

# 19.10.150

## HD-O HISTORIC DESIGNATION OVERLAY DISTRICT

### 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 Section 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 Section 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 Section 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 Historic Landmarks, Districts, Sites Buildings, Structures and Objects. Other actions of the HPC as set forth below shall be final, with appeal to the City Council as described in Subsection (M) of this Section.

### 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.

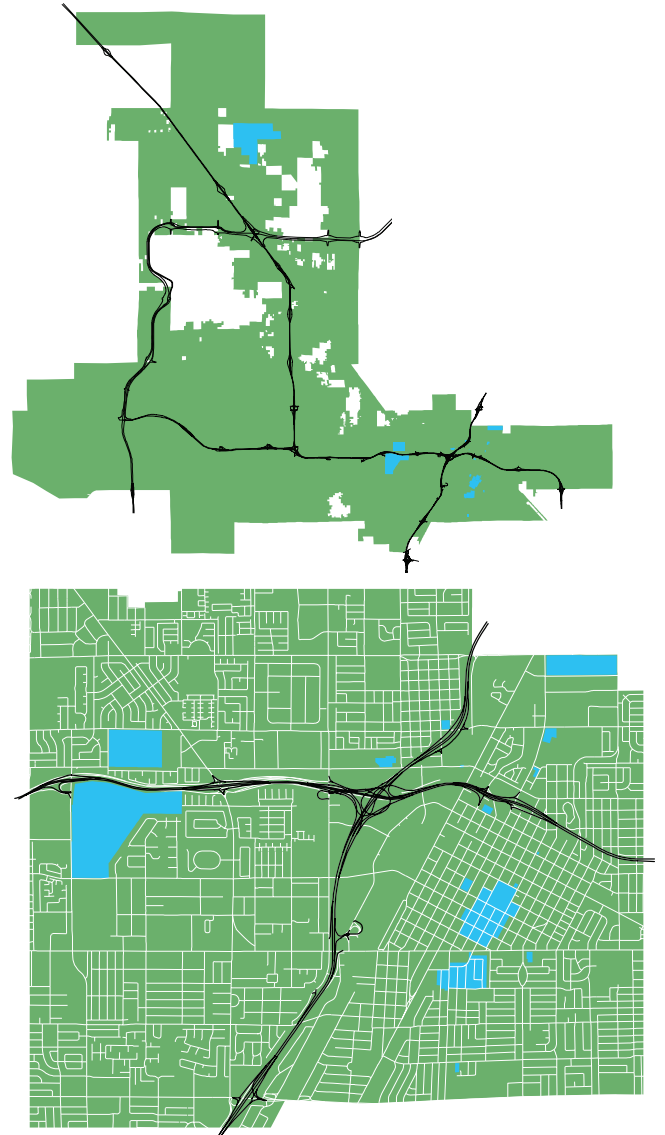
1. Each voting member must have a demonstrated interest in or knowledge of:
  - a. The history of the City of Las Vegas;
  - b. Design, architecture, real estate, archaeology and other matters relevant to judging the

## Illustrations & Graphics

# HD-O

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FIGURE 1 - HISTORIC DESIGNATION OVERLAY DISTRICT MAPS



MAPS ARE REPRESENTATIVE OF WHERE THE HD-O DISTRICT IS LOCATED.

SEE THE OFFICIAL ZONING MAP ATLAS FOR THE EXACT LOCATION OF PROPERTIES WHICH CURRENTLY FALL WITHIN THE HD-O (HISTORIC DESIGNATION OVERLAY) DISTRICT.



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.
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 a 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. One member must be experienced in Nevada history (such as an historian or anthropologist).
7. One member must be experienced in the archaeological profession (such as an archaeologist).
8. Four members must be members at-large. When one or more areas have been designated as "Historic Districts" pursuant to this Section, one of the "at-large" positions shall pertain to each such Historic District. For any Historic District, the corresponding "at large" position shall be filled by a person who owns real property and resides within the Historic District, if a person so qualified is available to serve. If no such person is available, a person who owns real property within the Historic District may fill that position, if a person so qualified is available to serve. If no such person is available, any person

may fill that position. If more than four Historic Districts have been designated as such pursuant to this Section, the City Council shall determine which four of the Historic Districts are to be represented on the HPC.

9. The Director, or the Director's designee, shall serve as an ex-officio member, with no vote except as otherwise provided in this Section.
10. 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 Section.

