

ORDINANCE NO. 1369

AN ORDINANCE OF THE CITY OF BOULDER CITY TO REPEAL AND REPLACE TITLE 11, CHAPTER 27 OF THE CITY CODE, HISTORIC RESOURCES, BASED ON A RECOMMENDATION FROM THE HISTORIC PRESERVATION COMMITTEE (AM-08-279)

The City Council of Boulder City do ordain:

Section 1. That Title 11, Chapter 27 (Historic Resources) of the City Code, be repealed and replaced as follows:

See attached "EXHIBIT A"

Section 2. VALIDITY. Each section and each provision or requirement of any section of this ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 3. PUBLICATION. The City Clerk shall cause this Ordinance to be published in summary on Friday, the 14th day of November 2008, in the *Las Vegas Review Journal*, a daily newspaper, published in Las Vegas, Nevada.

Section 4. EFFECTIVE. This Ordinance shall become effective, after its approval and publication, on the 4th day of December 2008.

APPROVED:

ATTEST:



Roger Tobler, Mayor



Pamella A. Malmstrom, City Clerk

The foregoing Ordinance was first proposed and read by title to the City Council on the 28th day of October 2008, which was a regular meeting; thereafter, on the 12th day of November 2008, a public hearing and regular meeting were held and the proposed Ordinance was adopted by the following vote:

VOTING AYE: Chandler, Strickland, Tobler

VOTING NAY: None

ABSENT: Anderson, Pacini

APPROVED:

ATTEST:



Roger Tobler, Mayor



Pamella A. Malmstrom, City Clerk

CHAPTER 11-27 - HISTORIC RESOURCES

- 11-27-1 Purpose
- 11-27-2 Duties of Community Development Department and Historic Preservation Committee
- 11-27-3 Designation of Historic Resources
- 11-27-4 Description of Historic Resources
- 11-27-5 Historic Development Guidelines
- 11-27-6 Demolition of Designated Historic Resources
- 11-27-7 Renovation/Rehabilitation of Designated Historic Resources

11-27-1 Purpose

The purpose of this Chapter is to provide regulations for those areas, districts, sites, and buildings which have been designated as having significant character, interest, or value as part of the development, heritage, or cultural characteristics of Boulder City, the State of Nevada, or the Nation.

11-27-2 Duties of Community Development Department and Historic Preservation Committee

- A. Community Development Department. The Community Development Department of Boulder City is hereby charged with the administration and enforcement of the provisions of this chapter of the ordinance. The Community Development Department shall prepare and maintain the Boulder City Historic Registry, which shall be a list of all properties included as part of a Historic Area or District, or designated as a Landmark Site or Building of Historic Significance pursuant to this Chapter. All properties already listed as part of the Boulder City Historic District on the National Register of Historic Places are automatically included on the Boulder City Historic Registry.
- B. Boulder City Historic Preservation Committee. The Boulder City Historic Preservation Committee, hereinafter Historic Committee, shall be established to advise the Planning Commission and City Council and to aid property owners in maintaining and enhancing the worthwhile historical resources of Boulder City. The duties of the Historic Committee are as follows:
 1. To advise the Planning Commission and the City Council on the designation of Historic Areas, Districts, Landmark Sites and Buildings of Historic Significance;
 2. To advise the Planning Commission and City Council on matters pertaining to Historic Resources;
 3. To recommend to the Planning Commission and City Council the adoption of Historic Development Guidelines for rehabilitation and new construction pertaining to Historic Resources; and,
 4. To aid property owners by providing information about maintaining and enhancing their properties in a manner consistent with adopted or otherwise established guidelines.
 5. To advise the Planning Commission and City Council on matters pertaining to the drafting of new ordinances for implementation within the established historic districts of the City. Does not include ordinances applicable community-wide or of a non-zoning nature.

