

# **Landmark Commission**

**City Building**

222 Meigs Street  
Sandusky, Ohio 44870

**November 28<sup>th</sup>, 2018  
1ST FLOOR CONFERENCE ROOM  
3:30 P.M.  
AGENDA**

- 
1. Meeting called to order – Roll Call
  2. Review minutes from the October 17<sup>th</sup>, 2018 meeting
  3. Discussion of the following proposed revisions to the Landmark Ordinance:
    - Additional criteria for granting a Certificate of Appropriateness, including demolition
    - Allowing for the Commission to delegate to staff the ability to issue a Certificate of Appropriateness for minor changes
    - Minor changes of definitions and clarification of language within the ordinance
  4. Other business
  5. Meeting Adjourned

**NEXT MEETING: December 19<sup>th</sup>, 2018**

**Please notify staff at least 2 days in advance of the meeting if you cannot attend. Thank you.**

Landmark Commission  
October 17<sup>th</sup>, 2018  
"DRAFT" Meeting Minutes

The Chairman called the meeting to order at 4:34PM. The following members were present: Mr. Jon Lawrence, Chairman Michael Zuilhof, Mr. Joe Galea, Mr. Griffith, Dr. Tim Berkey, and Ms. Nikki Llyod. Mr. Greg Voltz and Ms. Angela Byington represented the Planning Department; Mr. Trevor Hayberger represented the Law Department; and Deb Eversole, Clerk. There were 6 voting members present.

Mr. Lawrence moved to accept the minutes from September 26<sup>th</sup>, 2018, Mr. Galea second the motion.

Mr. Zuilhof stated that the applicant, Bob Hare, has submitted an application for repairs details to 125 E. Water Street- Biemiller Building.

Mr. Voltz presented that the applicant is proposing to perform a comprehensive exterior renovations, post the storm, to the Biemiller Building. The property at 125 E. Water Street is a contributing property within the Downtown Sandusky Commercial Historic District as well as being listed as a building within the Water Street Commercial Building Historic District. The applicant was recently awarded Ohio Historic Preservation Tax Credits. The building was severely damaged during a storm on July 26<sup>th</sup>, 2018. This requires the work being done to be approved by the State and follows strict preservation guidelines. Mr. Voltz stated in the report the repairs to be performed will focus on stabilizing the remaining structure, after stabilization they will maintain the existing materials and only repairing and replacing when necessary. Mr. Voltz stated presented the existing conditions and the proposed renovations to the building. Mr. Voltz stated that staff recommends a discussion occur today in regarding to the project specifically to the new building materials. The applicant has asked that Landmarks Commission approve the project contingent on the States approval and conditions. Staff believes further discussion is needed in order to consider this request and that discussion can occur at this meeting.

Mr. Galea stated that the staff report stated concerns regarding the usage on the EFIS vs. the brick. Mr. Galea ask if staff has any preference on the preferable approach to the renovations. Ms. Byington stated that she notices some of the materials being switched over, the provided narrative explains why the brick would not work. They have stated that they need to use a different method of construction to stabilize the building. Ms. Byington stated staff wanted to bring the application before the commission for an update and have a discussion regarding the proposed changes. This application has not been approved by state at this time. The building official has looked over the narrative and agrees with that this is the most appropriate way.

Mr. Zuilhof stated that he has witnessed the damage and was upset to see what happened, but is happy to see that the applicant trying to salvage the building. He understands the plans and the proposed materials will create a stronger wall. Mr. Zuilhof stated that he appreciates staff concern but understands this maybe the only alternative. He hopes that eventually that another building will come next to this structure.



Mr. Hare stated that there are two reasons that they are proposing a concrete block, the repairs have to meet the wind load requirements and have to meet all the fire codes. Mr. Hare stated that east wall will have no changes, the west wall will have substantial changes with additional efis being added. They need to place something on the outside that will protect the brick and provide a thermal protection. The only solution will be the concrete efis/ dryvit .The proposed efis would be contingent on approval of the National Park Service. Mr. Hare stated that he will be submitting the updated narrative to OHPO. Mr. Hare would like to get a structural approval and the efis could be contingent on OHPO approval and the National Park Service approval. Mr. Griffith asked if there would be any alternative to the efis.

Mr. Hare stated that he does not have an alternative. In addition, the west wall will also have to have drywall on the third floor only.

