Certificate of Appropriateness for demolition shall be protected by and subject to all of the provisions of this Chapter governing demolition, minimum maintenance standards and penalties until a final decision by the Commission becomes effective.
3. The procedure for a Certificate of Appropriateness for Demolition application shall be the same as provided for in subsection C(3) of Section 11-27-5.
4. The procedure for a Certificate of Appropriateness for demolition application involving a claim of economic hardship shall be as follows:
 - a. No Certificate of Appropriateness for Demolition involving a claim of economic hardship may be approved, nor shall a building permit for demolition be issued by the City unless the owner proves compliance with all of the following standards for economic hardship:
 - i. The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.
 - ii. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
 - iii. Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed.
 - iv. The property cannot be moved or relocated to another location within the historic district.
 - b. The City Council shall adopt by resolution separate criteria for review in considering claims of economic hardship for investment for income producing and non-income producing properties, as recommended by the Commission. Non-income producing properties shall consist of owner-occupied single-family dwellings and non-income producing institutional properties. All standards for review shall be made available to the owner prior to the hearing. The information to be considered by the City may include but not be limited to the following:

Exhibit A to Bill No. 1921

- i. Purchase date price and financing arrangements
 - ii. Current market value
 - iii. Form of ownership
 - iv. Type of occupancy
 - v. Cost estimates of demolition and post demolition plans for development
 - vi. Maintenance and operating costs
 - vii. Inspection report by a licensed architect or structural engineer having experience working with historic properties
 - viii. Costs and engineering feasibility for rehabilitation
 - ix. Property tax information
 - x. Rental rates and gross income from the property
 - xi. Other additional information as deemed appropriate
- c. Claims of economic hardship by the owner shall not be based on conditions resulting from:
- i. Evidence of demolition by neglect or other willful and negligent acts by the owner
 - ii. Purchasing the property for substantially more than market value at the time of purchase
 - iii. Failure to perform normal maintenance and repairs
 - iv. Failure to diligently solicit and retain tenants
 - v. Failure to provide normal tenant improvements
- d. Throughout the process, the applicant shall consult in good faith with the Historic Preservation Officer in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be demonstrated to the Commission at the hearing.
- e. Upon receipt of a completed Certificate of Appropriateness for demolition application, the Historic Preservation Officer shall review the application for a preliminary determination of compliance with the standards for economic hardship and the criteria for review found in this section within 30 calendar days. The applicant is encouraged to schedule a meeting with the Historic Preservation Officer prior to the submittal of an application to discuss the application and receive initial direction.
- f. Upon receipt of a preliminary determination of compliance by the Historic Preservation Officer, the Community Development Department shall schedule a public hearing at the next available regularly scheduled Commission meeting. Notice of the hearing shall be mailed to the property owner(s), to property owner(s) within 300 feet of the exterior boundary of the applicant property and posted on the property by the City. The owner shall be required to stabilize and secure the property subject to the penalties of this Chapter until a final decision by the Commission becomes effective. All review criteria and the formal

Exhibit A to Bill No. 1921

- b. The applicant may appeal the decision of the Commission to the City Council within seven calendar days in accordance with the provisions of NRS 278.3195 and Title 11, Chapter 34 of the City Code. Appeals to the City Council shall be considered only on the record made before the Commission and may only allege that the Commission's decision was arbitrary, capricious, or illegal.

11-27-7 MINIMUM MAINTENANCE STANDARDS

No owner or person with an interest in real property designated as a historic property shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the Commission, create a detrimental effect upon the historic character of the historic property or historic district.

A. *Examples of serious disrepair or significant deterioration:*

1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
2. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
3. Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.
4. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
5. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
6. Rotting, holes, and other forms of material decay.
7. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
8. Deterioration that has a detrimental effect upon the special character of a historic district as a whole or the unique attributes and character of the contributing structure.
9. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

B. *Procedure to mitigate demolition by neglect.* Demolition by neglect refers to the gradual deterioration of a property when minimum maintenance is not performed. The Historic Preservation Officer and other City staff shall work together in an effort to reduce demolition by neglect involving historic property. A demolition by neglect citation as determined by the Commission may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in paragraph (A) of this Section.

