

FIRST AMENDMENT

Bill No. 97-95

Ordinance No. 5043

AN ORDINANCE RELATING TO HISTORIC PRESERVATION; AMENDING TITLE 19A, CHAPTER 6, OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY DELETING THEREFROM, IN ITS ENTIRETY, SUBCHAPTER 90 AND SUBSTITUTING THEREFOR A NEW SUBCHAPTER 90 TO ESTABLISH THE STANDARDS AND PROCEDURES FOR DESIGNATING AND DEVELOPING PROPERTIES AND SITES WHICH HAVE HISTORIC VALUE TO THE CITY; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:
Mayor Jan Laverty Jones

Summary: Updates the City's requirements and procedures relative to historic preservation.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 19A, Chapter 6, of the Zoning Code of the City of Las Vegas, is hereby amended by deleting therefrom, in its entirety, Subchapter 90 and substituting therefor a new Subchapter 90, reading as set forth in the document which is attached hereto and incorporated herein by this reference.

SECTION 2: Title 19A, Chapter 20, Subchapter 20 of the Zoning Code of the City of Las Vegas is hereby amended by deleting therefrom the following terms and their corresponding definitions:

Historic District

Historic Site

Landmark

Landmark Site

SECTION 3: Title 19A, Chapter 20, Subchapter 20 of the Zoning Code of the City of Las Vegas is hereby amended by adding thereto the following terms, together with their corresponding definitions:

Archeological Site: A site that has yielded, or exhibits the promise of yielding, information

1 important in the understanding of human prehistory or history. Such information may consist of
2 evidence of past human life, habitation, or activity, as well as material remains.

3 **Contributing Property:** A classification applied to an individual property within a designated
4 Historic District, signifying that the property contributes generally to the distinctive character of the
5 District; or an archeological site.

6 **Designated Property:** Any property which has been classified as a Landmark, Historic
7 Property, or a contributing property within an Historic District.

8 **HPC:** The Historic Preservation Commission.

9 **HPO:** The Historic Preservation Officer.

10 **Historic District:** A designation, in the form of overlay zoning, applied to all properties within
11 an area with defined boundaries, as a result of formal adoption by the City Council, which expresses
12 a distinctive character worthy of preservation.

13 **Historic Preservation Plan:** A document, formally adopted by the City Council, containing goals
14 and policies directing historic preservation activity within the City.

15 **Historic Property:** A designation, in the form of overlay zoning, applied to an individual property,
16 as a result of formal adoption by the City Council, which expresses a distinctive character worthy of
17 preservation; or an archeological site.

18 **Landmark:** A designation applied to an individual property as a result of formal action by the City
19 Council in accordance with Subchapter 19A.06.090.

20 **Non-Contributing Property:** A classification applied to an individual property located within
21 a designated Historic District, signifying that the property does not contribute to the distinctive
22 character of the District.

23 **Preservation Covenant:** A recorded deed restriction which requires the preservation of a property
24 for an agreed-upon period of time.

25 **Preservation Easement:** A non-possessory interest in real property which creates rights and
26 obligations related to the preservation of the distinctive character of that property or a portion thereof.

27 **SHPO:** State Historic Preservation Office.

28 SECTION 4: The two new Historic Preservation Commission seats created under

1 Section 1 of this Ordinance shall be filled by the City Council following the adoption of the
2 Ordinance. The terms of the members filling those seats shall expire on December 31, 2001.

3 SECTION 5: Nothing in this Ordinance shall be deemed to invalidate any act or
4 designation by the City or an agency or employee thereof under any predecessor legislation regarding
5 historic preservation.

6 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared
7 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
8 required or the failure to do any act is made or declared to be unlawful or an offense or a
9 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
10 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
11 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
12 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

13 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
14 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
15 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
16 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
17 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
18 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
19 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
20 invalid or ineffective.

21 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
22 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,

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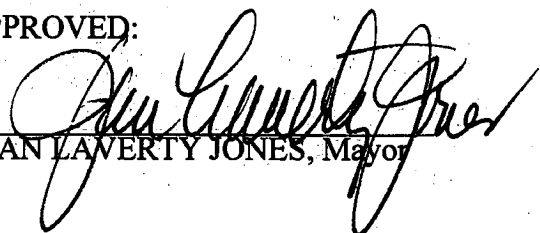
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1 1983 Edition, in conflict herewith are hereby repealed.

2 PASSED, ADOPTED and APPROVED this 15th day of December, 1997.

3 APPROVED:

4 By 
5 JAN LAVERTY JONES, Mayor

6 ATTEST:

7 
8 BARBARA JO RONEMUS, City Clerk

9 APPROVED AS TO FORM:

10 Val Steed 12-15-97
11 Date

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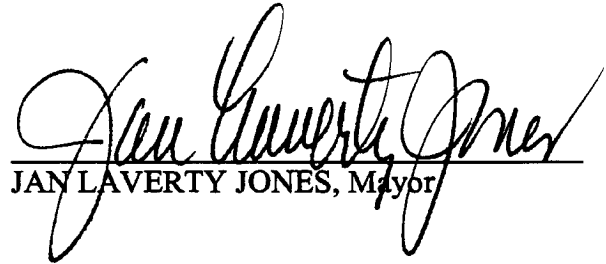
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 24th day of November, 1997 and referred to the following committee composed of the
3 Councilmen Brown and McDonald for recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 15th day of December, 1997 which was a regular meeting
5 of said Council; that at said regular meeting, the proposed ordinance was read by title to the
6 City Council as amended and adopted by the following vote:

7 VOTING "AYE": Councilmen Adamsen, Brown and Reese

8 VOTING "NAY": NONE

9 DID NOT VOTE Councilman McDonald and Mayor Jones

10 APPROVED:

11 
12
13 JAN LAVERTY JONES, Mayor

14 ATTEST:

15 
16 BARBARA JO RONEMUS, City Clerk

19A.06.090 H HISTORIC DESIGNATION

A. Findings

The City Council of the City of Las Vegas finds and declares that the spirit and direction of the City of Las Vegas are founded upon and reflected in its historical past, and that the historic and cultural foundations of the City should be preserved as a living part of its community life and development in order to give a sense of identity and orientation to the people of the City.

B. Purpose and Intent

The intent of this Subchapter is to promote the public welfare by providing protection for significant properties and archaeological sites which represent important aspects of the City's heritage; to enhance the character of the community by taking such properties and sites into account during development; and to assist owners in the preservation and restoration of their properties. This Subchapter is intended to balance two competing interests: the value to the community of these significant properties and sites, and the rights of the property owners whose interests are at stake. The designation of any property, district or site pursuant to this Subchapter shall be an overlay designation and shall not inhibit existing or potential uses permitted by this Title.

C. Historic Preservation Commission - Established

The Las Vegas Historic Preservation Commission (HPC) is hereby established. The principal role of the HPC is to act in an advisory capacity to the Planning Commission and the City Council in all matters concerning historic preservation. The HPC shall make recommendations to the Planning Commission regarding designation of Landmarks, Historic Properties and Historic Districts. Other actions of the HPC as set forth below shall be final, with appeal to the City Council as described in Section M of this Subchapter.

D. Historic Preservation Commission - Membership

The HPC shall consist of eleven voting members who are appointed by the City Council, and two ex-officio members.

1. Each voting member must have a demonstrated interest in or knowledge of: a) the history of the City of Las Vegas, and b) design, architecture, real estate and other matters relevant to judging the economic and cultural value of particular historic preservation activities.

2. The term of each voting member is four years.

3. Voting members may be reappointed, but may not serve more than two complete, consecutive terms, including as one term the unexpired portion of any term to which a member is appointed to fill a vacancy.

4. Members serve at the pleasure of, and may be removed by, the City Council, including for failure to attend meetings regularly.

5. Members shall serve without compensation.

E. Historic Preservation Commission - Qualifications

The membership of the HPC shall be as follows:

1. One member must be experienced in architecture (such as an architect, art historian or historic preservation architect).

2. One member must be experienced in urban design or planning (such as an urban designer, planner or landscape architect).

3. One member must be experienced in building construction (such as a building contractor or structural engineer).

4. One member must be experienced in the real estate profession (such as an real estate developer, appraiser or broker).

5. One member must be representative of a recognized local historic preservation association or historic preservation interest group.

6. Five members must be citizens-at-large; provided, however, that when one or more areas have been designated as "Historic Districts" pursuant to this Subchapter, one of the "at-large" positions shall pertain to each such Historic District and shall be filled by a person who owns property and resides within the Historic District. If more than five Historic Districts have been designated as such pursuant to this Subchapter, the City Council shall determine which five of the Historic Districts are to be represented on the HPC.