#### **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 Section as the Commission deems necessary.
2. The Department 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 Historic Landmarks, Districts, Sites, Buildings, Structures and Objects, and making recommendations to the Planning Commission concerning those applications. The review shall be in accordance with Subsection (I) of this Section.
  2. Reviewing and making decisions concerning applications for new construction, alteration, demolition or removal of any element associated with an Historic Landmark, District, Site, Building, Structure and Object. The review and decision making process shall be in accordance with Subsections (K) and (L) of this Section.
  3. Making recommendations to the City Council or the City Manager or designee concerning the use of public or private funds to promote the preservation of 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 Section.
  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, revise or update the Historic Properties & Neighborhoods Preservation Plan Element of the Las Vegas 2020 Master Plan.
  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.
2. Accepting applications under Paragraphs (1) and (2) of Subsection (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 new construction, alteration, demolition or removal of elements associated with an Historic Landmark, District, Site, Building, Structure and Object, 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 decision making process shall be in accordance with Subsections (K) and (L) of this Section.
  6. Reporting to the HPC any action taken pursuant to Paragraph (5) of this Subsection.
  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 resumes 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 Historic Landmarks, Districts, Sites, Buildings, Structures and Objects**

1. An individual landmark, district, site, building, structure or object may be designated on the City of Las Vegas Historic Property Register if it demonstrates exceptional historical significance by qualifying under Subparagraphs (a) or (b) below:
  - a. It meets the criteria for listing on the State or National Register of Historic Places; or
  - b. It is determined to be of exceptional local significance and expresses a distinctive character because:
    - i. A significant portion of it is at least 40 years old;
    - ii. It is reflective of the City's cultural, social, political or economic past; and

**H. Historic Preservation Officer**

The Director 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 historic preservation, 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.



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.

2. An individual district, site, building, structure or object may be designated as an Historic Landmark if it qualifies under Subparagraph (a) and Subparagraph (b) of Paragraph (1) above, and a significant portion of it is at least 50 years old.

3. An individual site, building, structure or object that has been designated on the City of Las Vegas Historic Property Register may be considered for reclassification for designation as an Historic Landmark if it has been determined eligible for the State or National Register of Historic Places.

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

a. The area:

- i. Includes a substantial concentration of contributing buildings, structures, objects or archaeological sites which individually meet the criteria in Paragraph (1) of this Subsection, as well as other buildings, structures or archaeological sites 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 man-made 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

5. Designation Process:

- a. The designation of an Historic Landmark, District, Site, Building, Structure or Object may be made upon application by the owner or

authorized representative of any landmark, district, site, building, structure or object proposed to be designated or included in such designation, or by an authorized representative of the City. A pre-application conference with the HPO is required prior to submitting an application. 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. Applications shall be signed, notarized and acknowledged by the owner of record of the property for which the designation is sought. If the property has multiple owners, the applicant shall provide the City with a list of all persons and entities with an ownership interest in the property if not all of the owners have signed the application.

b. The designation of an Historic District may be made upon application by a member of the board of a Neighborhood Association that is registered with the city of Las Vegas, or other recognized neighborhood representative. A pre-application conference with the HPO is required prior to submitting an application. Application shall be made to the HPO on such form(s) as may be established for the purpose, and shall be accompanied by such fee(s) as may be established by the City Council. Applications shall be signed, notarized and acknowledged by a recognized neighborhood representative. If the proposed district has multiple owners, the applicant shall provide the City with a list of all persons and entities with an ownership interest in the proposed district if not all of the owners have signed the application.

c. An application for designation shall also be accompanied by the following items to be prepared by the HPO:

i. A vicinity ownership map showing all parcels which are adjacent to, include or surround the property or district proposed to be designated within a radius of 1000 feet of the external boundaries of the property or district. Each such parcel shall be numbered so as to correspond to the ownership/tenant list described in Subparagraph (b)(ii) 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 (b)(i) of this Paragraph above:

- (A) The owners of all parcels described in Subparagraph (b)(i) of this Paragraph above.
- iii. An accurate legal description and Assessor's Parcel Number (APN) for all parcels proposed for designation.
- iv. For an Historic District nomination, documentation of a minimum of three public meetings attended by city staff and applicable Neighborhood Association board members, and held in a location convenient to the proposed District. The meetings will discuss the:
  - (A) Historic Designation Process;
  - (B) Plan for Historic District designation, including proposed district boundaries, the responsibilities of Department staff and the Neighborhood Association board, and the timeline for designation;
  - (C) Findings of any historic studies; and
  - (D) Proposed Historic District design guidelines, if necessary.
- d. An application for designation shall also be accompanied by the following items to be prepared by the applicant or representative:
  - i. A Statement of Eligibility and Appropriateness for Designation that describes the manner in which the landmark, district, site, building, structure or object proposed for designation is eligible and appropriate for designation under this Subsection. The Statement shall include at a minimum:
    - (A) Photographs of the proposed Historic Landmark, District, Site, Building, Structure or Object; in the case of a District, the most significant or representative properties;
    - (B) Information about the architect(s), designers(s), planners(s) and/or developer(s) of the Historic Landmark,

