

**1245.45 HISTORIC DISTRICT.****1245.46 DECLARATION OF PUBLIC POLICY AND PURPOSE.**

Council, being mindful of the proud history of Perrysburg and of the importance of beauty in the every day lives of its residents, hereby declares as a matter of public policy that the preservation, restoration, rehabilitation and overall aesthetic improvement of the built environment are matters of public necessity involving the health, safety, prosperity and welfare of the people. The purposes of this Chapter are:

- (a) To contribute to the economic, recreational, cultural and educational development of the City by:
  - (1) Stimulating business and attracting industry;
  - (2) Protecting and enhancing attractions to residents, tourists and visitors;
  - (3) Stabilizing and improving property values;
  - (4) Improving the quality of life by enhancing the visual and aesthetic character, diversity and interest of the City;
  - (5) Fostering civic pride in the beauty and notable accomplishments of the past; and
  - (6) Promoting the use and preservation of historic properties for the education and general welfare of the people of the City.

- (b) To establish procedures whereby certain areas, places, sites, buildings, structures, objects and works of art shall be allowed that measure of protection afforded by the issuance of a "Certificate of Appropriateness" before any alterations, demolition or new construction can be undertaken within a Historic District or to a Listed Property, so that the following objectives are reached:
    - (1) To maintain and enhance the distinctive character of historic buildings, sites and areas in the City;
    - (2) To safeguard the architectural integrity of the City's Listed Properties and properties within Historic Districts;
    - (3) To identify and safeguard the heritage of the City by preserving properties which reflect elements of the City's cultural, social, economic, political or architectural heritage; and
    - (4) To review and act upon all applicants for Certificates of Appropriateness for alterations, demolition or new construction within Historic Districts or to Listed Properties.
  - (c) To encourage property owners in the City to work with the Historic Landmarks Commission to protect listed properties and buildings in the Historic Districts so that the character of the districts and the City may be maintained.
  - (d) To integrate the preservation of listed properties and Historic Districts into public and private land use planning, management and development; to identify as early as possible and resolve conflicts between the preservation of historic buildings and alternative use of the land.
- (Ord. 25-2006. Passed 3-7-06.)

#### **1245.47 DEFINITIONS RELATED TO HISTORIC DISTRICTS.**

- (a) Alter or Alteration: Any exterior visual or material change to any Listed Property or property located within a Historic District. For the purposes of this Chapter, "alteration" includes a change in design, texture, material or architectural feature. Ordinary maintenance to correct any deterioration or damage is excluded from the definition of "alteration," provided such work does not involve a change in design, texture, material or architectural feature.
- (b) Applicant: Any owner, association, partnership, corporation or designated agent of the owner who applies for a Certificate of Appropriateness.
- (c) Certificate of Appropriateness: Any certificate issued by the Perrysburg Historic Landmarks Commission to an applicant stating that a proposed alteration, demolition or new construction to a Listed Property or within a Historic District is appropriate under the terms of this Chapter.
- (d) Commission: As referred to in this Chapter, The Perrysburg Historic Landmarks Commission.
- (e) Demolish or Demolition: The razing or removal, in whole or in part, of any structure, building, object or work of art.

(f) Architectural Feature: The architectural style, general design and general arrangement of the exterior of a building or structure, including, but not limited to, windows, doors, porches, signage, cornices, exterior surface materials, decorative trim and other fixtures appurtenant to the exterior of the building or structure.

(g) Historic District: Two (2) or more properties grouped together in a geographically defined area and which, as a whole, have special character or historic, aesthetic or architectural value as part of the heritage, development or cultural characteristics of the City, the State or the United States, and which have been designated as a Historic District pursuant to this Chapter.

(h) Listed Property: Any property which has special character or historic, aesthetic, archeological or architectural value as part of the heritage, development or cultural characteristics of the City, the State or the United States, and which has been designated as a Listed Property pursuant to this Chapter.

(i) Member: Any member of the Perrysburg Historic Landmarks Commission.

(j) Owner: The owner of record and the term includes the plural as well as the singular.

(k) Ordinary Maintenance: Includes the repair or replacement in kind of features, including, but not limited to, the roof, eaves, downspouts, siding, windows and doors of a Listed Property or a property located within a Historic District, provided that it does not result in a change of material, texture or architectural feature. For the purposes of this Chapter, sandblasting of masonry and chemical cleaning of masonry is not considered ordinary maintenance.

(l) Property: Any area, place, site (including an archeological site), building, structure, object or work of art.

(m) Street: All facilities within the street right-of-way, including street surfaces, paving materials, curbs, culverts, catch basins, manholes and guardrails.