7. The Director of Planning and Development, or the Director's designee, shall serve as an ex-officio member, with no vote except as otherwise provided in this Subchapter.

8. The Director of the Nevada State Museum and Historical Society, or other designee of the State Historic Preservation Office (SHPO), shall serve as an ex-officio member, with no vote except as otherwise provided in this Subchapter.

F. Historic Preservation Commission - Organization

1. The HPC shall elect, from within its own membership, a chair, vice-chair and such other officers as it deems useful, and shall adopt such bylaws and rules of procedure consistent with this Subchapter as the Commission deems necessary.

2. The Department of Planning and Development shall provide administrative and clerical support for the HPC.

3. Regular and special meetings of the HPC shall be held as set forth in the bylaws and as necessitated by the Commission's volume of business. If no meeting has been scheduled to occur within forty days after the Chairman has been notified by the Secretary of business requiring action by the HPC, the Chairman shall call a special meeting to be held within that period.

4. The HPC shall maintain written minutes and records sufficient to inform the public of its business, and shall report its business to the City Council as the Council from time to time may request.

5. Six members of the HPC constitute a quorum thereof for the purpose of conducting business. A majority vote of those present and voting shall be necessary to approve any item of business.

6. In the event that a quorum is not available for the conduct of business, an ex-officio member or the Historic Preservation Officer (or any combination thereof) may vote, but only concerning matters on the consent agenda and only to the extent necessary to create or maintain a quorum.

G. Historic Preservation Commission - Powers, Etc.

The powers, duties and activities of the HPC include the following:

1. Reviewing applications for the designation of Landmarks, Historic Properties and Historic Districts, and making recommendations to the Planning Commission concerning those applications. The review shall be in accordance with Section (I) of this Subchapter.

2. Reviewing and making decisions concerning applications for the proposed construction, alteration, demolition or removal of any structure associated with a Landmark or Historic Property, or located on property within an Historic District. The review and decisionmaking process shall be in accordance with Sections (K) and (L) of this Subchapter.

3. Making recommendations to the City Council concerning the use of public or private funds to promote the preservation properties and districts within the City, including the acquisition of property or interests in property.

4. Recommending appropriate changes to the General Plan and to local development regulations in order to promote the purposes of this Subchapter.

5. Cooperating with owners of property to formulate appropriate design guidelines for alteration and construction within Historic Districts.

6. Initiating and conducting detailed studies and surveys of properties, structures and areas within the City to assess their potential for designation in order to formulate an Historic Preservation Plan for the City.

7. Developing and participating in public information activities in order to increase public awareness of the value of historic preservation.

8. Performing such other functions as will encourage or further the interests of historic preservation.

H. Historic Preservation Officer

The Director of Planning and Development shall appoint an Historic Preservation Officer (HPO), who must have a demonstrated interest in historic preservation and be a qualified professional in one or more pertinent fields such as architecture, urban design, archaeology, cultural geography, landscape architecture or land use planning. The duties of the HPO shall include:

1. Serving as Secretary to the HPC, facilitating its efforts and, with other City staff as necessary, providing administrative support.

2. Accepting applications under Subsections (1) and (2) of Section (G).

3. Acting as intermediary between the HPC and City departments.

4. Providing technical and background information to the HPC and the public, as required.

5. Acting as the approval authority concerning applications for the proposed construction, alteration, demolition or removal of structures associated with a Landmark, Historic Property or Historic District, when the proposed work is, in the HPO's judgment, minor in nature and impact or the need to act immediately is necessary to protect life or property. The review and decisionmaking process shall be in accordance with Sections (K) and (L) of this Subchapter.

6. Reporting to the HPC any action taken pursuant to Subsection (5) of this Section.

7. Preparing annual written reports of HPC activities to be submitted to the State Historic Preservation Office (SHPO) and made available to the public. The reports should include, at a minimum, the minutes of meetings and attendance records of members; current résumés of members; and a listing of items reviewed, decisions rendered and other projects and activities undertaken.

8. Maintaining the Las Vegas Historic Property Register.

I. Designation of Landmarks, Historic Properties and Historic Districts

1. An individual property, building, structure or archeological site may be designated as a Landmark or Historic Property if it qualifies under Paragraph (a), (b) or (c) below:

a. It meets the criteria for listing on the State or National Register of Historic Places.

b. It is determined to be of exceptional significance and expresses a distinctive character because:

I. A significant portion of it is at least fifty (50) years old;

II. It is reflective of the City's cultural, social, political or economic past; and

III. Either:

A) It is associated with a person or event significant in local, state or national history; or

B) It represents an established and familiar visual feature of an area of the City because of its location or singular physical appearance.

c. It is less than fifty (50) years old, but is an integral and critical part of an Historic District or demonstrates exceptional importance by meeting or exceeding the other criteria described in Paragraph (a) or Paragraph (b) of this Subsection. This type of structure or property is eligible for classification as a Landmark. At such time as it becomes fifty years old, it will automatically be reclassified as an Historic Property.

2. An area may be designated as an Historic District if:

a. The area:

I. Includes a substantial concentration of properties, buildings or structures which individually meet the criteria in Subsection (1) of this Section, as well as other properties, buildings or structures which contribute generally to the overall distinctive character of the area and are united historically or visually by plan or physical development;

II. Is bounded by documented historic boundaries such as early roadways, canals, subdivision plats or property lines, or by boundaries which coincide with logical physical or manmade features and reflect recognized neighborhood or area boundaries; and

III. Includes non-contributing properties or vacant parcels only to the extent necessary to establish appropriate, logical or convenient boundaries.

or

b. The area includes or is composed of one or more archeological sites.

3. Designation Process

a. The designation of a Landmark, Historic Property or Historic District may be made upon application by the owner of any property proposed to be designated or included in such designation, or by an authorized representative of the City. Application shall be made to the HPO on such form(s) as may be established for the purpose, and the application shall be accompanied by such fee(s) as may be established by the City Council.

b. An application for designation shall also be accompanied by:

I. A vicinity ownership map showing all parcels which are adjacent to, include or surround the property proposed to be designated within a radius of three hundred (300) feet of the external boundaries of the property. Each such parcel shall be numbered so as to correspond to the ownership/tenant list described in Subparagraph II of this Paragraph below.

II. A typed or legibly printed list, compiled from an authoritative source, containing the names, mailing addresses and zip codes of the following, along with the corresponding identifying numbers referred to in Subparagraph I of this Paragraph above:

A) The owners of all parcels described in Subparagraph I of this Paragraph above; and

B) Any tenants of the parcels described in Subparagraph I of this Paragraph above, to the extent their names and addresses can practicably be obtained.

III. An accurate legal description and Assessor's Parcel Number (APN) for all parcels proposed for designation.

IV. A written description of the manner in which the property proposed for designation is eligible and appropriate for designation under this Section.

c. Upon receipt of a complete application package, the HPO shall schedule the application for a public hearing on the next available agenda of the HPC. Upon the request of the applicant, a special meeting may be called at the discretion of the Chair of the HPC, or by at least four (4) voting members of the HPC.

d. In connection with the HPC's consideration of the application, the HPO shall compile and provide to the HPC a complete report concerning the property proposed for designation. The report shall address the location, condition, age, significance and integrity of historic features; identify potential contributing and non-contributing properties; provide other relevant information; and include a recommendation concerning the application and the basis therefor.

e. Based upon its consideration of the HPO's report concerning an application, along with any evidence or input offered at the public hearing, the HPC shall evaluate the application with reference to the applicable criteria set forth in Subsections (1) and (2) of this Section and make a recommendation to the Planning Commission. A recommendation for approval may include any conditions the HPC deems appropriate in order to implement the provisions and intent of this Subchapter.

f. Except as otherwise provided in this Subchapter, the standards for consideration and action on an application by the HPC shall also apply to subsequent action by the Planning Commission and City Council, and the procedures for subsequent action on an application by the Planning Commission and City Council shall be consistent with the rezoning procedures described in Subchapter 19A.18.120 of the Zoning Code.

g. A recommendation by the HPC for approval of a designation under this Subchapter shall be void if the designation has not been approved by the City Council within one (1) year after the HPC's recommendation.

