

Ordinance 2023-1620

SUMMARY

Ordinance 2023-1620, an ordinance amending Chapter 2.28 of the Douglas County Code, relative to the Genoa Historic District Commission, and Chapter 20.680 of the Douglas County Code, relative to the Genoa Historic (GH) Overlay District. The changes arise out of recommendations made by the Genoa Historic District Commission. The changes include, but are not limited to: (1) reorganizing the location of certain provisions to make the chapters easier to read and comprehend; (2) codifying the standards used by the Genoa Historic District Commission to evaluate project applications and issue Certificates of Appropriateness; and (3) revising the process used by property owners to submit project applications.

TITLE

Ordinance 2023-1620, an ordinance amending Chapter 2.28 of the Douglas County Code, relative to the Genoa Historic District Commission, and Chapter 20.680 of the Douglas County Code, relative to the Genoa Historic (GH) Overlay District.

SECTION I: CHAPTER 2.28 of the Douglas County Code is hereby amended as follows, with new language shown underlined and deleted language shown with a ~~strikethrough~~:

2.28.010 - ~~Established—Membership~~ Establishment and Membership.

There is established in Genoa a ~~Historic District Commission~~ ("Commission"), the members of which shall be five members appointed by the ~~Board of County Commissioners~~ ("Board"). The ~~Board~~ must choose persons qualified to serve on the ~~historic district Commission~~ and fulfill its purpose stated in chapter 20.680.

A. All members shall serve without compensation. Members are, in order of preference, to be residents of the Town of Genoa or zone 1, residents of zone 2, or residents of zone 3. The map showing the zones shall be kept on file with the Genoa Town Board and the Douglas County Department of Community Development.

B. At least one member ~~shall~~ should be experienced in building construction.

C. One member should be an architect, designer or engineer.

D. One member should be a person actively involved in a state or local historical society or group.

E. The characteristics listed in subsections (B), (C) and (D) above, should not be vested in the same individual.

F. In the event that no person qualified to serve on the ~~Commission~~ is available who also fulfills the conditions set forth in subsections (A), (B), (C), and (D) of this section the ~~Board of Commissioners~~ shall appoint a member at their discretion.

The ~~Board of county commissioners~~ shall appoint any member not a member of the town board for a term of two years and may reappoint any such member to a subsequent term of two years. Any vacancy occurring during any member's term shall be filled by the ~~Board of county commissioners~~. A person appointed to fill a vacancy occurring during a term shall serve out the unexpired term of the member replaced. Upon the expiration of the terms of members serving on the eCommission on the effective date of this ordinance, the ~~Board~~ shall set the appointed members' terms so as to provide for the terms of two of the appointed member's terms ending on December 31 on even-numbered years and ~~two-three~~ of the appointed member's terms ending on December 31 of odd-numbered years.

(Ord. 696, § 1, 1995; Ord. 505, 1989, Ord. 427 § 1, 1984; Ord. 212 § 4, 1974)

2.28.020 — ~~Chairman and Vice-Chair—Election and~~ Duties.

A. The eCommission shall elect from its membership a ~~chairman~~ and vice-~~chairman~~.

B. Duties of the chairman shall be to preside at meetings and be the signatory of any correspondence necessitated by operation of the eCommission.

~~B-C.~~ Duties of the vice-chair shall be to assume the duties of the chair in the chair's absence.

(Ord. 212 § 5(a), (b), 1974)

2.28.030 — Adoption of Rules and ~~Regulations-adoption~~.

The eCommission may adopt rules, ~~and regulations, and standards~~ regarding procedures consistent with ~~this chapter and chapters 20.680 and 20.658 of the Douglas County Code~~ and shall submit the rules, ~~and regulations, and standards~~ to the ~~Board of commissioners~~ for its approval. The eCommission may employ clerical and technical assistance within the constraints of its budgeted funds, if any.

(Ord. 945, 2000; Ord. 696, § 2, 1995; Ord. 505, 1989; Ord. 212 § 5(c), 1974)

2.28.040 - Quorum.

Three members of the eCommission shall constitute a quorum, and it shall be necessary for the concurrence of a majority of all members present to vote on any action the eCommission desires to take.

(Ord. 212 § 5(d), 1974)

2.28.050 - Meetings and —Hearings.

A.—The eCommission shall hold a public meeting ~~on a regular day~~ each month, unless there are no applications pending before the eCommission. Notice of the meetings shall be given in conformance with the provisions of NRS-Nevada Revised Statutes Chapter 241, Open Meeting Law. Each application must be submitted on a form approved by ~~the board of county commissioners~~ the Commission and must contain or be accompanied by the information specified in the form. Applications shall be processed pursuant to chapter 20.680 of the Douglas County Code.

