

CHAPTER 165
Landmarks Commission

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CROSS REFERENCES
Landmarks Commission- see CHTR. Art. VII, Sec. 5

165.01 PURPOSE.

Council hereby declares as a matter of public policy that the preservation, protection, perpetuation and use of sites, buildings, districts, structures, works of art and other objects having a special historical, educational, community or aesthetic interest is a public necessity and is in the interest of the prosperity, safety and welfare of the people. The purpose of this chapter is to:

- (a) Designate, preserve, protect, enhance and perpetuate those structures and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;
- (b) Foster civic pride in the beauty and accomplishments of the past;
- (c) Stabilize or improve the aesthetic and economic vitality and values of such structures and districts;
- (d) Protect and enhance the City's attraction to tourists and visitors;
- (e) Promote the use of outstanding historical or architectural structures or districts for the education, stimulation and welfare of the people of the City;
- (f) Promote good urban design including the perpetuation of related private open spaces; and
- (g) Promote and encourage continued private ownership and utilization of such buildings and other structures now so owned and used, to the extent that the objectives listed above can be attained under such a policy.

It is the sense of the Council that the economic, cultural and aesthetic standing of this City cannot be maintained or enhanced by disregarding the historical, architectural and geographic heritage of the City and by continuing to ignore the destruction or defacement of such cultural assets.

165.02 DEFINITIONS.

- (a) "Alter" or "alteration" means any change in the external architectural features of any building or structure. These terms include restoration, reconstruction, construction of additions and demolition.
- (b) "Architectural features" means the architectural style and visual arrangement of the exterior of a building or structure, including but not being limited to the type,

color, and texture of materials, components, and finishes and including but not limited to all windows, doors, lights, signs, and other parts thereof.

- (c) "Form" means the geometric shape of the building components and their interaction to create a whole image.
- (d) "Maintenance" means repair or replacement of an existing product, finish or material without making any alteration.
- (e) "Massing" means the interaction of height, width, depth, and proportion, thus forming a visual image of size.
- (f) "Materials" means brick, wood, stone, metal, glass, etc., which can represent themselves or can be formed to represent another material; e.g., vinyl siding is typically formed to reference wood clapboard.
- (g) "Preservation" means the process of sustaining, restoring or reconstructing the form and extent of a landmark, building or other structure essentially as it now exists or as it existed in the past.
- (h) "Proportion" means the relationship in size, dimension, scale, etc. of the various elements of the building to themselves and the image as a whole.
- (i) "Reconstruction" means the process of rebuilding a replica of a certain building or facility no longer in existence.
- (j) "Rehabilitation" means the process of returning a property to a state of utility through repairs or alterations and keeping those portions of the property which have historical significance, properly preserved and restored.
- (k) "Restoration" means the process of accurately recovering the form and details of a property as it appeared at a particular period of time by removing later work and replacing missing original structures or appurtenances.
- (l) "Scale" means the perception of massing in relationship to various indicators such as people, adjoining buildings, the site environment as a whole. Scale is typically observed on many visual levels for the same building or structure.
- (m) "Structure" means anything constructed or erected, the use of which requires permanent location on the ground.
- (n) "Style" means the combination of elements and components in commonly recognized and accepted patterns. Examples of styles are Georgian, Federal, Greek Revival, Neoclassic, Italian Renaissance, etc.

165.03 DUTIES.

In addition to other duties specified elsewhere in this chapter, the Landmarks Commission shall have the following responsibilities and duties:

- (a) The Commission shall conduct a continuing survey of all sites, buildings, structures, works of art or similar objects in the City that are culturally, socially, economically, politically, architecturally, educationally or historically significant. The Commission shall establish programs for the recognition and promotion of these community assets.
- (b) The Commission shall work for the continuing education of the citizens of the City with respect to historical and architectural heritage of the City and the landmarks designated under the provisions of this chapter. It shall publish and keep current a register of all landmarks.
- (c) The Commission shall be authorized by Council to accept the services on a permanent or part-time basis, of technical experts or such other persons that may be required from time to time.
- (d) The Commission shall maintain archives for City records and other historical documents. The Commission shall have authority, to be exercised in accordance with procedural rules adopted by the City Records Commission, to review records that have been submitted by the Mayor, the Council, and the City's various departments, divisions, boards and commissions to the City Records Commission

and/or the Ohio Historical Society for disposal, and to retain in the City Archives any such records that it determines are of local historical interest or value.