4. Public Notification Concerning Designation Applications

At least fifteen (15) calendar days before the HPC holds a public hearing on an application for designation, the Planning and Development Department shall:

a. Mail written notice of the date, time and place of the hearing, along with a summary of the application, to the persons whose names and addresses are provided by the applicant pursuant to Subsection 3 of this Subchapter. Such notice is complete upon mailing. The HPC may delay a hearing for additional notification if it appears that the applicant or the City did not use reasonable diligence in providing a notification list or in mailing notice.

b. Post notice of the hearing, visible from a public way and clearly legible, containing the date, time, and place of the hearing, and a summary of the application. For a Landmark or Historic Property application, the notice shall, wherever possible, be placed adjacent to the public right-of-way. For an Historic District, the notice shall, wherever possible, be placed at no fewer than four (4) conspicuous locations either within or at the external boundaries of the area. The posting of any such notice is complete upon initial posting.

c. Publish notice of the date, time and place of the hearing, along with a summary of the application, in a newspaper of general circulation within the City.

5. Planning Commission and City Council Action

a. Upon receipt of a recommendation from the HPC concerning a designation, the Planning Commission shall hold a public hearing to consider the application. If the date and time of the Planning Commission hearing are announced at the HPC hearing concerning the designation, no additional notification is required. Otherwise, notification for such hearing shall be as described in Subsection (4) of this Section, above. Following the public hearing, the Planning Commission may do any of the following:

I. Adopt the recommendation of the HPC and forward that recommendation to the City Council;

II. Modify the recommendation of the HPC and forward that recommendation to the City Council as modified;

III. Recommend denial of the application to the City Council;
or

IV. Remand the request to the HPC for further proceedings.

b. Upon receipt of a recommendation from the Planning Commission concerning a designation, the City Council shall hold a public hearing to consider the application. If the date and time of the City Council hearing are announced at the Planning Commission hearing concerning the designation, no additional notification is required. Otherwise, notification for such hearing shall be as described in Subsection (4) of this Section, above. Notwithstanding any other provision of this Paragraph (b), the

designation of an Historic District must be done in accordance with NRS 384.005. Following the public hearing, the City Council may do any of the following:

I. Approve the designation in accordance with the recommendation of the Planning Commission;

II. Modify the recommendation of the Planning Commission and approve the designation in accordance with the modifications;

III. Deny the application; or

IV. Remand the application to the Planning Commission or the HPC for further proceedings.

c. In the case of an application for designation of an Historic District, if the owners of twenty (20) percent or more of the area of the parcels included in the proposed district and those which are adjacent thereto protest the proposed designation in writing, the designation shall not become effective except by the favorable vote of three-fourths (3/4) of the entire membership of the City Council. If any member of the City Council is unable to vote on an application because of conflict of interest, the required number of favorable votes to approve the designation shall be three-fourths (3/4) of the remaining membership of the Council, but in no event shall the required number of votes be less than a majority of the entire membership of the Council. For purposes of this Paragraph (c):

I. A parcel is "adjacent" to the proposed district if it is not separated from the boundary of the proposed district by a public right-of-way and is within one hundred fifty (150) feet of the boundary.

II. A parcel is "adjacent" to the proposed district if it is separated from the boundary of the proposed district by a public right-of-way and is within one hundred fifty (150) feet of the frontage of the intervening right-of-way.

III. In calculating "area" for protest purposes, the area of an "adjacent" parcel shall be deemed to include only the area located within the one hundred fifty (150) foot distances referred to in this Paragraph (c).

IV. A written protest is effective only if it is filed with the City Clerk prior to or at the time of the public hearing before the City Council.

6. Effect of Designation

a. The designation of a Landmark, Historic Property or Historic District shall be indicated by the "H" symbol on the zoning maps of the City. The use and development of property affected by a designation shall be governed by this

Subchapter and applicable Design Guidelines adopted thereunder, as well as by the regulations pertaining to the underlying zoning classification(s) for the property, other provisions of the Zoning Code, the City's subdivision regulations and the General Plan.

b. After the designation of an Historic District, and in order to preserve and enhance the distinctive character of that District, the HPC shall, after opportunity for input from property owners within the District, recommend for adoption by the City Council Design Guidelines to apply to alterations of contributing properties and to all new construction within the District.

1. Design Guidelines are intended to address exterior features and characteristics only, such as building materials, massing, scale and proportion of openings and other features, orientation and relative position of buildings and landscape character, as well as specific aspects such as roof forms, textures, color theme, character of signage, window and door types, and other details relative to architectural styles evident in the District.

2. Design Guidelines generally will not regulate maximum building height, maximum lot coverage, minimum setbacks, required landscaping, required parking, allowable signs, or other development aspects addressed elsewhere in the Zoning Code, except when compatibility with existing historical patterns requires specific design guidelines.

3. Following designation of an Historic District, but before Design Guidelines can be established for the District, the HPC may require that development in the District conform to such established or recognized standards as the HPC deems appropriate.

7. Removal of designations established under this Subchapter shall be in accordance with the procedure set forth for designation.

8. No nomination for designation or removal of designation under this Subchapter shall be acted upon within one year after any previous such nomination.

J. Historic Property Register

The Las Vegas Historic Property Register is hereby established for the purpose of listing the Landmarks, Historic Properties, and Historic Districts designated under the provisions of this Subchapter. The Register, as it may be amended from time to time, shall serve as the official record of all such designations and shall be maintained by the HPO. Copies of the Register shall be made available for public inspection in the offices of the Planning and Development Department and the City Clerk.

K. Guidelines, Standards, and Process for Review of Alteration or New Construction

1. Whenever it is proposed to alter, remodel, build, or otherwise develop or landscape property that is designated as a Landmark or Historic Property, or that is located within a designated Historic District, and a building permit or other development or zoning permit is required for such work, the applicant must first obtain the approval of the HPC in accordance with this Subchapter. In the case of proposed work which, in the HPO's judgment, is minor in nature and impact, the HPO shall be the approval authority. Approval pursuant to this Section indicates conformance with the provisions and intent of this Subchapter only and does not constitute or imply approval by any City department or other approval authority having jurisdiction.

2. In order to obtain review pursuant to this Section, the applicant must submit to the HPO the following:

- a. An application, on such form(s) as may be established for the purpose;
- b. Such fee(s) as may be established by the City Council for the application;
- c. Drawings, to approximate scale, of the site plan, floor plan(s) and elevations of the proposed work of improvement, indicating materials and color scheme;
- d. If signage is part of the proposed work, drawings, to approximate scale, showing the size and location of proposed signage, type of lettering to be used and indication of color and type of illumination, if any; and
- e. Other information which the applicant deems appropriate or which the HPO may reasonably deem necessary in connection with the review of the application.

3. An application for review under this Section, when deemed complete, shall be acted upon within a reasonable period of time. In the case of an application to be considered by the HPC as the approval authority, the application shall be included on the next available agenda.

4. The approval authority shall consider the application with reference to the objectives of this Subchapter. The approval authority may deny an application upon determining any of the following:

- a. That proposed work on any portion of a Landmark or Historic Property will not be compatible with the recognized distinctive character of the overall property.

b. That proposed work on any portion of a contributing property within an Historic District will not be compatible with the recognized distinctive character of the property itself, with the character of the entire District, or with the Design Guidelines that have been adopted for the District.

c. That major new construction proposed for non-contributing properties within an Historic District will not be compatible with the recognized distinctive character of the entire District or with the Design Guidelines that have been adopted for the District. For purposes of this Paragraph, new construction is "major" if such construction, including general landscape character, equals or exceeds twenty-five percent (25%) of the land area of a parcel without a building or of the building ground floor area of a parcel with a building, at the time of the property's identification as non-contributing.

d. That, in cases where Federal funds, in the form of grants, tax incentives or other programs, are to be employed, directly or indirectly, in financing the proposed work, the work will not comply with the Standards for the Treatment of Historic Properties, as promulgated by the U.S. Secretary of the Interior.

5. The approval authority may approve, conditionally approve or deny an application, or continue consideration thereof for further study. The HPO shall provide the applicant with notice of action taken, along with an explanation of any reasons therefor and conditions attached thereto.

6. An approval pursuant to this Section shall be valid for a period of one year, unless otherwise specified in the approval.

L. Demolition and Removal

1. Whenever it is proposed to demolish or remove a structure or feature constituting or associated with a Landmark or Historic Property, or one that is located within a designated Historic District, and a demolition or other permit or approval is required for such work, the applicant must first obtain the approval of the HPC in accordance with this Subchapter. In the case of proposed work which, in the HPO's judgment, is minor in nature and impact, or is necessary immediately in order to protect life or property, the HPO shall be the approval authority. Approval pursuant to this Section indicates conformance with the provisions and intent of this Subchapter only and does not constitute or imply approval by any City department or other approval authority having jurisdiction.