~~B.—The chairman of the commission must notify the applicant in writing within ten working days after the application is submitted. If the chairman determines that the application is not complete and ready for hearing the notice must specifically state what items the applicant~~

should further submit to complete the application. Upon submission of these items, the chairman shall notify the applicant within five days that the application is complete and ready for hearing. The notice must also inform the applicant of the date, time and place of the public meeting of the commission at which the application will be heard.

C. The commission must act on the applicant's complete application within 60 days after the date of the written notice of a complete application is given to the applicant pursuant to subsection (B). The commission's failure to act on the applicant's complete application within 60 days means that the commission is deemed to have approved the application. The time limit prescribed in this subsection may only be extended by mutual consent of the applicant and the commission, and any extension may not exceed an additional 60 days beyond the original 60-day period.

(Ord. 945, 2000; Ord. 505, 1989; Ord. 212 § 5(e), 1974)

2.28.060 - Commission ~~a~~Actions.

A. ~~The eCommission shall be responsible for the review of project applications within the Genoa Historic (GH) Overlay District ("District") and the issuance of Certificates of Appropriateness. The Commission's review is limited to exterior architectural features shown on the applicant's project application only. If the exterior architectural features submitted by the applicant are not consistent with an architectural style recognized by the commission as being used historically in the district or if the combination of exterior architectural features are inconsistent with the applicant's proposed project, the commission may recommend disapproval of the applicant's proposed project because of the architectural style or combination of exterior architectural features do not substantially achieve preservation, maintenance, protection and rehabilitation of the publicly visible architectural style of structures in the district. If the exterior architectural features submitted by the applicant are consistent with an architectural style recognized by the commission as being used historically in the district and the applicant's combination of exterior architectural features are consistent with the applicant's proposed project, the commission must recommend approval of the applicant's proposed project because the project preserves, maintains, protects or rehabilitates the publicly visible architectural style of structures in the district.~~

B. Exterior architectural features means are the outside design and style parts of the structure which are subject to view from a public street or place. Exterior architectural features include, but are not limited to, fencing, projections, recesses, eaves, ~~and~~ roof overhangs, roof plane, trim detail, wall and window treatment, siding material, building and structure color, and the use and design placement of signage and display advertising. Exterior architectural features does not include interior plans, building features not subject to view from a public street or place, and matters addressed by county planning and zoning regulations outside of the provisions of this chapter, including but not limited to county zoning, building, electrical, plumbing, fire or safety codes and the county's review procedures conducted pursuant to these other regulations and codes.

(Ord. 945, 2000.)

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SECTION II: CHAPTER 20.680 of the Douglas County Code is hereby amended as follows, with new language shown underlined and deleted language shown with a ~~strike through~~:

20.680.010 - (GH) Purpose.

The purposes of ~~these regulations~~this chapter ~~are~~is to create the Genoa Historic (GH) Overlay District ("District") and set forth the duties of the Genoa Historic District Commission ("Commission") in order to promote the general welfare of the inhabitants of Genoa, Douglas County, Nevada, through the preservation and protection of historic buildings and places of historic interest, many of which are not only of local, but of state and national significance, through development of an appropriate setting for these buildings, places and districts; through the stabilization and improvement of property values; through the promotion and use of this historic areas for the education, pleasure, and welfare of the people; through fostering civic beauty and pride in heritage of Nevada's oldest town; and through providing for objective criteria whereby the ~~historic~~ District and structures therein ~~might~~may obtain grants, tax relief, ~~low interest loans and other recognition and funding or tax credits if available and desired.~~ These regulations are adopted pursuant to Nevada Revised Statutes Chapter 384.

(Ord. 763, 1996; Ord. 212, 1974)

20.680.020 - (GH) Applicability.

The ~~Genoa Historic (GH) overlay district~~District is created as a combining overlay classification to be superimposed on lands within the defined "Genoa ~~H~~Historic ~~D~~District," the boundaries of which are shown on the Hawkins Map of 1874 and the official zoning map of Douglas County. Notwithstanding anything in this chapter to the contrary, this chapter shall apply to the erection, reconstruction, alteration or restoration of property presently or in the future zoned for non-residential use in the ~~D~~District. This chapter shall not apply to routine maintenance unless a property owner is significantly changing the general appearance, materials, color, or character of the item or building being repaired.

(Ord. 763, 1996; Ord. 212, 1974)

20.680.030 - (GH) Commission.

The ~~Genoa historic~~ Commission, hereinafter referred to in this chapter as "the commission," was formed pursuant to Title 2 of the Douglas County Code and shall be responsible for the approval of project applications issuance of certificates of appropriateness within the ~~D~~District and the issuance of Certificates of Appropriateness.

(Ord. 763, 1996; Ord. 212, 1974)

20.680.035 - Project Applications.