(n) Street Furniture: Light standards, benches, planters, waste containers, telephone booths, bicycle stands, railings, shelters, traffic and pedestrian directional signs and other facilities convenient to the passage of vehicles and people along the streets.

(o) Utilities: Pipes, wires, their supports, outlets and keys and other devices for providing electrical, telephone, gas, water, television, sewer and other utility services. This includes any means for transmitting such services, regulatory devices such as cut-off keys, meters, transformers, etc. and the supports and conduits upon which or through which such utilities are furnished, whether above, on or in the ground.

(p) Verbal Boundary Description: Is a detailed description which delineates the physical extent of the Listed Property or Historic District. If the boundary of the Listed Property or Historic District replicates a legally recorded boundary, then a reference to the description of the recorded boundary is sufficient, including lot or parcel number, deed book and page number where recorded. If the boundaries do not coincide with legally recorded boundaries, then street names, property lines, geographical features and other lines of convenience which clearly distinguish the Listed Property or Historic District from its surroundings may be used. Such description is also frequently referred to as a "metes and bounds" description.  
(Ord. 25-2006. Passed 3-7-06.)

**1245.48 ESTABLISHMENT OF THE PERRYSBURG HISTORIC LANDMARKS COMMISSION.**

(a) The Perrysburg Historic Landmarks Commission, hereinafter referred to as the Commission, is hereby established. The Commission shall consist of seven (7) members, all residents of the City, who shall be appointed by the Mayor, subject to approval by Council. All members shall have, to the highest extent possible, a recognized knowledge of, and a known interest in, architectural preservation and design, together with a determination to work for the overall improvement of the quality of the City's physical environment. At least two (2) members of the Commission shall be professional members from the fields of architecture, architectural history, history, archeology, city planning or other preservation-related disciplines. Nominations may be solicited from interested organizations. Subsequent to the initial appointments, all appointments to the Commission by the Mayor shall be for three (3) years. No person shall serve more than two (2) consecutive three (3) year terms. Any member who misses more than three (3) consecutive meetings or more than one-half (  $\frac{1}{2}$  ) of the meetings in any calendar year shall be deemed to have vacated his or her position and shall be replaced. Of the initial appointments, three (3) members shall serve for a three (3) year term; two (2) members shall serve for a two (2) year term and two (2) members shall serve for a one (1) year term. Vacancies caused by death, resignation or otherwise shall be filled for the unexpired term in the same manner as the original appointments are made. Vacancies shall be filled within sixty (60) days unless extenuating circumstances require a longer period. All members of the Commission shall serve without compensation. (Ord. 25-2006. Passed 3-7-06.)

(b) The Commission shall elect a Chairman and a Vice-Chairman, to serve in the absence of the Chairman, as soon as possible following its appointment by the Mayor, and on an annual basis thereafter. The Commission shall adopt its own rules of procedure which shall be made available for public inspection. Such rules of procedure shall provide for regular and special meetings, which meetings shall be held in a public place. All review decisions shall be made in a public forum, with applicants notified of meetings and advised of decisions. Written minutes of actions and decisions of the Commission shall be made available for public inspection. Meetings of the Commission shall be scheduled at least monthly.  
(Ord. 127-2011. Passed 6-21-11.)

**1245.49 DUTIES OF THE HISTORIC LANDMARKS COMMISSION;  
REGISTER OF LISTED PROPERTIES AND HISTORIC DISTRICTS.**

- (a) The duties of the Perrysburg Historic Landmarks Commission are as follows:
- (1) To improve the quality of life in the City by striving to further and achieve the spirit and purpose of this Chapter;
  - (2) To act in an advisory role to other officials and departments of local government regarding the protection of local historic properties;
  - (3) To act as a liaison on behalf of the local government to individuals and organizations regarding the protection of local historic properties;
  - (4) To work for the continuing education of the residents of the City, with respect to the architectural and historic heritage of the City and the Listed Properties and Historic Districts designated herein and to make every effort to improve the overall environment and the design awareness of the public;
  - (5) To accept grants, gifts and bequests and to make application for, receive and administer grants and funds from governmental and private entities consistent with the purpose of this Chapter;