Mr. Griffith stated the commission would probably be on board, but it ultimately it is not our call, the State and National Park Service would have to approve with the tax credit application. Ms. Byington stated that staff is still looking into what other jurisdictions do with applications receiving state tax credits, however in regards to the National Park Service if the application does not receive approval it will just not get tax credits.

Mr. Zuilhof stated that the National Park Service should not take into effect the Landmark Commission decision, he is not on board with approving anything the state approves. He is confident that there are options to repair the building utilizing approved materials, however they have to consider the economics at play. He understands staff's concern and is inclined to approve then take steps to ensure that there is a building constructed adjacent to the building, the sooner that we do this the better.

Dr. Berkey made a motion for approval of the proposed renovations for 125 E. Water Street contingent on the states approval as recommended by staff; Mr. Galea seconded the motion. Mr. Hare stated that he is fine with conditional approval for the efis on the exterior but he will need approval of the block to assure this gets under roof.

Mr. Zuilhof stated that the motion is conditioned on state approval.

Ms. Lloyd ask if the commission really needs to approve the interior concrete block material, the Commission only needs to approve the outside materials.

Ms. Byington stated that that the concrete block is also on the exterior of the building, its concrete block with efis over the exterior of the block.

Ms. Lloyd stated that the commission could approve concrete block and the efis will be subject to state approval.

Mr. Hare stated that the Commission could approve the exterior concrete block and the remaining exterior material as suggested by the state.

Mr. Griffith stated that the state approval is only for tax credits the exterior renovations are more than the responsibility of the Landmark Commission. This building is being put back into use, the front and the rear of the building are the relevant sections in regards to a historic perspectives. Mr. Hare is proposing to do what he needs to do to preserve the building and make it structurally sound.

Mr. Zuilhof stated that it important to realize that this needs to follow the ordinances, staff is not comfortable yet approving this contingent on states approval. Just would like to be careful on pitching the ordinance out of the window for expedient sake.

Mr. Galea stated that the narrative showed why brick is not appropriate to add to the outside of concrete block.

Mr. Hare stated that the architect wrote the narrative and explained why the brick cannot be utilized.



Mr. Zuilhof stated that this is a matter of economics, we could make this look like finished brick but it could cost too much and kill the project. This is a case of what is economically feasible. Mr. Hare stated that the question is, does the building get fixed or not, the question is not should block or no block be used, but rebuild or not rebuild.

Mr. Galea stated that the state determines if the tax credits are granted, the commission determines if the building gets built because local government has jurisdiction of their buildings. If the applicant would like to proceed with risk of not getting state approval, the condition should not be based on the states approval. The commission should take into text the next step of the building if this does not get approved, would partial demolition be the next step. They will need to move forward with concrete to rebuild regardless if tax credits happen or not.

Mr. Griffith motioned to amend the original motion to state approval of the structural elements and only dryvit materials utilized for the west wall shall be subject to state approval; Ms. Lloyd seconded the motion.

The motion to amended the motion was approved with a unanimous vote.

Mr. Zuilhof ask the clerk to call the roll on question; the motion was approved unanimously.

Mr. Zuilhof stated that the new meeting schedule is the third Wednesday of the month and if there is no application the meeting will be cancelled.

Mr. Votlz stated that there will be several items discussed at the next Planning Commission regarding murals, demolition, small cell nodes, and patio fences.

Ms. Byington stated that the Landmark Commission will be invited to the Planning Commission meeting and if they have any thoughts on these subjects to make staff aware.

Mr. Zuilhof stated that he hopes that the landmark commission receives the proposed changes regarding this legislation.

Ms. Byington stated that there will be a time for a meeting with Landmark Commission, they were just giving them an update on the timeline of these issues.

Mr. Zuilhof would like to have Planning Commission and Landmark Commission give thoughts on these issues.

Ms. Lloyd discussed possible mural regulations regarding materials.

Mr. Zuilhof ask who is going to decide if it is a sign or a mural. Mr. Zuilhof stated that the arts commission could weigh in on this as well.

Mr. Voltz stated that the general standards currently around the country with the murals is no political speech or no advertising.

Mr. Griffith asked if they were going to look more into enforcing penalties or zoning violations for people violating some of the historic regulations.

Ms. Byington stated that they need to start enforcing and need to consider adding penalties.

Mr. Zuilhof discussed the current outdoor dining areas that have come into the downtown area and the encroachment licenses that have been issued.

Ms. Byington stated that the engineering department enforces and issues the encroachment licenses.

Mr. Zuilhof stated that Planning Commission can recommend legislation regarding the encroachment licensing.