Any proposed project to erect, construct, alter, remodel, restore, reconstruct, renovate, rehabilitate, demolish, move, remove or change the exterior appearance of a building or structure, excluding routine maintenance; or to place any signage, fencing, or lighting; or which otherwise affects the exterior architectural features that characterize a property and its environment, shall not be started on property zoned for non-residential use in the District until after a project application has been submitted to the Commission and to the Douglas County

Department of Community Development, and the Commission has issued a Certificate of Appropriateness, as provided in this chapter. An owner shall not apply to the County for a permit within the District for the purpose of erecting, reconstructing, altering, or restoring a structure, and such permits shall not be issued, unless and until the Commission has approved the project application and issued a Certificate of Appropriateness.

20.680.040 - (GH) Processing procedures.

No owner shall apply to the county for a zoning permit or building permit within the district for the purpose of erecting, reconstructing, altering or restoring a structure unless and until the Genoa historic commission has approved the exterior architectural features which are subject to public view from a public street, way or place and issued a certificate of appropriateness.

Upon receipt of a project application described in section 20.680.035, the Director must review the application and notify the applicant of the following:

A. The date, time, and place of the public meeting of the Commission at which the application will be heard, if the application is complete; or

B. The items the applicant should further submit to complete the application, if the Director determines that the application is not complete. Once the applicant has further submitted the requested items, the Director shall notify the applicant that the application is complete and ready for hearing and shall notify the applicant of the date, time, and place of the public meeting of the Commission at which the project application will be heard.

(Ord. 763, 1996; Ord. 212, 1974)

20.680.050 - (GH) Submittal ~~r~~Requirements.

Each project application must be submitted on a form approved by the Commission and must contain or be accompanied by the information specified in the form. Applicants requesting approval of the Genoa historic commission shall, at minimum, submit an application form provided by the historic commission with all required submittal materials, including, Such information includes, but is not limited to, site plans, elevations and other information deemed necessary by the eCommission to determine the appropriateness of the exterior features to be passed upon must be made available to the commission by the applicant. Note that tThe historic district eCommission will not consider those detailed designs, interior arrangements, or building features not subject to public view. The Genoa historic eCommission will not make any recommendations or impose any requirements except to fulfill the purpose for of this chapter the purpose of preventing developments obviously incongruous to the historic aspects of the surroundings and the district.

(Ord. 763, 1996; Ord. 212, 1974)

20.680.060 - (GH) Failure to take a Commission Action.

A. The Commission must hold a public meeting on the applicant's completed application within 60 days after the completed application is submitted.

B. At the public meeting, the Commission shall determine whether to issue a Certificate of Appropriateness. In determining whether to issue a Certificate of Appropriateness, the Commission shall use the following criteria:

1. The effect of the project upon the general historic and architectural nature of the subject building and the District;

2. The appropriateness of exterior architectural features which can be seen from a public street, public alley, or public right-of-way;

3. The general design, arrangement, texture, material, color, and size of the exterior architectural features involved and the relationship thereof to the exterior architectural features of other buildings in the District; and

4. The relationship of the exterior architectural features to well recognized styles of early western architecture of the late 19th and early 20th centuries.

C. In determining whether to issue a Certificate of Appropriateness, the Commission may also consider the following guidelines:

1. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;

2. The pamphlet of examples adopted by the Commission pursuant to section 20.680.200; and

3. The Douglas County Design Criteria and Improvement Standards.

D. The Commission shall state on the record the reasons for issuing or not issuing a Certificate of Appropriateness, and the Commission may include recommendations regarding the proposed project.

E. If the Commission fails to act on the applicant's completed application within 60 days, the application is deemed to be approved and a Certificate of Appropriateness is deemed issued. The time limit prescribed in this section may only be extended by mutual consent of the applicant and the Commission, and any extension may not exceed an additional 60 days beyond the original 60-day period.

~~If the Genoa historic commission fails to take final action on an application within 60 days after discussion at a regular historic commission meeting, the application is deemed to be approved except where mutual agreement has been reached for an extension of the time limit.~~

(Ord. 763, 1996; Ord. 212, 1974)

20.680.070 - (GH) Variance.

When strict adherence to this chapter would work a substantial hardship on an applicant, the Commission, in the same manner as issuing a Certificate of Appropriateness, may grant a variance if the variance remains in harmony with the general purpose and intent of this chapter so that the general character of the historic District is ~~conserved~~ preserved and substantial justice done. In granting the variance, the Commission may impose reasonable and additional conditions to fulfill the purposes of this chapter.

(Ord. 763, 1996; Ord. 212, 1974)

20.680.080 - (GH) Routine Maintenance ~~Repair~~, and Correction of Unsafe Conditions ~~safety~~.