- (e) The Commission shall render determinations with regard to the identification of landmarks, designation of Historic Districts and the issuance of Certificates of Appropriateness for the alteration or demolition of such structures.

165.04 AUTHORITY OF COMMISSION TO PROMULGATE RULES.

The Commission shall have the authority to adopt and enforce rules for the procedures to be followed by the Commission and any applicant or other person appearing before it. Said rules shall be consistent and not in conflict with the substantive and procedural provisions of this chapter.

165.05 DESIGNATION OF LANDMARKS.

(a) A building or other structure may be designated by the Commission as a landmark if the Commission determines, on the basis of the evidence before it, that the building or other structure meets two or more of the following criteria:

- (1) It has character, interest or value, as part of the development, heritage or cultural characteristics of the City, State or nation;
- (2) It is the site of a historic event with an effect upon society;
- (3) It is identified with a person or group of persons who had some influence on society; or
- (4) It exemplifies the cultural, political, economic, social or historic heritage of the community.

(b) The Commission shall designate buildings or other structures as landmarks using the following procedure:

- (1) A nomination for landmark designation may be made by the Commission members, the owner or any resident of the City. The nomination shall include a photograph, rationale and historical data.
- (2) After receiving the nomination, the Commission shall vote to accept or reject the nomination for study and evaluation.
- (3) The Chair of the Commission shall appoint member(s) to prepare a documented report on the nominee including a history, property description, site map, photograph(s) and eventual placement of the plaque.
- (4) The complete report shall be presented to the Commission.
- (5) The Commission shall notify the owner of record of the property of the nomination and of the owner's right to appear at a meeting to support or contest the proposed landmark designation of the property.
- (6) The Commission shall, at a public meeting, receive evidentiary input from the owner on the issue of whether the owner's property should be designated as a landmark, thereby subjecting it to the regulations of this chapter.
- (7) The Commission shall request the Planning and Design Commission provide a written statement concerning its recommendation as it relates to the master plan of the City.
- (8) The Commission shall submit to Council its complete report on the nomination, including its recommendations, the Planning and Design Commission's statement, and the owner's input.
- (9) After review of the Commission's report, the statement of the Planning and Design Commission, and the owner's input, at a public meeting, Council may designate by ordinance the nominated site as an official landmark of the City. If so approved, the Commission shall thereafter notify the Building Commissioner, the Planning and Design Commission and the owner of the designation of the property as a City landmark.

- (10) After the designation has been finalized, the Commission shall present to the owner, an official landmark plaque for the property.

(c) Following designation of any building or structure as a landmark, the Commission shall have, in addition to its duties imposed by other provisions of this chapter, the following duties and responsibilities regarding the designation:

- (1) The official landmark plaque shall remain the property of the City.
- (2) Council shall have the right to rescind the designation of an official landmark by ordinance upon written application from the owner of a landmark site or the Commission.
- (3) If any approved landmark loses its appropriateness, due to non-approved changes or failure to meet the standards of this chapter, the Commission may, with the approval of the Council, direct the owner to remove the landmark plaque and return the plaque to the City, or, if the building or structure is not plaqued, then refuse to plaque it in the future as a historic landmark for reasons of inappropriateness. Such removal of plaque, or refusal to plaque, shall in no way affect the application of the provisions of this chapter to any building or structure in the City.