1. While the Historic Preservation Officer will act as the point of contact, the Community Development Department staff shall, when needed, assist with inspections. If there is a dispute between the Historic Preservation Officer and City staff, the City Manager may be consulted as a mitigating party.
2. The procedure for citing a property for demolition by neglect shall be as follows:

Exhibit A to Bill No. 1921

- a. Initial identification is made by visual inspection of the area by the City. Any referrals shall be made in writing and shall be submitted to the Community Development Department.
- b. Once the initial identification is made, followed by a preliminary determination by the Historic Preservation Officer, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair.
- c. The owner is given 30 calendar days in which to respond to the preliminary determination by submitting a stabilization proposal to the City for review and recommendation by the Historic Preservation Officer.
- d. The stabilization proposal will be presented to the Commission at the next available meeting. If the Commission approves the proposal, a Certificate of Appropriateness shall be issued by the City. The approval will detail the specific work which is necessary to correct the demolition by neglect conditions, as well as a time period to begin and complete the work. The Historic Preservation Officer shall update the Commission on the status of the property every 30 calendar days until the work is complete.
- e. If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.
- f. If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two attempts, the matter returns to the Commission for a citation hearing. The City shall send a third notice via certified mail, return receipt requested, informing the owner of the hearing, the City must post a notice of violation at the property in accordance with the provisions of this chapter, and schedule a public hearing on the citation.
- g. At the public hearing the owner is invited to address the Commission's concerns and to show cause why a citation should not be issued. The Commission may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the demolition by neglect conditions.
- h. If the owner is cited for the condition of demolition by neglect of the property, the owner must submit a stabilization proposal within fourteen calendar days of issuance of the citation to the Historic Preservation Officer, and at the discretion of the Commission, may be allowed up to one year to correct the defects. The Historic Preservation Officer shall update the Commission on the status of the property every 30 calendar days until the work is complete.
- i. If the property owner is cited for demolition by neglect and does not respond with a stabilization proposal, the owner maybe cited pursuant to Section 11-27-8.

11-27-8 ENFORCEMENT

All work performed pursuant to a Certificate of Appropriateness issued under this Chapter shall conform to any requirements included therein. It shall be the duty of the building inspector to inspect periodically

Exhibit A to Bill No. 1921

any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Commission and verification by the Historic Preservation Officer, the building inspector shall issue a stop work order and all work shall immediately cease. The property owner shall then be required to attend a hearing before the Commission to explain the non-compliance. No further work shall be undertaken on the project as long as a stop work order is in effect until a decision is rendered by the Commission. Failure of a property owner to submit a stabilization proposal pursuant to a citation for demolition by neglect is also subject to enforcement action as detailed herein.

- A. *Penalties.* It shall be unlawful to construct, reconstruct, significantly alter, restore, or demolish (including demolition by neglect) any building or structure designated as a historic property in violation of the provisions of this Chapter. The City, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful construction, reconstruction, significant alteration, or demolition to restrain, correct or abate such violation or to prevent any illegal act, business or maintenance in and about such premises including acquisition of the property by the City.
1. Any person making any alteration without a Certificate of Appropriateness as required by this Chapter may be fined a civil fine not to exceed \$25 for each offense. Each calendar day the violation continues shall be considered a separate offense.
 2. The removal or demolition of any structure listed on the Historic Property Register without a Certificate of Appropriateness shall result in a stay of up to five-years in the issuance of a building permit for any construction at the site previously occupied by the historic structure. The determination of the application of this provision shall be determined at a public hearing by the City Council upon recommendation from the Commission. The determination shall be based on the extent of the demolition.
 3. Any person who partially or completely demolishes a structure listed on the Historic Property Register without a Certificate of Appropriateness may be subject to an administrative penalty of not to exceed \$10,000 for each violation.
 4. In the event a historic property is demolished, the City may also file an action in a court of competent jurisdiction to seek mandatory reconstruction of the structure.
 5. Remedies under this Section are in addition to all other available remedies at law including injunctive relief.

11-27-9 SPECIAL RESTRICTIONS:

Under the provisions of NRS, Chapters 278 and 384, the City of Boulder City may provide by ordinances, special conditions or restrictions for the protection, enhancement and preservation of locally designated historic properties.

11-27-10 SEPARABILITY:

If any section, subsection, sentence, clause or phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

TITLE 3, CHAPTER 7: HISTORIC PRESERVATION COMMISSION

3-7-1 HISTORIC PRESERVATION COMMISSION

3-7-2 ORGANIZATION, OFFICERS, RULES, MEETINGS

3-7-3 POWERS, DUTIES, AND RESPONSIBILITIES OF THE COMMISSION

3-7-1 HISTORIC PRESERVATION COMMISSION

- A. There is hereby created a Historic Preservation Commission which shall consist of 5 voting members who shall be appointed by the City Council. Each voting member shall be a resident of the City. The Council may also appoint two (2) non-voting members with the professional experience and training described in subsection B of this Section. Non-voting members may be residents or nonresidents.
- B. All members of the Commission shall have a demonstrated interest, competence, or knowledge in history or historic preservation. The Council shall appoint at least one member with professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, conservation, landscape architecture, law, or other historic preservation related disciplines.
- C. Commissioners shall serve for four year terms. Commission members may be reappointed to serve additional terms subject to term limits. Vacancies shall be filled in the same manner as original appointments and the appointee shall serve for the remainder of the unexpired term.
- D. All members of the Historic Preservation Commission shall serve as such without compensation excepting reasonable traveling expenses made necessary in the fulfillment of their duties.