Ms. Byington stated that Planning Commission could add to the existing encroachment regulations regarding uniform materials.

Mr. Lawrence stated that the fencing materials would need to be uniform standard.

Mr. Zuilhof stated that he feels strongly about the durability of the material.



Mr. Galea discussed art mural legislation. When discussing this issue with Landmark Commission it should be limited to the factors and criteria that Mr. Voltz discussed not colors, and design as those discussions could become an issue.

Mr. Griffith made a motion to adjourn the meeting; Ms. Lloyd seconded the motion.

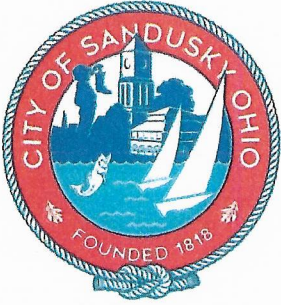
The meeting was adjourned at 5:37PM.

---

Casey Sparks, Clerk

---

Michael Zuilhof, Chairman



## Planning Department

---

**Tom Horsman**  
thorsman@ci.sandusky.oh.us

222 Meigs St.  
Sandusky, OH 44870  
Phone: 419.627.5973  
Fax: 419.627.5933  
[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

November 19, 2018

### **RE: Proposed Amendments to the Landmark Preservation Ordinance**

The Landmark Commission had requested that staff propose additions to Chapter 1161 (Landmark Preservation) of the Sandusky Planning and Zoning Code to include criteria that must be satisfied in order to approve the granting of a certificate of appropriateness to demolish a landmark or historic structure in the city. The proposed changes to Chapter 1161 include (1) said demolition criteria, as well as additional general criteria for certificates of appropriateness, (2) the ability for the Landmark Commission to grant staff the ability to administratively review minor changes, and (3) streamlining and clarifying the language in the ordinance.

- (1) Staff reviewed ordinances from various cities throughout the United States, as well as some best practice literature, to determine the proper language for adding specific criteria for the demolition of landmark and historic structures. Section 1161.07(e) specifies materials that applications for a demolition must include. These items would be helpful for the Landmark Commission in ascertaining whether there are viable alternatives for the structures besides demolition. Section 1161.07(f) outlines specific factors for the Landmark Commission to consider when evaluating an application for demolition. The goal of these amendments is to ensure that the Landmark Commission has as much information available as possible when determining whether a structure should be demolished. Staff believes that these criteria allow for some flexibility for the Landmark Commission, while at the same time working to ensure that all viable alternatives to demolition are examined. Section 1161.07(d) simply codifies the standards created by the US Department of the Interior to consider when issuing a certificate of appropriateness.
- (2) Section 1161.07(b) allows for the Landmark Commission to delegate to staff the ability to administratively review and grant certificates of appropriateness for minor changes to landmark and historic properties or properties within a historic district. Examples of such small changes would be fencing or landscaping. The Landmark Commission would work with staff to create a specific list of these items that could be approved administratively. Staff would adhere to the same standards as the Landmark Commission and would communicate any such approvals to the Commission at the subsequent meeting. Applicants could appeal to the Landmark Commission if staff does not approve their application. The intent of this is to not burden the Landmark Commission with reviewing minor items as well as to help expedite applications if they don't need extensive review.
- (3) Staff proposed changes to some definitions and wording throughout the ordinance in order to make the language in the ordinance more consistent and streamlined.



Staff is seeking feedback and approval of the proposed changes from both the Landmark Commission and Planning Commission. This ordinance is scheduled to go before a public hearing at the Planning Commission meeting on December 19<sup>th</sup>, 2018. Staff has submitted the proposed changes to the Ohio State Historic Preservation Office, but has not yet received any feedback from SHPO.

Sincerely,

Tom Horsman  
Assistant Planner

### 1161.01 INTENT.

The intent of this Chapter is to: (1) to designate, preserve, protect, and enhance current and future Landmark **and Historic** properties **and structures, and properties within historic districts**, within the City of Sandusky; (2) to foster civic pride in and consistent with established long term goals and policies of the City; (3) to stabilize or improve the aesthetic and economic vitality and values of Landmark **and Historic** sites, **structures, and districts**; (4) to protect and enhance the City's attraction to tourist and visitors; and (5) to promote the use of these sites for the improvements and objects for the education, invigoration, and welfare of the people of the City.

### 1161.02 DEFINITIONS.

(a) "Alteration" means any act or process that changes one or more of the exterior architecture features of a building or structure; including, but not limited to, the erection, construction, reconstruction, or removal of the building or structure.