165.06 DESIGNATION OF HISTORIC DISTRICTS.

(a) Criteria for Historic Districts. The Landmarks Commission may designate any area within the City as a Historic District provided that at least fifty percent of the buildings and other structures within the area are at least seventy years old and the area meets at least one of the following criteria:

- (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the city, state or nation;
- (2) Its location as a site of a significant historic event;
- (3) Its identification with a person significant in our past;
- (4) Its exemplification of the cultural, economic or social heritage of the city, state or nation;
- (5) Its embodiment of distinguishing characteristics of a building type or architectural style;
- (6) Its identification as the work of an architect or master builder whose work has influenced the city, state or nation; or
- (7) Its potential to yield information important in prehistory or history (archaeology).

(b) Procedure for Designating New Historic Districts. Any action by the Commission designating an area as a new Historic District, shall be done in accordance with the following procedure:

- (1) A nomination for Historic District designation may be made by the Commission members, by property owners located in a proposed district, or by any resident of the City. The nomination shall include rationale and historical data.
- (2) After receiving the nomination, the Commission shall vote to accept or reject the nomination for study and evaluation.
- (3) The Chair of the Commission shall appoint member(s) to prepare a documented report on the nominated district including a history, site maps, and eventual placement of plaques.
- (4) The complete report shall be presented to the Commission.
- (5) The Commission shall notify all property owners in the proposed district of the nomination and the owners' right to appear at a meeting to support or contest the proposed Historic District designation.

- (6) The Commission shall, at a public meeting, receive evidentiary input from property owners on the issue of whether the proposed district should be designated as a Historic District, thereby subjecting it to the regulations of this chapter.
- (7) The Commission shall request the Planning and Design Commission to provide a written statement concerning its recommendation as it relates to the master plan of the City.
- (8) The Commission shall submit to Council its complete report on the nomination, including its recommendations, the Planning and Design Commission's statement, and the input of the property owners from the public meeting.
- (9) After review of the Commission's report, the statement of the Planning and Design Commission, and the property owners' input, Council may designate by ordinance the nominated district as an official City Historic District. If so approved, the Commission shall thereafter notify the Building Commissioner, the Planning and Design Commission and all property owners within the new Historic District, of the designation of the District.
- (10) Thereafter, the City shall place official Historic District plaques at appropriate locations of the public right-of-way near all entranceways to the new district and the Commission shall recognize the new district as a Historic District of the City subject to the provisions of this chapter.

(c) Procedure for Modifying Existing Districts. The Commission realizes the Historic District is not a static environment, but an ever changing and developing entity. From time to time, the Landmarks Commission may review changes in the Historic District that could add new qualifying properties or delete previously qualifying properties. The Landmarks Commission may alter the boundaries of any existing Historic District provided that at least fifty percent of the buildings and other structures within the new boundaries are at least seventy years old and the district has retained its historical significance. Any action by the Commission modifying the boundaries of an existing Historic District shall be done in accordance with the following procedure:

- (1) A recommendation for modification of an existing Historic District may be made by the Commission members, by property owners located in or adjacent to the district, or by any resident of the City. The recommendation shall include rationale and historical data.
- (2) After receiving the recommendation, the Commission shall vote to accept or reject the proposed modification for study and evaluation.
- (3) The Chair of the Commission shall appoint member(s) to prepare a documented report on the changes in and around the district including history, site maps, survey results and any other information pertinent to the recommendation.
- (4) The complete report shall be presented to the Commission.
- (5) The Commission shall notify all property owners of properties to be added or deleted from the district, of the owners' right to appear at a meeting to support or contest the proposed modified district boundaries.
- (6) The Commission shall, at a public meeting, receive evidentiary input from property owners on the issue of whether the proposed district should be modified.
- (7) The Commission shall submit to Council its report and recommendation for the modified boundaries along with the input of the property owners from the public meeting.
- (8) After review of the Commission's report and recommendation along with the input of property owners, Council may modify by ordinance the

boundaries of any existing City Historic District. If so approved, the Commission shall thereafter notify the Building Commissioner and any property owners impacted by the modification of the District.