3-7-2 ORGANIZATION, OFFICERS, RULES, MEETINGS

- A. The Commission shall have the power to make whatever rules are necessary for the execution of its duties as set forth in Section 3-7-3. Rules of procedure and bylaws adopted by the Commission shall be available for public inspection.
- B. The Commission shall elect officers from among the Commission members. The chairperson shall preside at meetings of the Commission. The vice-chairperson shall, lacking the chairperson, perform the duties of the chairperson.
- C. The Commission shall meet as needed to accomplish its business, but not less than once per month. All meetings of the Commission shall be open to the public and follow the requirements of Nevada's Open Meeting Law (NRS Chapter 241). The Commission shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions.
- D. The Commission may recommend to the Council the employment of or the contracting with other parties for the services of technical experts or other persons as it deems necessary to carry on the functions of the Commission.

3-7-3 POWERS, DUTIES, AND RESPONSIBILITIES OF THE COMMISSION

In general, the Commission shall be advisory to the City Council and shall be authorized to:

- A. Conduct a survey of local historic properties, and maintain and record a detailed inventory

Exhibit A to Bill No. 1921

of historic properties and historic districts in the Historic Property Register for Boulder City.

- B.* Establish bylaws, rules, and procedures as necessary to conduct Commission business.
- C.* Recommend the acquisition of fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequest, donation or eminent domain.
- D.* Recommend methods and procedures necessary to preserve, restore, maintain and operate historic properties under the ownership or control of the City as set forth in the Design Guidelines recommended by the Commission, and adopted by the City Council.
- E.* Recommend the lease, sale, or other transfer or disposition of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
- F.* Cooperate with the federal, state, and local governments in the pursuit of the objectives of historic preservation.
- G.* Make recommendations in the planning processes undertaken by the county, the City, the state, or the federal government and the agencies of these entities.
- H.* Recommend ordinances and otherwise provide information for the purposes of historic preservation in the City.
- I.* Promote and conduct an educational and interpretive program on historic preservation and historic properties in the City.
- J.* Review nominations of properties to the National Register of Historic Places for properties within the City's jurisdiction.
- K.* Make recommendations as necessary to the City Council for the creation and update of Design Guidelines that do not pose a conflict with underlying land-use zoning and do not take effect until adopted by Council.
- L.* In accordance Title 11, Chapter 27, "Historic Preservation", review and make recommendations on the following:
 - 1. Historic property recommendations.
 - 2. Certificates of Appropriateness for alterations, demolition, or new construction affecting historic properties.
 - 3. Minimum maintenance standards for the preservation of historic properties.
 - 4. Enforcement of Title 11, Chapter 27.

RESOLUTION NO. 7529

RESOLUTION OF THE CITY COUNCIL OF BOULDER CITY, NEVADA, ADOPTING
THE CERTIFICATE OF APPROPRIATENESS APPROVAL MATRIX

WHEREAS, On October 11, 2022, the Boulder City Council conducted the required public hearing in accordance with the provisions of NRS 278.220 and approved Bill No. 1921 repealing the current Chapter 27, "Historic Resources" of Title 11 of the Boulder City Municipal Code in its entirety and replacing it with a new Chapter 27, "Historic Preservation"; and

WHEREAS, Exhibit A, Section 11-27-5 C of Bill No. 1921 references the Certificate of Appropriateness Approval Matrix; and

WHEREAS, The city staff has prepared a draft Certificate of Appropriateness Approval Matrix for City Council Consideration and attached as Exhibit A to this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Boulder City Council does adopt the Certificate of Appropriateness Approval matrix as contained herein as Exhibit A.

DATED and APPROVED this 11th day of October, 2022.

ATTEST:


Tami J. McKay, City Clerk


Kiernan McManus, Mayor

EXHIBIT A: CERTIFICATE OF APPROPRIATENESS APPROVAL MATRIX:

ACTION	CONTRIBUTING		NON-CONTRIBUTING	
	ADMINISTRATIVE	COMMISSION	ADMINISTRATIVE	COMMISSION
Additions (including porches)		X	X	
Accessory Buildings and Structures (viewed from the street)		X	X	
Building Architectural modifications or façade changes (e.g. siding, ornaments, awnings)		X	X	
Building Demolition (full)		X		X
Building Demolition (partial)		X	X	
Building Relocation		X		X
Construction (new)				X
Door and Window Replacement with New Materials	X		X	
Other Design Guideline Features as adopted		X		X
Fences (in front yards)	X		X	
Retaining Walls (in front yards)		X	X	
Roof Replacement (new materials)	X		X	
Screen in Existing Open Porches		X	X	