- C. Committee membership. The Historic Committee shall consist of no more than five (5) persons. Committee members shall be Boulder City residents, and shall not serve on any other City committees or commissions, nor hold any City office.
- D. Length of Term for Committee members. Term of service shall be limited to three (3) years, with no more than two (2) members having a term expire in any given year. Original appointments to the Committee shall have staggered terms assigned to new members with one member serving for one year, two members for two years, and two members for three years. All subsequent terms shall be for three years. Vacancies shall be filled by the City Council, with the replacement member to serve out the remaining term.
- E. Meetings. The Historic Committee shall meet on a monthly basis as needed through the calendar year.

11-27-3 Designation of Historic Resources

- A. Qualification for Designation. An area, neighborhood, or district may be designated as a Historic Area or Historic District; and any site, natural feature, structure, or building may be designated as a Landmark Site or Building of Historic Significance, if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of Boulder City, the State of Nevada, or the Nation; and if it falls into one or more of the following categories:
 - 1. Historical Significance
 - a. It is the location of, or is associated in a significant way with, a historic event which had a significant effect upon the City, State, or Nation; or,
 - b. It is associated in a significant way with the life of a person important in the history of the City, State, or Nation; or,
 - c. It is associated in a significant way with an important aspect of the cultural, political, or economic heritage of the community, City, State or Nation.
 - 2. Architectural Significance
 - a. It embodies the distinctive visible characteristics of an architectural style, period, or a method of construction; or,
 - b. It is an outstanding work of a designer or builder; or,
 - c. It contains elements of extraordinary or unusual architectural or structural design, detail, use of materials, or craftsmanship; or,
 - d. It portrays the environment of a group of people in an era of history characterized by a distinctive architectural style.
 - 3. Historic Area Significance. Because of its prominent location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of the City, and contributed to the distinctive quality or identity of the City.

B. Procedure for Designation.

1. Any person, group, or association may nominate a prospective area, district, site or building for formal designation and inclusion in the Boulder City Historic Registry.
2. The Historic Committee shall review the nomination and make recommendations to the City Council. Any nomination regarding the creation of a historic area or district shall also require a review and recommendation by the Planning Commission.
3. Prior to an action by the City Council, a public hearing shall be held, notice of which shall be mailed to owners of the property proposed to be so designated (at least five, but not more than fifteen days), prior to the date of the hearing.
4. Following a determination of formal designation by the City Council, notice of the determination shall be mailed to the owners of property affected by the designation, together with a copy of this chapter and any pertinent development guidelines. Such designation shall also be entered in the Boulder City Historic Registry.