- (9) Thereafter, the City shall review the placement of the official Historic District signage and make modifications as necessary to ensure they are properly located in the public right-of-way at all entranceways to the modified district.

165.07 CONSTRUCTION, DEMOLITION OR ALTERATION TO LANDMARKS OR PROPERTIES IN HISTORIC DISTRICTS.

(a) Review of Building Permit. An application made to the City for a building permit for any of the following acts shall be subject to the provisions of this chapter:

- (1) Exterior additions, alterations, reconstructions or demolitions of any improvement which constitutes all or part of a designated landmark.
- (2) Exterior additions, alterations, reconstructions or demolitions of any improvement which constitutes all or part of a building or structure which has not been designated as a landmark, but is located in a Historic District.
- (3) New construction or erection of any improvement on property which has not been designated as landmark, but is located upon land in a Historic District.

(b) Review by Landmarks Commission. No building permit for any of the activities set forth in subsection (a) above shall be issued except as provided otherwise in this chapter, or unless it is accompanied by a Certificate of Appropriateness issued by the Landmarks Commission. The Building Commissioner shall, within five days after receiving an application for a building permit which seeks authorization for any of the foregoing activities, direct the applicant to file an application for a Certificate of Appropriateness with the Landmarks Commission.

165.08 EXEMPTED BUILDING ACTIVITIES.

The provisions of this chapter shall not apply to:

- (a) The construction or placement of permitted accessory uses and structures as identified in Section 1135.02 that are located in the rear yard of residential property that are not visible from the public right-of-way;
- (b) The construction or placement of satellite dishes with diameters less than thirty-nine inches (except upon landmarks); and
- (c) Any activity which consists of or only constitutes a repair, maintenance or identical material replacement of a component of any building or other structure.

165.09 MAINTENANCE REQUIREMENTS.

(a) The owner of a landmark or structure located within a Historic District has the duty to provide sufficient maintenance and upkeep for such structures to ensure its perpetuation and to prevent its destruction by deterioration. Failure to comply with any Building and/or Exterior Property Maintenance Code, or citation arising from such violation, may constitute grounds for civil and/or criminal enforcement action. Owners and operators are prohibited from recklessly permitting such failure to comply or other visible neglect which, if not abated and corrected, would result in the imminent condemnation and demolition of any landmark or building located within a Historic District.

(b) No person shall cause or commence demolition of any designated landmark, or architectural feature thereof, or any building located within a Historic District (in whole or in part) prior to compliance with Section 165.12. Any such unlawful demolition shall be punishable by the criminal and civil penalties.

(c) In any case where the Building Commissioner, the Board of Health, the Fire Chief or any other duly authorized officer or agency of the City shall order or direct the construction, reconstruction, alteration, repair or demolition of any improvement to a landmark, or building or other structure located in a Historic District, for the purpose of remedying conditions determined by that department, agency or officer, to be imminently dangerous to life, health or property, nothing contained herein shall be construed as making it a violation of this chapter for any person to comply with such order or directive without receipt of a Certificate of Appropriateness from the Commission. Any such department, agency or officer shall give the Commission as early notice as practicable of the proposed or actual issuance of any such order or directive.

165.10 REVIEW PROCESS FOR CERTIFICATES OF APPROPRIATENESS.

(a) Application. Upon referral from the Building Commissioner or upon a request for pre-approval by any affected property owner, the Commission shall review any application for constructing, reconstructing, erecting, adding to, demolishing or otherwise altering the exterior of any landmark or property located in a Historic District. The applicant shall submit the Certificate of Appropriateness application and all required exhibits in a format and number specified by the City on the application form. The application shall include the required fees as determined by City Council. The Planning and Development Director shall review the application for completeness within ten days of submission. If the application is deemed complete, it shall be placed on the next available Landmarks Commission agenda. If the application is deemed incomplete, the applicant shall be informed of the outstanding submittal requirements that resulted in the determination, and the application will be held until all required documentation has been provided.