District, Site, Building, Structure or Object;

- (C) Date and method of construction;
  - (D) Distinctive characteristics such as historic materials, architectural or landscape elements and architectural style of buildings, structures or objects within a proposed district;
  - (E) Ownership and address history; and
  - (F) Proper resource citations.
- ii. Letter of property owner consent.
  - iii. In the case of an Historic District designation, written approval of historic designation from no less than 51 percent of all property owners within the proposed Historic District.
- e. Historic signs are recognized as Historic Objects by this code. The designation of an historic sign may be made upon application by the owner of the sign or authorized representative. A pre-application conference with the HPO is required prior to submitting an application. 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. Applications shall be signed, notarized and acknowledged by the owner of record, or authorized representative, of the property within which the Historic sign is located, and, if applicable, the owner of the building, or authorized representative, to which the sign is affixed. Applications must be accompanied by the items listed in Subparagraphs (5)(c)(i) through (5)(c)(iii), and (5)(d)(i) through (5)(d)(ii). An historic sign may be designated as an Historic Object if it demonstrates exceptional historical significance by qualifying under Subparagraphs (i) or (ii) below:
    - i. It meets the criteria for listing on the State or National Register of Historic Places; or
    - ii. The sign and the use to which it pertains have been in continuous existence at the present location for at least 40 years;
    - iii. The sign is structurally safe or is capable of being made so without substantially altering its historical significance;





- iv. The continued existence of the sign is encouraged and is beneficial to the public good; and
  - v. At least one of the following conditions shall be met by the sign:
    - (A) The sign contributes to the historical or cultural character of the streetscape and the community at large;
    - (B) The sign is associated with historic figures, events, or places;
    - (C) The sign is significant as evidence of the history of the product, business, or service advertised;
    - (D) The sign is significant as reflecting the history of the building or the development of the historic district;
    - (E) The sign is characteristic of a specific historic period or architectural style;
    - (F) The sign is integral to the building's design or physical fabric;
    - (G) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials, or design;
    - (H) The sign is a local landmark recognized as a popular focal point in a community; or
    - (I) The sign contains elements important in defining the character of an historic district.
  - f. Upon receipt of a complete application package, the HPO shall schedule the application for discussion on the next available agenda of the HPC. The HPC is given 30 days to review the application before the official public hearing is scheduled. A public hearing will be scheduled for the following 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.
  - g. In connection with the HPC's consideration of the application, the HPO shall compile and provide to the HPC a complete report concerning the landmark, district, site, building, structure or object 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 therefore.
  - h. 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 Paragraphs (1), (2), (3) and (4) of this Subsection 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 Subsection.
  - i. Except as otherwise provided in this Subsection, 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 LVMC 19.16.090.
  - j. A recommendation by the HPC for approval of a designation under this Subsection shall be void if the designation has not been approved by the City Council within one (1) year after the HPC's recommendation.
- 6. Public Notification Concerning Designation Applications:**
- At least 10 calendar days before the HPC holds a public hearing on an application for designation, the 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 Paragraph (4) of this Subsection. 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 the 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 an Historic Landmark, Site, Building, Structure or Object 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 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.

## 7. 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 Paragraph (5) of this Subsection 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. Following Planning Commission action for designation of an Historic District, a notice must be published once a week for three consecutive weeks prior to the City Council meeting, and must include the purpose of the hearing and the boundaries of the proposed Historic District.
- c. 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 Paragraph (6) of this Subsection above. Notwithstanding any other provision of this Subparagraph (c), 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.
- d. In the case of an application for designation of an Historic District, if the owners of 20 percent or more of the area of the parcels included in the proposed district protest the proposed designation in writing, the designation shall not become effective except by the favorable vote of three-fourths 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 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. 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.

## 8. Effect of Designation:

- a. The designation of an Historic Landmark, District, Site, Building, Structure and Object 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 Section 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 Unified Development Code and the General Plan.