2. In order to obtain review pursuant to this Section, the applicant must submit to the HPO the following:

a. An application, on such form(s) as may be established for the purpose;

b. Such fee(s) as may be established by the City Council for the application;

c. Photographs of the property depicting its current appearance;

d. A preliminary plan of redevelopment for the parcel indicating an intended use that is in compliance with the General Plan, existing or proposed zoning, other applicable regulations, and Section (K) of this Subchapter;

e. If economic hardship relief is requested, documentation in support of the request; and

f. Other information which the applicant deems appropriate or which the HPO may reasonably deem necessary in connection with the review of the application.

3. An application for review under this Section, when deemed complete, shall be acted upon within a reasonable period of time. In the case of an application to be considered by the HPC as the approval authority, the application shall be included on the next available agenda.

4. The approval authority shall consider the application with reference to the objectives of this Subchapter. The approval authority may deny an application upon determining either of the following:

a. That the structure or feature proposed for demolition or removal is of historic or architectural value or significance and contributes to the distinctive character of the property;

b. That loss of the structure or feature would adversely affect the integrity or diminish the distinctive character of an Historic District.

5. The approval authority may approve, conditionally approve or deny an application, or continue consideration thereof for further study. The HPO shall provide the applicant with notice of action taken, along with an explanation of any reasons therefor and conditions attached thereto.

6. Economic Hardship.

a. An application for demolition or removal may be accompanied by a request for economic hardship relief, which, if granted, allows demolition or removal which otherwise would not be permitted.

b. Economic hardship relief may be granted by the approval authority as follows:

I. In the case of income producing property, when the applicant demonstrates that requiring the property to retain the features that contribute to its distinctive character, whether the property is left in its present condition or is rehabilitated by the owner or a potential buyer, will not permit the owner a reasonable rate of return.

II. In the case of non-income producing property, when the applicant demonstrates that the property has no reasonable use as a single-family dwelling or for an institutional use in its present condition, or if rehabilitated, either by the current owner or a potential buyer.

c. For purposes of Paragraph (b) above:

I. Non-income producing property consists of owner-occupied single-family dwellings and non-income producing institutional properties; and

II. Income producing property consists of all other properties.

d. Economic hardship relief is not available to an owner who has:

I. Engaged in willful or negligent acts destructive to the property;

II. Purchased the property for substantially more than the market value;

III. Failed to perform ordinary maintenance and repair; or

IV. Where applicable, failed to diligently solicit and retain tenants or provide normal tenant improvements.

6. An approval pursuant to this Section shall be valid for a period of one year, unless otherwise specified in the approval.

7. If an application for demolition or removal is denied by the HPC, the City may deny a permit for such activity for up to one hundred and eighty (180) days from the date on which the application was denied. It is unlawful to demolish or remove a structure or feature which is subject to this Section (L) without a permit to do so under this Subchapter and other applicable ordinances.

a. During the period of restraint on demolition or removal, the HPC and HPO will endeavor to secure whatever assistance may be feasible to effect the preservation of the property, including economic assistance, acquisition, purchase of a preservation easement; or location of a buyer who, upon purchase at terms agreeable to

the owner, will enter into a preservation covenant with the City for a period of a least five (5) years.

b. If the HPC or HPO is unable to secure such assistance within the period of restraint, the proposed demolition or removal will be allowed, subject to the issuance of appropriate permits by the Building Official.

8. If the Building Official finds that a designated property is an imminent hazard to life or property and, after consultation with the HPO and the SHPO, determines that repairs or relocation would not be appropriate or feasible, the HPO shall approve the necessary demolition or removal, subject to issuance of appropriate permits by the Building Official.

M. Appeal and Review

1. The applicant for an approval under Section (K) or Section (L) or this Subchapter may appeal any decision of the HPC to the City Council by filing written notice of appeal with the City Clerk within ten (10) working days after the date of the HPC's action. The appeal must be accompanied by the fee, if any, which has been established by the City Council.

2. In addition, with respect to any approval by the HPC of an application under Section (K) or Section (L) of this Subchapter, the Director of Planning and Development or any member of the City Council may file a request for review within that 10-day period.

3. The City Clerk shall set the date for a public hearing on the appeal or review, and notice of the hearing shall be published in a newspaper of general circulation at least seven (7) days before the hearing.

N. Maintenance and Repair

1. The owner is responsible for ordinary maintenance and repair of a designated property. Such maintenance and repair may be performed without specific approval from the HPO or the HPC if such maintenance or repair does not significantly alter the features which contribute to the distinctive character of such a designated property.

2. The owner of a designated property shall not permit the property to fall into a state of disrepair so as to result in the deterioration of any significant exterior feature which would have a detrimental effect on the distinctive character of the property itself or that of an Historic District in which the property is located.

3. Examples of deterioration which the owner of the designated property is responsible under this Section to prevent include, but are not limited to, the following:

a. Excessive erosion, reverse drainage, and other preventable site conditions which may adversely affect significant buildings and structures;

b. Loss of structural integrity due to deterioration of footings, load-bearing walls or columns, beams, trusses, or other support members;

c. Weathering or damage to exterior elements such as wall and roof surfaces, chimneys, balustrades, doors, windows, and other architectural features;

d. Loss of weather-tightness or security due to any of the above;

e. Deterioration resulting in a hazardous condition which would warrant demolition in the interest of public safety.

4. In order to avoid demolition necessitated by the failure to prevent any deterioration described in Subsection (3) of this Section, the City may effect repairs to a Landmark, Historic Property, or contributing property within an Historic District and assess the cost of such repairs to the property in the same manner and with the same effect as is available for the abatement of nuisances in Section 9.04.080 et seq.

5. For purposes of evaluating deterioration under this Section, the condition of the property at the time of its designation shall be the standard of reference.

6. Enforcement of this Section shall be the responsibility of the City Manager or designee.

O. Incentives

It is the intent of the City that Landmarks, Historic Properties and properties within an Historic District be beneficial to their respective owners, as well as to the community. In addition to the intangible benefits of owning a property recognized as an important community resource, other potential benefits can be made available by the City. The HPO and the HPC are authorized, when possible and appropriate, to provide such owners with the following:

1. Assistance in locating potential sources of financial assistance and tax credits;

2. Assistance in preparing grant applications and seeking potential third party sponsorship;

3. Technical information and referrals;

4. Assistance in locating buyers and sellers;

5. Assistance, through the Neighborhood Services Department, in the formulation and operation of a neighborhood association;

6. Assistance in obtaining other benefits as may become available through the City or other sources.

P. Violations

1. It is unlawful for any person to construct, alter, demolish, remove or fail to maintain a structure, property or portion thereof in violation of this Subchapter.

2. In addition to and independent of a misdemeanor prosecution for violations under this Subchapter, the City may pursue any available civil remedy to enforce compliance.

3. In connection with any criminal prosecution or civil remedy, the person responsible for a violation may be required to restore a structure or property to its condition just previous to the violation.

Q. Definitions

For purposes of this Subchapter, the following terms have the meanings ascribed to them:

Alteration: Any aesthetic, architectural, mechanical, or structural change or addition to the exterior surface of any significant part of a designated property.

Approval authority: The HPC or the HPO, as indicated in this Subchapter.

Compatibility: A pleasing visual relationship between elements of a property, building, or structure, or among properties, buildings, and structures, or with their surroundings. Aspects of compatibility may include, but are not limited to, proportion, rhythm, detail, texture, material, reflectance, and architectural style.

Demolition: The act or process that destroys a structure or feature associated with a designated property.

Distinctive Character: The distinguishing architectural and aesthetic characteristics of a Landmark or Historic Property, or those generally found throughout an Historic District, which fulfill the criteria for designation.

Ordinary Maintenance and Repair: Regular or usual care, upkeep, repair or replacement of any portion of an existing property, building or structure in order to maintain a safe, sanitary and stable condition.

Owner: The person(s) listed in the property records of Clark County as having fee ownership of an individual parcel or property.

Property: One or more structures or other improvements, or an archaeological site, associated with a particular parcel or location.

Significant: With reference to a property, building or structure, means having aesthetic, architectural or historical qualities of critical importance to its consideration in connection with the designation of property under this Subchapter.