(b) "Addition" means any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.

(c) "Archaeological/Historic/Landmark Site" means a single site, including the associated buildings, structures, and plant life, which is considered to have historic and/ or prehistoric significance due to its association with past events of historical, cultural, architectural, and/or archeological value.

(d) "Building" means a structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open spaces or lot lines, and used as a shelter or enclosure for persons, animals, or property. "Building" shall be used synonymously with "structure" unless otherwise noted and shall be construed as if followed by the words "part or parts thereof".

(e) "~~Landmark~~ Certificate of Appropriateness" means a certificate issued by the Sandusky Landmark Commission indicating that a proposed change, alteration, or demolition of a **Landmark or** Historic building or structure within a historic site, district, or on the National Registry of Historic ~~buildings~~ **Places**, is in accordance with the provisions of this Chapter and local design guidelines.

(f) "Change" means any exterior alteration, demolition, removal or construction involving any **structures and sites** ~~property~~ subject to the provisions of this Chapter.

(g) "Construction" means the act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

(h) "Demolition" means any act or process that destroys in part or in whole any building or structure

(i) "Historic District" **and/or "Historic Building" means any area or building listed on the National Register of Historic Places.**

(j) "Historic Structure" means any building or structure which has historic, architectural or archaeological significance and has been so designated according to the provisions of this Chapter. The significance of a property to the history, architecture, archaeology, engineering, or culture of a community, state, or the nation may be achieved in several ways:

- (1) Association with broad pattern of our history, events, activities, or patterns;
- (2) Association with important persons;
- (3) Distinctive physical characteristics of design, construction, or form;
- (4) Potential to yield information important in history or prehistory (archaeology);



(k) "Landmark Commission" means the Commission established under the provisions of the enabling legislation.

(l) "Landmark" means any building, structure or archaeological site that has been designated as a "Landmark" by ordinance of the City or Commission, pursuant to procedures prescribed herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance.

(m) "Owner" means the owner or owners of record.

(n) "Preservation" means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.

(o) "Reconstruction" means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

(p) "Rehabilitation" means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.

(q) "Restoration" means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

#### **1161.03 ESTABLISHMENT OF LANDMARK COMMISSION.**

(a) The hereby established City of Sandusky Landmark Commission shall consist of seven (7) members; the President of the City Commission or another member of the City Commission designated by the President and confirmed by the City Commission to serve in his place, and six (6) citizens of the City each of whom shall serve without compensation and shall be appointed by the City Commission for a term of three (3) years. The terms of the citizen members shall be so arranged that the term of two members will expire each year.

(b) The Sandusky Landmark Commission shall meet as needed.

(c) The Sandusky Landmark Commission meetings shall comply with Federal and State laws dealing with public meetings and meeting notices.

(d) The Sandusky Landmark Commission members shall be subject to the provisions of the City Charter and these Codified Ordinances regarding conflict of interest and ethics. In addition, The Sandusky Landmark Commission members shall be subject to related provisions of the Ohio Revised Code.

(e) The Sandusky Landmark Commission, designated City Staff, or others shall prepare a written report at least once a year, for submission to the City Manager and City Commission that summarizes the Sandusky Landmark Commission activities, cases, and recommendations. Such reports shall be available for public inspections.

(f) At a minimum two members shall be professionals or expertise in the following disciplines need to be represented: architecture, history, planning, archaeology, or related disciplines, to the extent available within the community.

(g) To the extent possible, the Sandusky Landmark Commission should regularly complete annual training regarding historic preservation provided by Staff.

(h) The Sandusky Landmark Commission shall meet at least 4 times per year, meetings shall be held in a public place, advertised, and open to the public.

#### **1161.04 POWERS AND DUTIES OF LANDMARK COMMISSION.**

(a) To recommend to City Commission legislation for designation of individual properties and historic districts that would serve to beautify, protect, preserve, restore, and develop the City.

(b) To study problems and determine the needs of the City in restoring and preserving historic landmarks, areas, and neighborhoods.

(c) To review and act on all applications for Certificates of Appropriateness as required and utilize Roberts Rules of Order for this action.

(d) Review applications for ~~renovations~~ **changes to** existing landmark **and historic** buildings **and sites** within the City.

(e) Work to erect historic markers to denote landmark buildings within the City.

(f) Act as a liaison on behalf of the City of Sandusky to individuals and organizations concerned with historic preservation; educate citizens regarding historic preservation issues and concerns.