- b. Prior to the designation of an Historic District, and in order to preserve and enhance the distinctive character of that District, the HPO shall meet with property owners within the proposed Historic District to determine design guidelines that will apply to alterations of contributing and non-contributing properties and to all new construction within the District. Property owners may choose to adopt the General Design Guidelines as adopted by the HPC, or create Design Guidelines that address architectural elements and styles specific to the proposed District. Design Guidelines will be recommended for adoption by the HPC to the City Council.
  - i. Historic District Design Guidelines are intended to address exterior features and characteristics as can be viewed from the public right-of-way only, such as building materials, massing, scale and proportion of openings and other features, orientation and relative position of buildings, as well as specific aspects such as roof forms, textures, character of signage, window and door types, and other details relative to architectural styles evident in the District and included in the Statement of Eligibility and Appropriateness.
  - ii. Design Guidelines do not regulate maximum building height, maximum lot coverage, minimum setbacks, landscaping, parking, allowable signs, or other development aspects addressed elsewhere in the Unified Development Code.
  - iii. Design Guidelines shall not prohibit access to buildings as required by the Americans with Disabilities Act.
  - iv. 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.

- 9. Removal of designations established under this Section shall be in accordance with the procedure

set forth for designation.

- 10. No nomination for designation or removal of designation under this Section 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 Historic Landmarks, Districts, Sites, Buildings, Structures and Objects designated under the provisions of this Section. 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 Department and the City Clerk.

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

- 1. A pre-application conference with the HPO is required prior to submitting a building permit or other required development or zoning permit whenever it is proposed to alter, remodel, build, or otherwise develop an Historic Landmark, District, Site, Building, Structure or Object, or an Historic Landmark, Site, Building, Structure or Object 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 Section. 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 Subsection indicates conformance with the provisions and intent of this Section 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 Subsection, the applicant must submit to the HPO the following:
  - a. An application for a Certificate of Appropriateness on such form(s) as may be established for the purpose, which shall be signed, notarized and acknowledged by the owner of record or the owner's authorized agent of the property where review of alteration or new construction is sought;
  - b. Such fee(s) as may be established by the City Council for the application;





- c. Materials detailing the proposed alteration or new construction, including:
    - i. Color photos of each side of the building or site to be altered and close ups of the specific area to be changed;
    - ii. Drawings for conceptual review and new construction or graphics/signage;
    - iii. Material samples / manufacturer's brochures which show and describe the materials to be used;
    - iv. A site plan on applications for new construction, additions, site graphics, demolition, lot splits and fencing;
  - 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 Subsection, 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 Section. The approval authority may deny an application upon determining any of the following:
- a. That proposed work on any portion of an Historic Landmark, District, Site, Building, Structure or Object will not be compatible with the recognized distinctive character of the overall Historic Landmark, District, Site, Building, Structure or Object.
  - b. That proposed work on any portion of a contributing Historic Landmark, District, Site, Building, Structure or Object within an Historic District will not be compatible with the recognized distinctive character of the Historic Landmark, District, Site, Building, Structure or Object 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 Historic Landmarks, Districts, Sites, Buildings, Structures or Objects 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 Subparagraph, new construction is "major" if such construction equals or exceeds 25 percent 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.
  - e. 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 therefore and conditions attached thereto.
6. An approval pursuant to this Subsection 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 an Historic Landmark, District, Site, Building, Structure or Object, 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 Section. Nothing in this Subsection shall prohibit the owner(s) of a sign designated as an Historic Object from removing such sign; however, removal of a sign so designated requires approval by the HPC and recommendation for alternative placement or storage. 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 Subsection indicates conformance with the provisions and intent of this Section 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 Subsection, the applicant must submit to the HPO the following:

- a. An application for a Certificate of Appropriateness, 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 Subsection (K) of this Section;
- e. A preliminary plan of restoration of damaged or removed features;
- f. If economic hardship relief is requested, documentation in support of the request; and
- g. 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 Subsection, 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 Section. 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 therefore 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 Subparagraph (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.



7. An approval pursuant to this Subsection shall be valid for a period of one year, unless otherwise specified in the approval.
8. If an application for demolition or removal is denied by the HPC, the City may deny a permit for such activity for up to 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 Subsection (L) without a permit to do so under this Section 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 Historic Landmark, District, Site, Building, Structure or Object, 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 at least five 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.
9. 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 Subsection (K) or Subsection (L) of this Section may appeal any decision of the HPC to the City Council by written request. An appeal must be filed in the Office of the City Clerk within 10 days after the HPC's action. The City Council may establish one or more fees to be paid in connection with the filing of an appeal under this Subsection, and the amount of any fee so established shall be as set forth in the Fee Schedule.
2. In addition, with respect to any approval by the HPC of an application under Subsection (K) or Subsection (L) of this Section, the Director 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 within the City at least 10 days before the hearing.