Bill No. 97-95

Ordinance No. ____

AN ORDINANCE RELATING TO HISTORIC PRESERVATION; AMENDING TITLE 19A, CHAPTER 6, OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY DELETING THEREFROM, IN ITS ENTIRETY, SUBCHAPTER 90 AND SUBSTITUTING THEREFOR A NEW SUBCHAPTER 90 TO ESTABLISH THE STANDARDS AND PROCEDURES FOR DESIGNATING AND DEVELOPING PROPERTIES AND SITES WHICH HAVE HISTORIC VALUE TO THE CITY; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Mayor Jan Laverty Jones

Summary: Updates the City's requirements and procedures relative to historic preservation.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 19A, Chapter 6, of the Zoning Code of the City of Las Vegas, is hereby amended by deleting therefrom, in its entirety, Subchapter 90 and substituting therefor a new Subchapter 90, reading as set forth in the document which is attached hereto and incorporated herein by this reference.

SECTION 2: Title 19A, Chapter 20, Subchapter 20 of the Zoning Code of the City of Las Vegas is hereby amended by deleting therefrom the following terms and their corresponding definitions:

Historic District

Historic Site

Landmark

Landmark Site

SECTION 3: Title 19A, Chapter 20, Subchapter 20 of the Zoning Code of the City of Las Vegas is hereby amended by adding thereto the following terms, together with their corresponding definitions:

Archeological Site: A site that has yielded, or exhibits the promise of yielding, information important in the understanding of human prehistory or history. Such information may consist of

evidence of past human life, habitation, or activity, as well as material remains.

Contributing Property: A classification applied to an individual property within a designated Historic District, signifying that the property contributes generally to the distinctive character of the District; or an archeological site.

Designated Property: Any property which has been classified as a Landmark, Historic Property, or a contributing property within an Historic District.

HPC: The Historic Preservation Commission.

HPO: The Historic Preservation Officer.

Historic District: A designation, in the form of overlay zoning, applied to all properties within an area with defined boundaries, as a result of formal adoption by the City Council, which expresses a distinctive character worthy of preservation.

Historic Preservation Plan: A document, formally adopted by the City Council, containing goals and policies directing historic preservation activity within the City.

Historic Property: A designation, in the form of overlay zoning, applied to an individual property, as a result of formal adoption by the City Council, which expresses a distinctive character worthy of preservation; or an archeological site.

Landmark: A designation applied to an individual property as a result of formal action by the City Council in accordance with Subchapter 19A.06.090.

Non-Contributing Property: A classification applied to an individual property located within a designated Historic District, signifying that the property does not contribute to the distinctive character of the District.

Preservation Covenant: A recorded deed restriction which requires the preservation of a property for an agreed-upon period of time.

Preservation Easement: A non-possessory interest in real property which creates rights and obligations related to the preservation of the distinctive character of that property or a portion thereof.

SHPO: State Historic Preservation Office.

SECTION 4: The two new Historic Preservation Commission seats created under Section 1 of this Ordinance shall be filled by the City Council following the adoption of the

1 Ordinance. The terms of the members filling those seats shall expire on December 31, 2001.

2 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared
3 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
4 required or the failure to do any act is made or declared to be unlawful or an offense or a
5 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
6 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
7 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
8 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

9 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
10 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
11 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
12 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
13 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
14 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
15 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
16 invalid or ineffective.

17 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
18 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
19 1983 Edition, in conflict herewith are hereby repealed.

20 PASSED, ADOPTED and APPROVED this ____ day of _____, 1997.

21 APPROVED:

22 By _____
23 JAN LAVERTY JONES, Mayor

24 ATTEST:

25 _____
26 BARBARA JO RONEMUS, City Clerk

27 APPROVED AS TO FORM:

28 Val Steed 11-17-97
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 1997, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 1997, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
14 JAN LAVERTY JONES, Mayor

15
16 ATTEST:
17 _____
18 BARBARA JO RONEMUS, City Clerk
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19A.06.090 H HISTORIC DESIGNATION

A. Findings

The City Council of the City of Las Vegas finds and declares that the spirit and direction of the City of Las Vegas are founded upon and reflected in its historical past, and that the historic and cultural foundations of the City should be preserved as a living part of its community life and development in order to give a sense of identity and orientation to the people of the City.

B. Purpose and Intent

The intent of this Subchapter is to promote the public welfare by providing protection for significant properties and archaeological sites which represent important aspects of the City's heritage; to enhance the character of the community by taking such properties and sites into account during development; and to assist owners in the preservation and restoration of their properties. This Subchapter is intended to balance two competing interests: the value to the community of these significant properties and sites, and the rights of the property owners whose interests are at stake. The designation of any property, district or site pursuant to this Subchapter shall be an overlay designation and shall not inhibit existing or potential uses permitted by this Title.

C. Historic Preservation Commission - Established

The Las Vegas Historic Preservation Commission (HPC) is hereby established. The principal role of the HPC is to act in an advisory capacity to the Planning Commission and the City Council in all matters concerning historic preservation. The HPC shall make recommendations to the Planning Commission regarding designation of Landmarks, Historic Properties and Historic Districts. Other actions of the HPC as set forth below shall be final, with appeal to the City Council as described in Section M of this Subchapter.

D. Historic Preservation Commission - Membership

The HPC shall consist of eleven voting members who are appointed by the City Council, and two ex-officio members.

1. Each voting member must have a demonstrated interest in or knowledge of: a) the history of the City of Las Vegas, and b) design, architecture, real estate and other matters relevant to judging the economic and cultural value of particular historic preservation activities.

2. The term of each voting member is four years.

3. Voting members may be reappointed, but may not serve more than two complete, consecutive terms, including as one term the unexpired portion of any term to which a member is appointed to fill a vacancy.

4. Members serve at the pleasure of, and may be removed by, the City Council, including for failure to attend meetings regularly.

5. Members shall serve without compensation.

E. Historic Preservation Commission - Qualifications

The membership of the HPC shall be as follows:

1. One member must be experienced in architecture (such as an architect, art historian or historic preservation architect).

2. One member must be experienced in urban design or planning (such as an urban designer, planner or landscape architect).

3. One member must be experienced in building construction (such as a building contractor or structural engineer).

4. One member must be experienced in the real estate profession (such as an real estate developer, appraiser or broker).

5. One member must be representative of a recognized local historic preservation association or historic preservation interest group.

6. Five members must be citizens-at-large; provided, however, that when one or more areas have been designated as "Historic Districts" pursuant to this Subchapter, one of the "at-large" positions shall pertain to each such Historic District and shall be filled by a person who owns property and resides within the Historic District. If more than five Historic Districts have been designated as such pursuant to this Subchapter, the City Council shall determine which five of the Historic Districts are to be represented on the HPC.

7. The Director of Planning and Development, or the Director's designee, shall serve as an ex-officio member, with no vote except as otherwise provided in this Subchapter.

8. The Director of the Nevada State Museum and Historical Society, or other designee of the State Historic Preservation Office (SHPO), shall serve as an ex-officio member, with no vote except as otherwise provided in this Subchapter.

F. Historic Preservation Commission - Organization

1. The HPC shall elect, from within its own membership, a chair, vice-chair and such other officers as it deems useful, and shall adopt such bylaws and rules of procedure consistent with this Subchapter as the Commission deems necessary.

2. The Department of Planning and Development shall provide administrative and clerical support for the HPC.

3. Regular and special meetings of the HPC shall be held as set forth in the bylaws and as necessitated by the Commission's volume of business. If no meeting has been scheduled to occur within forty days after the Chairman has been notified by the Secretary of business requiring action by the HPC, the Chairman shall call a special meeting to be held within that period.

4. The HPC shall maintain written minutes and records sufficient to inform the public of its business, and shall report its business to the City Council as the Council from time to time may request.

5. Six members of the HPC constitute a quorum thereof for the purpose of conducting business. A majority vote of those present and voting shall be necessary to approve any item of business.

6. In the event that a quorum is not available for the conduct of business, an ex-officio member or the Historic Preservation Officer (or any combination thereof) may vote, but only concerning matters on the consent agenda and only to the extent necessary to create or maintain a quorum.

G. Historic Preservation Commission - Powers, Etc.

The powers, duties and activities of the HPC include the following:

1. Reviewing applications for the designation of Landmarks, Historic Properties and Historic Districts, and making recommendations to the Planning Commission concerning those applications. The review shall be in accordance with Section (I) of this Subchapter.

2. Reviewing and making decisions concerning applications for the proposed construction, alteration, demolition or removal of any structure associated with a Landmark or Historic Property, or located on property within an Historic District. The review and decisionmaking process shall be in accordance with Sections (K) and (L) of this Subchapter.