(b) Public Meeting. The Commission shall review and make determinations on applications for Certificates of Appropriateness at public meetings. Written notice of such public meetings shall be sent to the owner of the property and to the applicant (if different from the owner), giving the date, time, place and subject of the public meeting, not less than five days prior to the meeting. In addition, a sign indicating the proposed action and the date, time and place of the meeting shall be posted by the owner or applicant on the property being considered not less than five days prior to the meeting. Such signs shall be on a form provided by the Commission and shall be prominently displayed and easily readable from abutting public streets.

(c) Determinations of Commission. The findings, reports, recommendations and other determinations of the Commission shall be based upon consideration of specified design guidelines, presented plans, public testimony and related findings of fact. The Commission shall consider evidence on the record, and render its determinations based on a preponderance of substantial, reliable and probative evidence. Notification of all Commission determinations shall be made in writing to the applicant, to such other persons who have in writing requested notification of Commission determinations and to the Building Commissioner within five days after the determination.

(d) Delay. Any time limits set forth in this chapter for meetings may be extended by mutual consent of the Commission and the applicant, or unilaterally by the Commission as a result of delay attributable to the applicant. Such extensions shall either be in writing or shall otherwise affirmatively appear in the records of the Commission's proceedings.

(e) Expiration. Once a Certificate of Appropriateness has been granted, all related permits must be obtained and construction commenced within one year of issuance, otherwise the Certificate of Appropriateness shall expire and be revoked.

165.11 DETERMINATIONS OF APPROPRIATENESS FOR CONSTRUCTION AND ALTERATIONS.

(a) Criteria for Determining Appropriateness of Proposed Work. In determining the compatibility and impact of work as proposed in an application, the Commission shall consider only the following:

- (1) All plans, drawings and photographs as may be submitted by the applicant, City officials, or others;
- (2) Information presented at a public meeting held concerning the proposed work;
- (3) The purpose of this chapter;
- (4) The criteria used in the original designation of the district in which the property under consideration is situated;
- (5) The historical and architectural style, the general design, arrangement, texture, materials and color of the building or structure in question or its appurtenant fixtures; the relationship of such features to similar features of the other buildings within the district and the position of the building, structure, park or open space in relation to public rights-of-way and to other buildings and structures in the district;
- (6) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district which cause it to possess a special character or special historical or aesthetic interest or value;
- (7) Design guidelines and other criteria as referenced in Section 165.14 which are relevant to the proposed work; and
- (8) Whether denial of the permit will involve substantial economic hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this chapter. In determining whether the property owner has demonstrated substantial economic hardship, the Commission shall consider all of the following factors:
 - A. Will the property owner be deprived of all economically viable use of the property without approval of a Certificate of Appropriateness;
 - B. Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness;
 - C. Whether the economic hardship was created or exacerbated by the property owner;
 - D. The property's current level of economic return;
 - E. Any listed price of the property for sale or rent;
 - F. Offers received, if any, within the previous two years, including relevant documents;
 - G. The feasibility of alternative uses for the property that could earn a reasonable economic return;
 - H. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
 - I. Knowledge of landmark designation or potential designation at time of acquisition; and
 - J. Economic incentives and/or funding available to the applicant through federal, state, city or private programs.

(b) Approval of Acceptable Proposed Work. If the Commission finds that the proposed work is of a nature which will not adversely affect or destroy any exterior architectural feature of the landmark or property located in a Historic District and is appropriate or consistent with the spirit and purposes of this chapter, it shall issue a Certificate of Appropriateness and this Certificate shall be sufficient for the applicant of a building permit to meet the requirements of Section 165.07(b). Upon receiving the Commission's Certificate of Appropriateness, the

Building Commissioner shall proceed with the review of the application for a building permit in accordance with all other applicable laws of the City. No substantial change shall be made in any application for a building permit recommended for approval by the Commission without resubmittal to the Commission, and recommended approval of such changes in the same manner as was required for the original application.