#### **N. Maintenance and Repair**

1. The owner is responsible for ordinary maintenance and repair of a designated Historic Landmark, District, Site, Building, Structure or Object. 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 Historic Landmark, District, Site, Building, Structure or Object.
2. The owner of a designated Historic Landmark, District, Site, Building, Structure or Object shall not permit the resource 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 Historic Landmark, District, Site, Building, Structure or Object itself or that of an Historic District in which the Historic Landmark, Site, Building, Structure or Object is located.
3. Examples of deterioration which the owner of the designated property is responsible under this Subsection 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 Historic Landmarks, Districts, Sites, Buildings, Structures or Objects;
  - 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 Paragraph (3) of this Subsection, the City may effect repairs to an Historic Landmark, District, Site, Building, Structure or Object 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 LVMC 9.04.080 et seq.
5. For purposes of evaluating deterioration under this Subsection, the condition of the property at the time of its designation shall be the standard of reference.
6. Enforcement of this Subsection shall be the responsibility of the City Manager or designee.

**O. Placement of Alternative Energy Systems**

1. The application of alternative energy systems, such as solar and wind conversion technologies, shall be reviewed by the HPC to determine the impact on the Historic Landmark, Site, Building, Structure or Object as well as the impact on adjacent parcels and the surrounding District, if applicable. The least visible application of technologies is recommended; the systems and their supplementary equipment are to be discreet and reversible to avoid altering the historic character of the Historic Landmark, District, Site, Building, Structure or Object.
2. In the use of solar technologies, such as solar panels and solar water heaters, ground systems that can be placed at the rear of the property, at an appropriate height to minimize visibility shall be used. If equipment is to be roof-mounted, low or non-reflective materials shall be used, and all mechanical equipment shall be painted to match the existing surrounding material (roofing, fascia, primary structure) color. Visible roof-mounted installations shall be designed and positioned to be appropriately scaled with a structure's roofline while maintaining a balance, scale, proportion and rhythm with other features of that elevation. Roof-mounted or non-free standing systems shall be placed in locations not visible from public right-of-way (by the adoption of low horizontal systems set back from edge on flat roofs and behind roof parapets, on rear non-street-facing slope, at rear of building concealed from sight by a wall or vegetation, or on secondary rear structures below main roof line). If invisibility is unattainable, the following is encouraged, but not limited to:

- a. Placement towards the rear third of hipped or front gabled roof;
  - b. Low placement, along the incline of the roof, and parallel to the original roofline;
  - c. Careful design of installations, in keeping with the balance, scale, proportion and rhythm of other features of that elevation
3. In the use of wind technologies, such as wind turbines, tower mounted systems in lieu of those that are building mounted are preferred. These towers and ancillary structures are to be placed to have the least visual impact on the surrounding environment. All of the structures are to be muted in color, have no graphics and be appropriately screened where possible. For systems that are building mounted, placement should not be visible from public right-of-way.
  4. All options for the placement of the alternative energy system should be fully explored to the satisfaction of the HPO.

**P. Incentives**

It is the intent of the City that Historic Landmarks, Districts, Sites, Buildings, Structures and Objects be beneficial to their respective owners, as well as to the community. In addition to the intangible benefits of owning a designated historic 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 Parks, Recreation and 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.



## Q. Violations

1. It is unlawful for any person to construct, alter, demolish, remove or fail to maintain an Historic Landmark, District, Site, Building, Structure, Object or portion thereof in violation of this Section.
2. In addition to and independent of a misdemeanor prosecution for violations under this Section, the City may pursue any available civil remedy to enforce compliance.
3. Any Historic Landmark, District, Site, Building, Structure, or Object found to be in violation of this Section will automatically be subject to a public hearing review by the HPC. The property owner must follow the guidelines, standards and process for review of alteration or new construction requirements set forth in Section (K) of this Chapter. Failure to follow the requirements of Section (K) of this Chapter is a violation of this Section.
4. 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.

## R. Definitions

For purposes of this Section, 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 Section.

**Building:** A resource created principally to shelter any form of human activity, such as a home.

**Compatibility:** A pleasing visual relationship between elements of a property, building or structure; 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.

**Contributing Resource:** Sites, buildings, structures or objects which individually meet the criteria for historic designation, or contribute generally to the overall distinctive character of a district and are

united historically or visually by plan or physical development.

**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.

**District:** A significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

**Non-contributing Resource:** Sites, buildings, structures or objects which do not individually meet the criteria for historic designation, or do not contribute generally to the overall distinctive character of a district.

**Object:** A construction primarily artistic in nature or relatively small in scale, such as a sign, statue or milestone.

**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.

**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 Section.

**Site:** Location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural or archaeological value regardless of the value of any existing structure.

**Structure:** A functional construction made for purposes other than creating shelter, such as a bridge.