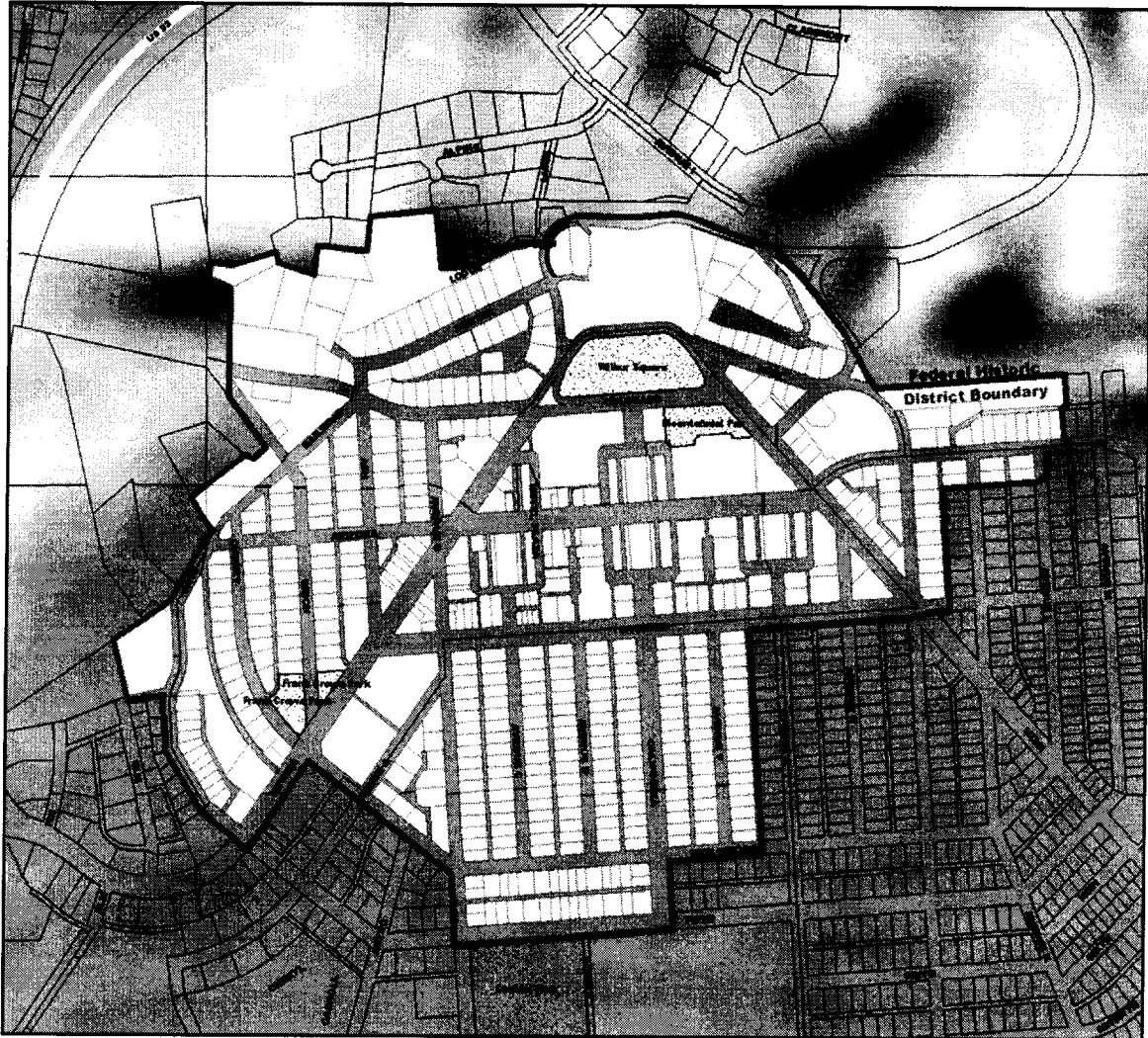
11-27-4 Description of Historic Resources

A. Historic Districts are relatively large areas which are generally distinguished by, but not limited to, a common development, heritage or cultural characteristic. Likely, they are synonymous with a particular neighborhood. A Historic District may contain one or more Historic Areas within its boundaries, and will likely contain several Landmark Sites and Buildings of Historic Significance. Those areas within Boulder City which have been designated as Historic Districts are as follows:

1. Boulder City Historic District

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

Map of Boulder City Historic District



- b. Purpose. The Boulder City Historic District encompasses the major part of the original townsite of Boulder City and contains a significant inventory of older and unique architectural styles. Lot and block sizes in this area are also characteristic of 1930's Nevada townsites, with Historic and other older dwellings which often do not conform to current development standards. The purpose of any Design Guidelines which may be adopted pertaining to the Boulder City Historic District is to:
1. Encourage the preservation of buildings and related structures of historic and architectural significance;
 2. Allow improvements to existing structures or new construction to be conducted without conflict and without eroding the scale and historic character of the neighborhood; and,
 3. Encourage the preservation and enhancement of entry ways into the Historic Boulder City Neighborhood through design and streetscape standards, where appropriate.

B. Historic Areas are generally smaller and more distinctive than Historic Districts. Historic Areas will likely contain several Landmark Sites and Buildings of Historic Significance. Those areas within Boulder City which have been designated as Historic Areas are as follows:

1. -- No Historic Areas are currently designated --

C. Landmark Sites and Buildings of Historic Significance are distinctive individual sites. Designated sites and buildings are as listed in the Boulder City Historic Registry.