(c) Finding of Unacceptable Proposed Work. If the proposed work is found not acceptable, the Commission shall so advise the applicant and the Building Commissioner in writing as soon as practicable, but in no event longer than 45 days after receiving the complete Certificate of Appropriateness application. If no written report is made and transmitted by the Commission within 45 days, and the Building Commissioner is not notified that this period has been extended for a reasonable period of time by the Commission as a result of applicant delay or with the consent of the applicant, the application for the building permit shall be processed by the Building Commissioner as if a Certificate of Appropriateness had been issued, provided that no substantial change is made in the application.

165.12 DETERMINATIONS OF APPROPRIATENESS FOR DEMOLITION.

(a) Demolition Criteria. No person shall demolish any structure or architectural feature of a landmark or on a building located within a Historic District until the Commission has reviewed an application for a Certificate of Appropriateness. Such application shall contain a written statement that addresses the reasons for demolition, including any claim that such structure or architectural feature is not historically or architecturally significant or otherwise worthy of preservation. If seeking to demolish an entire structure or major portion thereof, the applicant shall also submit, as applicable, development plans for reuse of the site, evidence of commitment for funding of the new project, a timeframe for project initiation and completion and an assessment of the effect such plans will have on the character and integrity of the property or district.

Applications for demolition will be reviewed based on the overall impact the demolition will have on the Historic District and the community. The Commission encourages the preservation and economically productive use of buildings significant to the character of the District and history of the City. Demolition of any building or structure which would detract from the Historic District or result in a loss of historically significant qualities will be strongly discouraged. The Commission shall be guided in its decision thereon by balancing the historic, architectural and cultural value of the structure or architectural feature and the purposes of this chapter and against applicant's proof of any unusual and compelling circumstances or substantial economic hardship in retaining the structure or architectural feature as well as the merit of the replacement project.

(b) Standards for Demolition. Demolition of existing buildings which are not a significant loss to the Historic District to allow for the construction of new buildings which enhance the District is acceptable and may be encouraged by the Commission. If the Commission finds the proposed action will have no detrimental effect on the continued historic architectural character of the area and is in keeping with the intent and purposes of this chapter, the application shall be approved.

- (1) Economic Hardship. The Commission shall evaluate a demolition application based upon substantial economic hardship based upon the applicant's proof that:
 - A. Denial of a certificate will result in a substantial reduction in the economic value of the property;
 - B. Denial of a certificate will result in a substantial economic burden on the owner because they cannot reasonably maintain the property in its current form;

- C. No reasonable alternative exists consistent with the architectural standards and guidelines for the property; and
- D. The owner has been unable to sell or lease the property.

- (2) Unusual and Compelling Circumstances. The Commission shall evaluate a demolition application based upon unusual and compelling circumstances based upon the applicant's proof of the following:
 - A. The property has little or no historical or architectural significance;
 - B. The property cannot be reasonably maintained in a manner consistent with the pertinent architectural standards and guidelines; and
 - C. No reasonable means of saving the property from deterioration, demolition or collapse other than applicant's proposal exists.
 - D. Additionally, for a nonprofit-organization applicant, it is not feasible to financially or physically achieve its charitable purposes while conforming to the pertinent architectural standards and guidelines.

(c) Stay of Demolition. If the Commission finds demolition or removal will have detrimental effects on the landmark or Historic District or upon the City in general, approval may not be given for a period of up to six months. During this period, the Commission shall review the following issues with the applicant:

- (1) Alternative uses for the building or structure, including consultation with civic groups and public agencies;
- (2) Condition of the building, including requests for building and fire code review;
- (3) Potential return on investment by rehabilitation and use of the building on the existing site, including review of applicant's development plans;
- (4) Efforts by owners to secure profitable new owners or lessees for the building, including applicant's real estate listing;
- (5) Impact of demolition or removal on adjoining structures and the integrity of the area as a whole, including proposed new structures on the vacated site;
- (6) Evaluation of relocating landmark and/or buildings within the Historic District, in lieu of demolition, including review of costs and resources; and
- (7) Consideration by the City of North Olmsted or any other public or private body to either purchase or lease the building or structure.