3. Making recommendations to the City Council concerning the use of public or private funds to promote the preservation properties and districts within the City, including the acquisition of property or interests in property.

4. Recommending appropriate changes to the General Plan and to local development regulations in order to promote the purposes of this Subchapter.

5. Cooperating with owners of property to formulate appropriate design guidelines for alteration and construction within Historic Districts.

6. Initiating and conducting detailed studies and surveys of properties, structures and areas within the City to assess their potential for designation in order to formulate an Historic Preservation Plan for the City.

7. Developing and participating in public information activities in order to increase public awareness of the value of historic preservation.

8. Performing such other functions as will encourage or further the interests of historic preservation.

H. Historic Preservation Officer

The Director of Planning and Development shall appoint an Historic Preservation Officer (HPO), who must have a demonstrated interest in historic preservation and be a qualified professional in one or more pertinent fields such as architecture, urban design, archaeology, cultural geography, landscape architecture or land use planning. The duties of the HPO shall include:

1. Serving as Secretary to the HPC, facilitating its efforts and, with other City staff as necessary, providing administrative support.

2. Accepting applications under Subsections (1) and (2) of Section (G).

3. Acting as intermediary between the HPC and City departments.

4. Providing technical and background information to the HPC and the public, as required.

5. Acting as the approval authority concerning applications for the proposed construction, alteration, demolition or removal of structures associated with a Landmark, Historic Property or Historic District, when the proposed work is, in the HPO's judgment, minor in nature and impact or the need to act immediately is necessary to protect life or property. The review and decisionmaking process shall be in accordance with Sections (K) and (L) of this Subchapter.

6. Reporting to the HPC any action taken pursuant to Subsection (5) of this Section.

7. Preparing annual written reports of HPC activities to be submitted to the State Historic Preservation Office (SHPO) and made available to the public. The reports should include, at a minimum, the minutes of meetings and attendance records of members; current résumés of members; and a listing of items reviewed, decisions rendered and other projects and activities undertaken.

8. Maintaining the Las Vegas Historic Property Register.

I. Designation of Landmarks, Historic Properties and Historic Districts

1. An individual property, building, structure or archeological site may be designated as a Landmark or Historic Property if it qualifies under Paragraph (a), (b) or (c) below:

a. It meets the criteria for listing on the State or National Register of Historic Places.

b. It is determined to be of exceptional significance and expresses a distinctive character because:

I. A significant portion of it is at least fifty (50) years old;

II. It is reflective of the City's cultural, social, political or economic past; and

III. Either:

A) It is associated with a person or event significant in local, state or national history; or

B) It represents an established and familiar visual feature of an area of the City because of its location or singular physical appearance.

c. It is less than fifty (50) years old, but is an integral and critical part of an Historic District or demonstrates exceptional importance by meeting or exceeding the other criteria described in Paragraph (a) or Paragraph (b) of this Subsection. This type of structure or property is eligible for classification as a Landmark. At such time as it becomes fifty years old, it will automatically be reclassified as an Historic Property.

2. An area may be designated as an Historic District if:

a. The area:

I. Includes a substantial concentration of properties, buildings or structures which individually meet the criteria in Subsection (1) of this Section, as well as other properties, buildings or structures which contribute generally to the overall distinctive character of the area and are united historically or visually by plan or physical development;

II. Is bounded by documented historic boundaries such as early roadways, canals, subdivision plats or property lines, or by boundaries which coincide with logical physical or manmade features and reflect recognized neighborhood or area boundaries; and

III. Includes non-contributing properties or vacant parcels only to the extent necessary to establish appropriate, logical or convenient boundaries.

or

b. The area includes or is composed of one or more archeological sites.

3. Designation Process

a. The designation of a Landmark, Historic Property or Historic District may be made upon application by the owner of any property proposed to be designated or included in such designation, or by an authorized representative of the City. Application shall be made to the HPO on such form(s) as may be established for the purpose, and the application shall be accompanied by such fee(s) as may be established by the City Council.

b. An application for designation shall also be accompanied by:

I. A vicinity ownership map showing all parcels which are adjacent to, include or surround the property proposed to be designated within a radius of three hundred (300) feet of the external boundaries of the property. Each such parcel shall be numbered so as to correspond to the ownership/tenant list described in Subparagraph II of this Paragraph below.

II. A typed or legibly printed list, compiled from an authoritative source, containing the names, mailing addresses and zip codes of the following, along with the corresponding identifying numbers referred to in Subparagraph I of this Paragraph above:

A) The owners of all parcels described in Subparagraph I of this Paragraph above; and

B) Any tenants of the parcels described in Subparagraph I of this Paragraph above, to the extent their names and addresses can practicably be obtained.

III. An accurate legal description and Assessor's Parcel Number (APN) for all parcels proposed for designation.

IV. A written description of the manner in which the property proposed for designation is eligible and appropriate for designation under this Section.

c. Upon receipt of a complete application package, the HPO shall schedule the application for a public hearing on the next available agenda of the HPC. Upon the request of the applicant, a special meeting may be called at the discretion of the Chair of the HPC, or by at least four (4) voting members of the HPC.

d. In connection with the HPC's consideration of the application, the HPO shall compile and provide to the HPC a complete report concerning the property proposed for designation. The report shall address the location, condition, age, significance and integrity of historic features; identify potential contributing and non-contributing properties; provide other relevant information; and include a recommendation concerning the application and the basis therefor.

e. Based upon its consideration of the HPO's report concerning an application, along with any evidence or input offered at the public hearing, the HPC shall evaluate the application with reference to the applicable criteria set forth in Subsections (1) and (2) of this Section and make a recommendation to the Planning Commission. A recommendation for approval may include any conditions the HPC deems appropriate in order to implement the provisions and intent of this Subchapter.

f. Except as otherwise provided in this Subchapter, the standards for consideration and action on an application by the HPC shall also apply to subsequent action by the Planning Commission and City Council, and the procedures for subsequent action on an application by the Planning Commission and City Council shall be consistent with the rezoning procedures described in Subchapter 19A.18.120 of the Zoning Code.

g. A recommendation by the HPC for approval of a designation under this Subchapter shall be void if the designation has not been approved by the City Council within one (1) year after the HPC's recommendation.

4. Public Notification Concerning Designation Applications

At least fifteen (15) calendar days before the HPC holds a public hearing on an application for designation, the Planning and Development Department shall:

a. Mail written notice of the date, time and place of the hearing, along with a summary of the application, to the persons whose names and addresses are provided by the applicant pursuant to Subsection 3 of this Subchapter. Such notice is complete upon mailing. The HPC may delay a hearing for additional notification if it appears that the applicant or the City did not use reasonable diligence in providing a notification list or in mailing notice.

b. Post notice of the hearing, visible from a public way and clearly legible, containing the date, time, and place of the hearing, and a summary of the application. For a Landmark or Historic Property application, the notice shall, wherever possible, be placed adjacent to the public right-of-way. For an Historic District, the notice shall, wherever possible, be placed at no fewer than four (4) conspicuous locations either within or at the external boundaries of the area. The posting of any such notice is complete upon initial posting.

c. Publish notice of the date, time and place of the hearing, along with a summary of the application, in a newspaper of general circulation within the City.

5. Planning Commission and City Council Action

a. Upon receipt of a recommendation from the HPC concerning a designation, the Planning Commission shall hold a public hearing to consider the application. If the date and time of the Planning Commission hearing are announced at the HPC hearing concerning the designation, no additional notification is required. Otherwise, notification for such hearing shall be as described in Subsection (4) of this Section, above. Following the public hearing, the Planning Commission may do any of the following:

I. Adopt the recommendation of the HPC and forward that recommendation to the City Council;

II. Modify the recommendation of the HPC and forward that recommendation to the City Council as modified;

III. Recommend denial of the application to the City Council;
or

IV. Remand the request to the HPC for further proceedings.

b. Upon receipt of a recommendation from the Planning Commission concerning a designation, the City Council shall hold a public hearing to consider the application. If the date and time of the City Council hearing are announced at the Planning Commission hearing concerning the designation, no additional notification is required. Otherwise, notification for such hearing shall be as described in Subsection (4) of this Section, above. Notwithstanding any other provision of this Paragraph (b), the

designation of an Historic District must be done in accordance with NRS 384.005, if applicable. Following the public hearing, the City Council may do any of the following:

I. Approve the designation in accordance with the recommendation of the Planning Commission;

II. Modify the recommendation of the Planning Commission and approve the designation in accordance with the modifications;

III. Deny the application; or

IV. Remand the application to the Planning Commission or the HPC for further proceedings.

c. In the case of an application for designation of an Historic District, if the owners of twenty (20) percent or more of the area of the parcels included in the proposed district and those which are adjacent thereto protest the proposed designation in writing, the designation shall not become effective except by the favorable vote of three-fourths (3/4) of the entire membership of the City Council. If any member of the City Council is unable to vote on an application because of conflict of interest, the required number of favorable votes to approve the designation shall be three-fourths (3/4) of the remaining membership of the Council, but in no event shall the required number of votes be less than a majority of the entire membership of the Council. For purposes of this Paragraph (c):

I. A parcel is "adjacent" to the proposed district if it is not separated from the boundary of the proposed district by a public right-of-way and is within one hundred fifty (150) feet of the boundary.