A. Ordinary Routine maintenance or repair which does not involve a change of design, material or outward appearance of a structure may be undertaken without first obtaining a Certificate of Appropriateness. ~~of~~

~~A.B. _____ where the Changes to involves any portion of the a building or structure which are required by a building engineer or inspector, or by the county engineer, certifies as required because of an unsafe or dangerous condition, may be undertaken without the issuance of first obtaining a Certificate of Appropriateness.~~

~~(Ord. 763, 1996; Ord. 212, 1974)~~

20.680.090 - (GH) Change of land use or zoning.

~~A copy of all applications of master plan amendments or zone changes within the District must be forwarded to the Genoa historic Commission for its recommendations to the Planning Commission. Any recommendations must be received made by the Commission no later than the time scheduled for the public hearing on any of the aforementioned matters.~~

~~(Ord. 763, 1996; Ord. 212, 1974)~~

20.680.100 - (GH) Appeals.

~~Appeals of the decisions of the Genoa historic Commission shall be made to the Board of County Commissioners pursuant to chapter 20.12.~~

~~(Ord. 763, 1996; Ord. 212, 1974)~~

20.680.110 - (GH) Signs.

A. No sign shall be installed, constructed, altered, relocated, removed, replaced, or otherwise changed without first obtaining a Certificate of Appropriateness as provided in this chapter, including those signs which are generally exempt from regulation pursuant to section 20.696.100, subsections (B), (C), (E), (N), (DD), and (FF) of the Douglas County Code.

B. All signs must have an appearance, color, size, font, position, method of attachment, texture of materials, and design in keeping with the character of the District and the architecture of buildings to which the signs direct attention. Signs shall be further limited as follows:

1. Signs which direct attention to any building or structure shall be placed only on the parcel where the building or structure is located.

2. Business signs are limited to one sign for each business within a building on each side of the building that fronts a public right-of-way.

3. If a building houses numerous tenants or businesses, the signs associated with each tenant or business must have a common theme in terms of appearance, color, size, font, position, method of attachment, texture of materials, and design.

4. If a sign is attached to a building, the sign must be integrated into the building and fit within and not detract from or obscure architectural elements of the building's façade.

5. Freestanding signs must compliment the building or structure to which the sign directs attention. Freestanding signs must be at eye level of passing motorists, and must not extend above the façade of any adjacent buildings.

6. Signs which flash, blink, revolve, or are otherwise in motion; signs with visible bulbs, gas-filled luminous tubes, luminous paints, or backlighting; and signs which are connected to audio equipment are not permitted.

7. Signs may be illuminated by remote light sources, provided that the light sources comply with the requirements of sections 20.680.120 and 20.690.030(M) of the Douglas County Code.

20.680.120 - (GH) Lighting.

A. No exterior light fixtures or exterior lighting shall be installed, altered, relocated, removed, replaced, or otherwise changed without first obtaining a Certificate of Appropriateness as provided in this chapter.

B. All exterior light fixtures or exterior lighting must have an appearance, color, size, position, method of attachment, texture of materials, and design in keeping with the character of the District. Exterior light fixtures and exterior lighting shall be further limited as follows:

1. All exterior lighting shall be shielded so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed away from adjoining properties and public rights-of-way.

2. Wall pack, flood, spot, shoe box, and other light fixtures which illuminate upwards or horizontally are not permitted.

3. If affixed to a building, fixture style and location must be compatible with the building's architecture, site design, and landscape design.

4. Light fixture style is to be consistent throughout a building and/or parcel.

20.680.130 - (GH) Fences.

A. No fence shall be installed, constructed, altered, relocated, replaced, or otherwise changed without first obtaining a Certificate of Appropriateness as provided in this chapter.

B. All fences must have an appearance, color, size, position, method of attachment, texture of materials, and design in keeping with the character of the District. Fences shall be further limited as follows:

1. Fences shall be limited to a maximum permitted height of six feet, or the maximum permitted heights set forth in section 20.690.030(F), whichever is lesser.

2. Fences made of chain link, corrugated metal, plywood, pallets, and barbed wire are not permitted.

20.680.140 - (GH) Color.

A. The color of any building, sign, light fixture, or fence subject to the requirements of this chapter shall not be altered or changed without first obtaining a Certificate of Appropriateness as provided in this chapter.

B. The colors of buildings, signs, light fixtures, or fences must have an appearance in keeping with the character of the District.

20.680.200 - (GH) Pamphlet of Examples.

A. The Commission shall prepare an informational pamphlet showing examples of signs, lighting, fences, colors, and other exterior architectural features that meet the requirements of this section. The examples will not constitute an exhaustive or complete list of approved designs and are meant to serve as a guide only.