11-27-5 Historic Development Guidelines

A. Establishment of Guidelines. Guidelines for exterior design criteria may be developed by the Historic Committee, and shall be reviewed for recommendation and forwarded by the Planning Commission to the City Council for adoption. The purpose of guidelines would be to aid applicants in formulating plans for development or redevelopment relating to designated Historic Resources.

B. Application of Guidelines. The guidelines may apply to the following instances:

1. All rehabilitation, restoration, or reconstruction of, or addition to, the exterior of any building or improvement which constitutes all or part of a Historic Area, Historic District, Landmark Site or a Building of Historic Significance;
2. A demolition or relocation of any improvement which is all or part of a building within a Historic Area, Historic District, Landmark Site or a Building of Historic Significance;
3. New construction within a Historic Area or District, upon any Landmark Site or on the property associated with a Building of Historic Significance;
4. Any signs placed on any building within a Historic Area or District, upon any Landmark Site, or on the property associated with any Building of Historic Significance;
5. Any fences, walls, and major landscaping elements within a Historic Area or District, on a Landmark Site, or on the property associated with a Building of Historic Significance.

C. Compliance with Guidelines. Compliance with the adopted guidelines by any property owner shall be voluntary. However, proposed demolition or rehabilitation of affected structures may be delayed as per the provisions of this Chapter.

11-27-6 Demolition of Designated Historic Resources

A. When any application is made for a demolition permit for a building, or part of a building, within a Historic Area or District, or for a Building of Historical Significance, the Community Development Department shall delay approval of the demolition for a period of up to 45 days, in order to:

1. Make a historical record, both written (history, floor plans and elevations) and photographic, of the structure and site.
2. Review the condition of the building to determine the impact of the demolition to the neighborhood, and the technical feasibility of preservation of the structure.

3. Allow the Historic Committee to consider and make recommendations regarding the application.
4. Make the owner aware of economic incentives available to rehabilitate historic resources.
5. Encourage the property owner not to demolish the building until an attempt can be made to locate either suitable tenants to make the building economically viable again or to find a purchaser who is willing to acquire and rehabilitate the structure.

11-27-7 Renovation/Rehabilitation of Designated Historic Resources

- A. When any application is made for a renovation or rehabilitation permit for a building, or part of a building, within a Historic Area or District, or for a Building of Historical Significance, for which Historic Development Guidelines have been adopted pursuant to this Chapter, the Community Development Department shall delay approval of the renovation or rehabilitation for a period of up to 45 days. Said delay shall only be relative to any proposed renovation or rehabilitation which requires a building permit from the City, and which does not conform to the intent of the adopted guidelines, in order to:
 1. Make a historical record, both written (history, floor plans and elevations) and photographic, of the structure and site.
 2. Review the condition of the building to determine the impact of the renovation/rehabilitation to the neighborhood, and the technical feasibility of preservation of the structure.
 3. Allow the Historic Committee to consider and make recommendations regarding the application.
 4. Make the owner aware of economic incentives available to rehabilitate historic resources.

Affidavit Of Publication

The Home News, Community Newspapers of Nevada

2360 Corporate Circle, 3rd Floor
Henderson, NV 89074

Account Number

762

Ad Number

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PO Number

1558

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

COBC - City Clerk's Office
P.O. Box 61350
Boulder City, NV 89005

Julie Starr, being first duly sworn, deposes and says:
That she is Clerk of the Classifieds, a weekly newspaper of
general circulation.

Printed in Las Vegas, Nevada, and published in Henderson,
Nevada in the County of Clark, State of Nevada, and that the
attached was continuously
Published in said newspaper for a period of 1 time(s).
From 10/30/2008 to 10/30/2008 inclusive, being the issues of
said newspaper for the following date(s) to wit:

10/30/2008

That said newspaper was regularly issued and circulated on each
of the dates above named.