II. A parcel is "adjacent" to the proposed district if it is separated from the boundary of the proposed district by a public right-of-way and is within one hundred fifty (150) feet of the frontage of the intervening right-of-way.

III. In calculating "area" for protest purposes, the area of an "adjacent" parcel shall be deemed to include only the area located within the one hundred fifty (150) foot distances referred to in this Paragraph (c).

IV. A written protest is effective only if it is filed with the City Clerk prior to or at the time of the public hearing before the City Council.

6. Effect of Designation

a. The designation of a Landmark, Historic Property or Historic District shall be indicated by the "H" symbol on the zoning maps of the City. The use and development of property affected by a designation shall be governed by this

Subchapter as well as by the regulations pertaining to the underlying zoning classification(s) for the property, other provisions of the Zoning Code, the City's subdivision regulations and the General Plan.

b. After the designation of an Historic District, and in order to preserve and enhance the distinctive character of that District, the HPC shall, after opportunity for input from property owners within the District, adopt Design Guidelines to apply to alterations of contributing properties and to all new construction within the District.

1. Design Guidelines are intended to address exterior features and characteristics only, such as building materials, massing, scale and proportion of openings and other features, orientation and relative position of buildings and landscape character, as well as specific aspects such as roof forms, textures, color theme, character of signage, window and door types, and other details relative to architectural styles evident in the District.

2. Design Guidelines generally will not regulate maximum building height, maximum lot coverage, minimum setbacks, required landscaping, required parking, allowable signs, or other development aspects addressed elsewhere in the Zoning Code, except when compatibility with existing historical patterns requires specific design guidelines.

3. Following designation of an Historic District, but before Design Guidelines can be established for the District, the HPC may require that development in the District conform to such established or recognized standards as the HPC deems appropriate.

7. Removal of designations established under this Subchapter shall be in accordance with the procedure set forth for designation.

8. No nomination for designation or removal of designation under this Subchapter shall be acted upon within one year after any previous such nomination.

J. Historic Property Register

The Las Vegas Historic Property Register is hereby established for the purpose of listing the Landmarks, Historic Properties, and Historic Districts designated under the provisions of this Subchapter. The Register, as it may be amended from time to time, shall serve as the official record of all such designations and shall be maintained by the HPO. Copies of the Register shall be made available for public inspection in the offices of the Planning and Development Department and the City Clerk.

K. Guidelines, Standards, and Process for Review of Alteration or New Construction

1. Whenever it is proposed to alter, remodel, build, or otherwise develop or landscape property that is designated as a Landmark or Historic Property, or that is located within a designated Historic District, and a building permit or other development or zoning permit is required for such work, the applicant must first obtain the approval of the HPC in accordance with this Subchapter. In the case of proposed work which, in the HPO's judgment, is minor in nature and impact, the HPO shall be the approval authority. Approval pursuant to this Section indicates conformance with the provisions and intent of this Subchapter only and does not constitute or imply approval by any City department or other approval authority having jurisdiction.

2. In order to obtain review pursuant to this Section, the applicant must submit to the HPO the following:

a. An application, on such form(s) as may be established for the purpose;

b. Such fee(s) as may be established by the City Council for the application;

c. Drawings, to approximate scale, of the site plan, floor plan(s) and elevations of the proposed work of improvement, indicating materials and color scheme;

d. If signage is part of the proposed work, drawings, to approximate scale, showing the size and location of proposed signage, type of lettering to be used and indication of color and type of illumination, if any; and

e. Other information which the applicant deems appropriate or which the HPO may reasonably deem necessary in connection with the review of the application.

3. An application for review under this Section, when deemed complete, shall be acted upon within a reasonable period of time. In the case of an application to be considered by the HPC as the approval authority, the application shall be included on the next available agenda.

4. The approval authority shall consider the application with reference to the objectives of this Subchapter. The approval authority may deny an application upon determining any of the following:

a. That proposed work on any portion of a Landmark or Historic Property will not be compatible with the recognized distinctive character of the overall property.

b. That proposed work on any portion of a contributing property within an Historic District will not be compatible with the recognized distinctive character of the property itself, with the character of the entire District, or with the Design Guidelines that have been adopted for the District.

c. That major new construction proposed for non-contributing properties within an Historic District will not be compatible with the recognized distinctive character of the entire District or with the Design Guidelines that have been adopted for the District. For purposes of this Paragraph, new construction is "major" if such construction, including general landscape character, equals or exceeds twenty-five percent (25%) of the land area of a parcel without a building or of the building ground floor area of a parcel with a building, at the time of the property's identification as non-contributing.

d. That, in cases where Federal funds, in the form of grants, tax incentives or other programs, are to be employed, directly or indirectly, in financing the proposed work, the work will not comply with the Standards for the Treatment of Historic Properties, as promulgated by the U.S. Secretary of the Interior.

5. The approval authority may approve, conditionally approve or deny an application, or continue consideration thereof for further study. The HPO shall provide the applicant with notice of action taken, along with an explanation of any reasons therefor and conditions attached thereto.

6. An approval pursuant to this Section shall be valid for a period of one year, unless otherwise specified in the approval.

L. Demolition and Removal

1. Whenever it is proposed to demolish or remove a structure or feature constituting or associated with a Landmark or Historic Property, or one that is located within a designated Historic District, and a demolition or other permit or approval is required for such work, the applicant must first obtain the approval of the HPC in accordance with this Subchapter. In the case of proposed work which, in the HPO's judgment, is minor in nature and impact, or is necessary immediately in order to protect life or property, the HPO shall be the approval authority. Approval pursuant to this Section indicates conformance with the provisions and intent of this Subchapter only and does not constitute or imply approval by any City department or other approval authority having jurisdiction.

2. In order to obtain review pursuant to this Section, the applicant must submit to the HPO the following:

a. An application, on such form(s) as may be established for the purpose;

b. Such fee(s) as may be established by the City Council for the application;

c. Photographs of the property depicting its current appearance;

d. A preliminary plan of redevelopment for the parcel indicating an intended use that is in compliance with the General Plan, existing or proposed zoning, other applicable regulations, and Section (K) of this Chapter;

e. If economic hardship relief is requested, documentation in support of the request; and

f. Other information which the applicant deems appropriate or which the HPO may reasonably deem necessary in connection with the review of the application.

3. An application for review under this Section, when deemed complete, shall be acted upon within a reasonable period of time. In the case of an application to be considered by the HPC as the approval authority, the application shall be included on the next available agenda.

4. The approval authority shall consider the application with reference to the objectives of this Subchapter. The approval authority may deny an application upon determining either of the following:

a. That the structure or feature proposed for demolition or removal is of historic or architectural value or significance and contributes to the distinctive character of the property;

b. That loss of the structure or feature would adversely affect the integrity or diminish the distinctive character of an Historic District.

5. The approval authority may approve, conditionally approve or deny an application, or continue consideration thereof for further study. The HPO shall provide the applicant with notice of action taken, along with an explanation of any reasons therefor and conditions attached thereto.

6. Economic Hardship.

a. An application for demolition or removal may be accompanied by a request for economic hardship relief, which, if granted, allows demolition or removal which otherwise would not be permitted.

b. Economic hardship relief may be granted by the approval authority as follows:

I. In the case of income producing property, when the applicant demonstrates that requiring the property to retain the features that contribute to its distinctive character, whether the property is left in its present condition or is rehabilitated by the owner or a potential buyer, will not permit the owner a reasonable rate of return.