(g) The Sandusky Landmark Commission and City Planning Staff shall maintain a surveyed inventory for historic and cultural resources within the City. The inventory will detail designated districts, sites, and/or structures. This inventory will be submitted to the State Historic Preservation Office and open to the public. The inventory shall be updated periodically to reflect changes, alterations, and demolitions.

#### **1161.05 APPROVAL PROCESS FOR DESIGNATION OF LANDMARKS.**

The Sandusky Landmark Commission shall review all landmark designation applications and make a recommendation of approval or denial based on the Criteria for Designation of Landmark found in section 1161.06. Sandusky City Commission shall have final approval on the application. All applications shall be reviewed by Sandusky Landmark Commission within forty-five (45) days after a completed application is submitted. Applications must include owners or majority of owners consent in order to be considered complete. All meetings shall be available to the public, and agendas shall be publically advertised. A written notification of the Sandusky Landmark Commission's recommendation will also be sent to each applicant by regular mail. Detailed minutes of the meeting and decision rendered by the Sandusky Landmark Commission shall be kept on file and available for public inspection.

#### **1161.06 CRITERIA FOR DESIGNATION OF LANDMARKS.**

An object, site or building, which is at least fifty (50) years old, may be designated for preservation as a landmark site or landmark district if it has significant character, interest or value as part of the development, heritage, or cultural characteristics of the City, state, or nation, if it has integrity, or the ability to convey its significance, and if it falls into one of the following categories:

(a) It is in the location of, or is associated in a significant way with, a historic event with a significant effect upon the community, 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 a significant aspect of the cultural, political, or economic heritage of the community, city, state or nation; or
- (d) It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction; or
- (e) It is an outstanding work of a designer or builder; or
- (f) Because of its prominence of spatial location, contrasts of siting, age, or scale it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City.
- (g) The Secretary of Interior Standards for Rehabilitation shall be utilized when applications for Certificates of Appropriateness.
- (h) The property owner shall indicate consent for the Landmark designation.
- (i) Sixty percent of the affected property owners must consent to proposed Landmark designation.

#### **1161.07 CERTIFICATE OF APPROPRIATENESS.**

- (a) Certificate of Appropriateness shall be required for all ~~renovations, alterations, and demolition~~ changes to existing Landmark and Historic buildings, sites, and districts.
- (b) The Sandusky Landmark Commission may delegate to the Planning Department staff the authority to administratively review and grant a Certificate of Appropriateness without formal action by the Sandusky Landmark Commission.
  - (1) The Sandusky Landmark Commission may grant the authority to approve minor changes such as, but not limited to, landscaping, fencing, and changes approved by the State Historic Preservation Office.
  - (2) If the Planning Department does not grant administrative approval of an application, the applicant may request that the application be referred to the Sandusky Landmark Commission and will be considered in accordance with the application review schedule contained in this section
  - (3) Any changes that were approved by the Planning Department staff shall be communicated to the Sandusky Landmark Commission at their subsequent meeting.
- (c) The Sandusky Landmark Commission shall prepare an application form and a list of the procedures necessary for obtaining Certificates of Appropriateness, which shall be made available to the general public. All applicants must submit applications to the Sandusky Planning Department.
- (d) In evaluating applications for changes to Landmark and Historic buildings, sites or districts, the Sandusky Landmark Commission shall consider the following standards created by the U.S. Department of the Interior, including:
  - (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment;
  - (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alternation of features and spaces that characterize a property shall be avoided;
  - (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;



- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;
  - (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved;
  - (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;
  - (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;
  - (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;
  - (9) New additions, exterior, alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment; and
  - (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (e) All applications for demolition of existing Landmark and Historic buildings, sites, or districts shall include, but are not limited to:
- (1) A report as to the structural soundness of the building prepared by professionals experienced in preservation and rehabilitation;
  - (2) Estimates of the costs and income for rehabilitation of the building;
  - (3) Estimates of the costs and income for new development;
  - (3) Valuation of the property;
  - (4) Preliminary development plans.
- (f) The Sandusky Landmark Commission shall consider the following factors in evaluating applications for demolition of existing Landmark and Historic buildings, sites, or districts:
- (1) The architectural and historic significance of the building;
  - (2) The significance of the building in contributing to the architectural or historic character of its surroundings;
  - (3) The economic feasibility of rehabilitation and reuse of the building;
  - (4) The extent to which the proposed redevelopment implements the goals of the city's comprehensive plan;
  - (5) If demolition is necessary due to imminent safety hazards, as determined in writing by the city's Building Department or Fire Department.
- (g) All applications shall be reviewed by Landmark Commission within forty-five (45) days after a completed application is submitted. The applicant shall be given written notice of the meeting at which his or her application will be considered. All Certificate of Appropriateness applications shall be reviewed utilizing the preservation design guidelines, on file at the ~~Department of Community Development~~ **Planning Department**, as well as the Secretary of Interior Standards for Rehabilitation. A written notification of the Sandusky Landmark Commission's decision will also be sent to each applicant by regular mail.