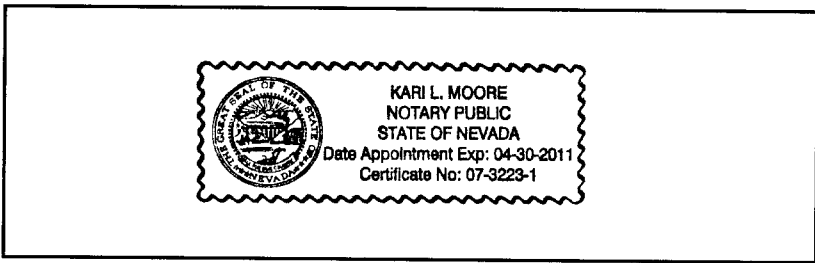
Signed Julie Starr

Sworn to and subscribed before me this
30 day of October, 2008

Notary Public in and for
Clark County, Nevada

Kari Moore
Kari Moore

My commission expires 4/30/11



ATTACH

NOTICE OF FILING

Notice is hereby given that Bill No. 1558 a proposed ordinance titled, "ORDINANCE OF THE CITY OF BOULDER CITY TO REPEAL AND REPLACE TITLE 11, CHAPTER 27 OF THE CITY CODE, HISTORIC RESOURCES, BASED ON A RECOMMENDATION FROM THE HISTORIC PRESERVATION COMMITTEE (AM-08-279)* was introduced by Council Member Pacini; and that a copy of such ordinance was filed with the City Clerk on the 28th day of October, 2008 for public examination.

Notice is hereby further given that action on the proposed ordinance, or the ordinance as amended, will be taken at a regular meeting of the City Council of Boulder City, Nevada, on the 12th day of November, 2008, at the Council Chambers, City Hall, Boulder City, Nevada.

Dated this 28th day of October 2008.
/s/ Pamela A. Malmstrom
Pamella A. Malmstrom, City Clerk
BC - October 30, 2008

HERE

PUBLIC NOTICE
ORDINANCE NO.1369
AN ORDINANCE OF THE CITY OF BOULDER CITY, NEVADA

"AN ORDINANCE OF THE CITY OF BOULDER CITY TO
REPEAL AND REPLACE TITLE 11, CHAPTER 27 OF
THE CITY CODE, HISTORIC RESOURCES, BASED ON
A RECOMMENDATION FROM THE HISTORIC
PRESERVATION COMMITTEE (AM-08-279)"

On October 28, 2008, Bill No. 1558 was introduced by Council member Pacini and read by title. On November 12, 2008, Bill No. 1558 was considered by the City Council and adopted as Ordinance No. 1369.

PUBLIC NOTICE is hereby given that a complete copy of the ordinance is available for inspection by all interested parties in the office of the City Clerk, City Hall, 401 California Avenue, Boulder City, Nevada. The ordinance will become effective December 4, 2008. Motion to adopt the ordinance was made by Council member Strickland; seconded by Council member Chandler; and approved by the following vote:

YEA: Chandler, Strickland, Tobler
NAY: None
ABSENT: Anderson, Pacini

/s/ Pamela A. Malmstrom
City Clerk

LVRJ 11/14/2008

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, being 1st duly sworn, deposes and says: That she is the 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 attached for,

BOULDER CITY CLERK 2939208BOU 4701146

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/14/2008 to 11/14/2008, on the following days:

11/14/2008

PUBLIC NOTICE
ORDINANCE NO.1369
AN ORDINANCE OF THE
CITY OF BOULDER CITY,
NEVADA

"AN ORDINANCE OF THE CITY OF BOULDER CITY TO REPEAL AND REPLACE TITLE 11, CHAPTER 27 OF THE CITY CODE, HISTORIC RESOURCES, BASED ON A RECOMMENDATION FROM THE HISTORIC PRESERVATION COMMITTEE (AM-08-279)"

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YEA: Chandler, Strickland, Tobler
NAY: None
ABSENT: Anderson, Pacini

/s/Pamella A. Malmstrom
City Clerk
PUB: November 14, 2008
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
14th day of November, 2008.

Linda Espinoza
Notary Public