II. In the case of non-income producing property, when the applicant demonstrates that the property has no reasonable use as a single-family dwelling or for an institutional use in its present condition, or if rehabilitated, either by the current owner or a potential buyer.

c. For purposes of Paragraph (b) above:

I. Non-income producing property consists of owner-occupied single-family dwellings and non-income producing institutional properties; and

II. Income producing property consists of all other properties.

d. Economic hardship relief is not available to an owner who has:

I. Engaged in willful or negligent acts destructive to the property;

II. Purchased the property for substantially more than the market value;

III. Failed to perform ordinary maintenance and repair; or

IV. Where applicable, failed to diligently solicit and retain tenants or provide normal tenant improvements.

6. An approval pursuant to this Section shall be valid for a period of one year, unless otherwise specified in the approval.

7. If an application for demolition or removal is denied by the HPC, the City may deny a permit for such activity for up to one hundred and eighty (180) days from the date on which the application was denied. It is unlawful to demolish or remove a structure or feature which is subject to this Section (L) without a permit to do so under this Subchapter and other applicable ordinances.

a. During the period of restraint on demolition or removal, the HPC and HPO will endeavor to secure whatever assistance may be feasible to effect the

preservation of the property, including economic assistance, acquisition, purchase of a preservation easement; or location of a buyer who, upon purchase at terms agreeable to the owner, will enter into a preservation covenant with the City for a period of a least five (5) years.

b. If the HPC or HPO is unable to secure such assistance within the period of restraint, the proposed demolition or removal will be allowed, subject to the issuance of appropriate permits by the Building Official.

8. If the Building Official finds that a designated property is an imminent hazard to life or property and, after consultation with the HPO and the SHPO, determines that repairs or relocation would not be appropriate or feasible, the HPO shall approve the necessary demolition or removal, subject to issuance of appropriate permits by the Building Official.

M. Appeal and Review

1. The applicant for an approval under Section (K) or Section (L) or this Subchapter may appeal any decision of the HPC to the City Council by filing written notice of appeal with the City Clerk within ten (10) working days after the date of the HPC's action. The appeal must be accompanied by the fee, if any, which has been established by the City Council.

2. In addition, with respect to any approval by the HPC of an application under Section (K) or Section (L) of this Subchapter, the Director of Planning and Development or any member of the City Council may file a request for review within that 10-day period.

3. The City Clerk shall set the date for a public hearing on the appeal or review, and notice of the hearing shall be published in a newspaper of general circulation at least seven (7) days before the hearing.

N. Maintenance and Repair

1. The owner is responsible for ordinary maintenance and repair of a designated property. Such maintenance and repair may be performed without specific approval from the HPO or the HPC if such maintenance or repair does not significantly alter the features which contribute to the distinctive character of such a designated property.

2. The owner of a designated property shall not permit the property to fall into a state of disrepair so as to result in the deterioration of any significant exterior feature which would have a detrimental effect on the distinctive character of the property itself or that of an Historic District in which the property is located.

3. Examples of deterioration which the owner of the designated property is responsible under this Section to prevent include, but are not limited to, the following:

a. Excessive erosion, reverse drainage, and other preventable site conditions which may adversely affect significant buildings and structures;

b. Loss of structural integrity due to deterioration of footings, load-bearing walls or columns, beams, trusses, or other support members;

c. Weathering or damage to exterior elements such as wall and roof surfaces, chimneys, balustrades, doors, windows, and other architectural features;

d. Loss of weather-tightness or security due to any of the above;

e. Deterioration resulting in a hazardous condition which would warrant demolition in the interest of public safety.

4. In order to avoid demolition necessitated by the failure to prevent any deterioration described in Subsection (3) of this Section, the City may effect repairs to a Landmark, Historic Property, or contributing property within an Historic District and assess the cost of such repairs to the property in the same manner and with the same effect as is available for the abatement of nuisances in Section 9.04.080 et seq.

5. For purposes of evaluating deterioration under this Section, the condition of the property at the time of its designation shall be the standard of reference.

6. Enforcement of this Section shall be the responsibility of the City Manager or designee.

O. Incentives

It is the intent of the City that Landmarks, Historic Properties and properties within an Historic District be beneficial to their respective owners, as well as to the community. In addition to the intangible benefits of owning a property recognized as an important community resource, other potential benefits can be made available by the City. The HPO and the HPC are authorized, when possible and appropriate, to provide such owners with the following:

1. Assistance in locating potential sources of financial assistance and tax credits;

2. Assistance in preparing grant applications and seeking potential third party sponsorship;

3. Technical information and referrals;

4. Assistance in locating buyers and sellers;
5. Assistance, through the Neighborhood Services Department, in the formulation and operation of a neighborhood association;
6. Assistance in obtaining other benefits as may become available through the City or other sources.

P. Violations

1. It is unlawful for any person to construct, alter, demolish, remove or fail to maintain a structure, property or portion thereof in violation of this Subchapter.
2. In addition to and independent of a misdemeanor prosecution for violations under this Subchapter, the City may pursue any available civil remedy to enforce compliance.
3. In connection with any criminal prosecution or civil remedy, the person responsible for a violation may be required to restore a structure or property to its condition just previous to the violation.

Q. Definitions

For purposes of this Subchapter, the following terms have the meanings ascribed to them:

Alteration: Any aesthetic, architectural, mechanical, or structural change or addition to the exterior surface of any significant part of a designated property.

Approval authority: The HPC or the HPO, as indicated in this Subchapter.

Compatibility: A pleasing visual relationship between elements of a property, building, or structure, or among properties, buildings, and structures, or with their surroundings. Aspects of compatibility may include, but are not limited to, proportion, rhythm, detail, texture, material, reflectance, and architectural style.

Demolition: The act or process that destroys a structure or feature associated with a designated property.

Distinctive Character: The distinguishing architectural and aesthetic characteristics of a Landmark or Historic Property, or those generally found throughout an Historic District, which fulfill the criteria for designation.

Ordinary Maintenance and Repair: Regular or usual care, upkeep, repair or replacement of any portion of an existing property, building or structure in order to maintain a safe, sanitary and stable condition.

Owner: The person(s) listed in the property records of Clark County as having fee ownership of an individual parcel or property.

Property: One or more structures or other improvements, or an archaeological site, associated with a particular parcel or location.

Significant: With reference to a property, building or structure, means having aesthetic, architectural or historical qualities of critical importance to its consideration in connection with the designation of property under this Subchapter.

AFFIDAVIT OF PUBLICATION

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FIRST AMENDMENT
BILL NO. 97-95
ORDINANCE NO. 5043

AN ORDINANCE RELATING TO HISTORIC PRESERVATION; AMENDING TITLE 19A, CHAPTER 6, OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY DELETING THEREFROM, IN ITS ENTIRETY, SUBCHAPTER 90 AND SUBSTITUTING THEREFOR A NEW SUBCHAPTER 90 TO ESTABLISH THE STANDARDS AND PROCEDURES FOR DESIGNATING AND DEVELOPING PROPERTIES AND SITES WHICH HAVE HISTORIC VALUE TO THE CITY; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

SPONSORED BY:

Mayor Jan Lavery Jones

SUMMARY: Updates the City's requirements and procedures relative to historic preservation.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 24TH day of November, 1997, and referred to the following committee composed of Councilmen Brown and McDonald for recommendation; thereafter the said committee reported favorably on said ordinance on the 15th day of December, 1997, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE" Councilmen Adamsen, Brown, and Reese

VOTING "NAY" NONE

DID NOT VOTE: Councilman McDonald and Mayor Jones

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: December 18, 1997

Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

BARBARA LINFORD, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of DECEMBER 18, 1997 to DECEMBER 18, 1997, on the following days:

DECEMBER 18, 1997

Signed: Barbara Linford

Subscribed and sworn to before me this

18 day of Dec, 19 97

Peggy D. Barron

Notary Public



PEGGY D. BARRON

Notary Public - Nevada

Clark County

My appt. exp. Feb. 17, 1998

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SPONSORED BY:
Mayor Jan Laverly Jones
SUMMARY: Updates the City's requirements and procedures relative to historic preservation.
At City Council Meeting NOVEMBER 24, 1997 BILL NO. 97-95 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilman Brown and McDonald
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB: December 5, 1997
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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DECEMBER 5, 1997

Signed: Barbara Linford

Subscribed and sworn to before me this

5 day of Dec, 1997

Peggy D. Barron

Notary Public



PEGGY D. BARRON
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SPONSORED BY:

Mayor Jan Laverly Jones

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VOTING "AYE" Councilmen Adamsen, Brown, and Reese

VOTING "NAY" NONE

DID NOT VOTE: Councilman McDonald and Mayor Jones

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PUB: December 18, 1997

Las Vegas Review-Journal

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