At the end of the six month period, or any extension mutually agreed upon by the City and the owner, the applicant may require the Commission to render a determination on the evidence presented to prove substantial economic hardship or unusual and compelling circumstances. Prior to its determination, the Commission shall consider additional evidence, including review of issues addressed in Sections 165.12(c)(1) – (7).

165.13 MINOR CHANGES.

(a) Applicability. Minor change shall mean and refer to any proposed alteration, rehabilitation, restoration, construction or other improvement of any designated landmark or any other building located within the Historic District which would, but for the procedure herein, be subject to full and formal meeting requirements to obtain a Certificate of Appropriateness, and which proposal may be expedited for review by the Landmarks Commission due to its consistency with the overall public purpose of this chapter and, upon the opinion of the Planning and Development Director, that the proposal is limited in scope and in scale relative to the Commission's adopted design guidelines, or in the opinion of the Planning and Development

Director, the proposal is of sufficient urgency to be considered for expedited review herein. Minor changes shall include, but are not limited to, the following:

- (1) The construction or placement of permitted accessory uses and structures as identified in Section 1135.02 that are located in the rear yard of residential property that are visible from the public right-of-way; and
- (2) Roofs, so long as the texture, color and the existing architectural style of the roof is not changed as a result.

(b) Procedure. Applications for Certificates of Appropriateness which, in the opinion of the Planning and Development Director, propose minor changes may be expedited by the Landmarks Commission in lieu of full and formal review pursuant to Section 165.10; provided, however, that the Planning and Development Director shall, upon receiving and reviewing such application, give written notice to the Chair of the Landmarks Commission. The Landmarks Commission may by rule establish procedures for said Chair to review and respond to the Planning and Development Director. If the Chair, within seven days of the notice from the Planning and Development Director, notifies the Director that the proposal is not deemed a minor change and should be reviewed by the Commission pursuant to the provisions of Section 165.10, then the Director shall refer the proposal to the Landmarks Commission in accordance with the procedures set forth herein.

165.14 DESIGN GUIDELINES.

In principle, the Landmarks Commission adopts the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. These standards and guidelines are intended to give architects and owners design direction in accordance with this chapter. The Commission may approve and publish a separate design guidelines document consistent with these principles to illustrate appropriate preservation, rehabilitation, renovation and construction techniques for City Landmarks and Historic Districts.

165.15 APPEALS.

To the extent that any decision, determination or other final action of the Commission or Council, as provided for in this chapter, taken following a public meeting substantially affects a property right of an applicant or other interested party, the action may be appealed by the applicant, the City, or such other interested party to the Court of Common Pleas pursuant to the provisions of Ohio R.C. Chapter 2506 no later than 30 days after the action or decision from which review is sought.

165.99 PENALTY.

(a) Any person found violating any provision of this chapter shall be guilty of a misdemeanor offense and punished by a fine not to exceed five hundred dollars. Each day upon which a violation continues shall be considered for purposes of this section to be a separate offense. With the exception of Section 165.09(a), it is the intention to hold persons strictly liable for violation of this chapter.

(b) In case any building or structure is erected, constructed, externally reconstructed, externally altered, added to or demolished in violation of this chapter, the City or any proper person, in addition to the remedy provided for in subsection (a) hereof, may institute an appropriate action or proceedings in any court of competent jurisdiction to prevent such an unlawful erection, construction, reconstruction, exterior alteration, addition or demolition.

(c) The imposition of any penalty hereunder shall not preclude a City or any proper person from instituting any proper action or proceeding to require compliance with the provisions of this chapter and with administrative orders and determinations made hereunder.