#### **1161.08 NATIONAL REGISTER PROCESS.**

In accordance with the National Historic Preservation Amendments Act of 1980, the Landmark Commission shall submit a report to the State Historic Preservation Office (SHPO) regarding the eligibility of each property or District proposed for nomination to the National Register within the City. This report shall include the recommendation of the ~~Historic Preservation Commission~~ **Sandusky Landmark Commission** and the majority of City Commission. A copy of the report prepared by the Commission for SHPO shall be made available for public inspection.

The Landmark Commission will be involved in the National Register process in the following manner:

(a) The SHPO will forward a copy of completed National Register nominations with a staff review sheet to the Sandusky Landmark Commission for all properties within the City prior to the preliminary review of the nomination unless the Commission itself has initiated or reviewed the nomination prior to submission to the SHPO.

(b) Following the initial review by Ohio Historic Site Preservation Advisory Board (OHSPAB), the State Review Board, and prior to the final review of the nomination, the Sandusky Landmark Commission shall inform the SHPO and the property owner(s) as to their opinion regarding the eligibility of the property.

(c) If the City Commission recommends that a property not be nominated, the SHPO will so inform the property owner(s), the State Review Board, and the property will not be nominated unless an appeal is filed with the State Historical Preservation Officer under the regulations established for the appeals process which is outlined in 36 CFR (Code of Federal Regulations), Part 60.

(d) If either or both the Sandusky Landmark Commission and the majority of City Commission agree that the property should be nominated, the nomination will be scheduled for final review by the Ohio Historic Site Preservation Advisory Board. If no report is submitted, the nomination will be reviewed within sixty days. The opinion or opinions of the Sandusky Landmark Commission and the majority of City Commission will be presented to OHSPAB for its consideration.

(e) The Ohio Historic Site Preservation Advisory Board after considering all opinions shall make its recommendation to the State Historic Preservation Officer. Either the Sandusky Landmark Commission or the majority of City Commission may appeal the final decision of the SHPO under the aforementioned appeals procedure.

(f) If necessary, the Sandusky Landmark Commission shall seek assistance of academics or others from professional disciplines when considering a National Register nomination.

#### **1161.09 ENFORCEMENT AND PENALTIES.**

(a) If it is found that any of the provisions of these standards are being violated, a person or a corporation shall be guilty of a misdemeanor of the fourth degree where: any violation of any of the provisions of this zoning code exists in a building or tract of land, and a stop work order or notice of zoning violation has been served on the owner agent, lessee, or tenant of the building of

tract of land, or part thereof, or upon the architect, builder, contractor, or any person who commits or assists in any violation, and the person fails to comply with such order within 72 hours of receipt of a stop work order or written notice.

(b) Any persons who fails to comply within the specified time shall be guilty of a misdemeanor of the fourth degree with each day the violation continues being a separate offense.

(c) Filing an appropriate appeal to any order issued pursuant to the provision of 1109.07 shall toll the time for compliance with such order until the appeal is ruled upon.

#### **1161.10 APPEALS PROCEDURES.**

(a) Decisions by the Sandusky Landmark Commission may be appealed in writing to the City Commission within ten (10) days of the Sandusky Landmark Commission hearing. No building permit or other permit required for the activity applied for shall be issued during the ten-day period or while an appeal is pending.

(b) The City Commission shall consider an appeal within thirty (30) days of receipt and shall utilize the written findings of the Sandusky Landmark Commission in rendering their decision. A simple majority vote of the City Commission membership shall be required to overturn or modify a decision of the Sandusky Landmark Commission.

#### **1161.11 MINIMUM MAINTENANCE REQUIREMENTS.**

No owner of a building or structure in the historic district shall by willful action or willful neglect, fail to provide sufficient and reasonable care in the maintenance and upkeep to assure such building's perpetuation and to prevent its destruction by deterioration. The owner of a protected property shall provide sufficient maintenance to ensure its protection from hazards and to prevent deterioration or destruction.