- (6) To review proposed National Register nominations for properties within its jurisdiction in accordance with Ohio Certified Local Government guidelines;
- (7) To conduct, or to cause to be conducted, a continuing survey of all areas, places, sites, buildings, structures, objects or works of art, which are of environmental and aesthetic interest in the City and which the Commission believes, on the basis of information available or presented to it, are or will be eligible for designation as a Listed Property or Historic District;
- (8) To employ technical experts as may be required to perform its duties within the appropriations made available therefore and to perform such other related tasks within its capabilities as may be required by City Council;
- (9) To conduct or encourage members to attend educational sessions, at least once a year, pertaining to the function of the Commission or relating to specific historic preservation issues;
- (10) To recommend to City Council legislation that would serve to beautify, preserve, restore and develop the City, or that would result in additions or revisions of this Chapter;
- (11) To conduct public hearings to consider or determine any matters related to Historic District or Listed Property designations within the corporate boundaries of the City; (Ord. 25-2006. Passed 3-7-06.)
- (12) Based on information available or presented to it, to make recommendations to the Planning Commission, Board of Zoning Appeals and City Council for designation of Listed Properties and Historic Districts; (Ord. 128-2011. Passed 6-21-11.)
- (13) To keep a current register of all Listed Properties and Historic Districts. Each Listed Property shall be given a number, a description accompanied by a photograph, a verbal boundary description and the reasons for listing. Each Historic District shall also be given a number, a description and representative photographs, including streetscapes, a map outlining the boundaries, a verbal boundary description and the reasons for listing. Such register shall be made available to City Council, the Planning Commission, the Board of Zoning Appeals and the Planning and Zoning Division of the City of Perrysburg and shall be maintained in a location where it is available for public inspection. Such register shall include, at its inception, the existing Historic District designated in Ordinance 46-84, passed May 15, 1984, and described as follows:

#### Designation of Historic District:

Beginning at the intersection of the centerline of West Boundary Street with the centerline of Front Street, thence south on the centerline of said West Boundary Street to a point which is 115 feet north of the extension of the northerly right-of-way line of Second Street, thence east and parallel with the northerly right-of-way line of Second Street a distance of 159.5 feet, thence north and parallel with the centerline of West Boundary Street a distance of 58.5 feet, thence east and parallel with the northerly right-of-way line of Second Street a distance of 55 feet, thence south and parallel with the centerline of West Boundary Street a distance of 173.5 feet to a point on the northerly right-of-way line of Second Street, thence east on said northerly right-of-way line of Second Street a distance of 165 feet to a point, thence north on a line parallel with said centerline of West Boundary Street, a distance of 125 feet to a point, thence east along a line parallel with said northerly right-of-way line of Second Street a distance of 94 feet to a point, thence south along a line parallel with said centerline of West Boundary Street a distance of 125 feet, to a point on said northerly right-of-way line of Second Street, thence east on

said northerly right-of-way line of Second Street a distance of 76 feet to a point, thence north on a line parallel with said centerline of West Boundary Street, a distance of 137.95 feet to a point, thence southeasterly the following courses deflecting to the right from the previous course 100o-00'-00", a distance of 36.67 feet, deflecting to the right from the previous course 31o-01'-00", a distance of 22 feet, deflecting to the right from the previous course 05o-39'-00" a distance of 41.20 feet, thence east deflecting to the left from the previous course 46o-35'-00", on a line parallel with said northerly right-of-way line of Second Street a distance of 68.00 feet to a point thence north on a line parallel with said centerline of West Boundary Street to a point which is 108.00 feet north of said northerly right-of-way line of Second Street, thence east and parallel with said northerly right-of-way line of Second Street, a distance of 160.20 feet to a point, thence south along a line parallel with the centerline of Mulberry Street to a point on the northerly right-of-way line of Second Street, thence east along said northerly right-of-way line of Second Street extended a distance of 123.8 feet to a point on the centerline of Mulberry Street, thence north along said centerline of Mulberry Street a distance of 181.50 feet to the northerly line of a 16.5 foot wide alley extended west, thence east along said extended northerly line of a 16.5 foot wide alley a distance of 528 feet to the southeast corner of Inlot 73, thence south along the easterly line of Inlot 73 extended a distance of 445.5 feet to the southwest corner of Inlot 94, thence east along the northerly line of a 16.5 foot wide alley extended a distance of 1,732.5 feet to the southwest corner of Inlot 339, thence south on the west line of Inlot 340, extended a distance of 231 feet to a point on the centerline of Third Street, 99 feet wide, thence east along said centerline of Third Street to a point a distance of 660 feet on the easterly line of Inlot 429 extended south, thence north along said easterly line of Inlot 429 extended a distance of 231 feet to the southeast corner of Inlot 430, thence east along the northerly line of a 16.5 foot wide alley extended east a distance of 2,530 feet to a point on the easterly line of Outlot 149, thence north along said easterly line of Outlot 149 a distance of 214.5 feet extended to a point on the centerline of Second Street, thence east along said centerline of Second Street a distance of 20 feet to a point of intersection with the easterly line of Inlot 833 extended south, thence north a distance of 223.2 feet to the northeast corner of said Inlot 833, thence east on the northerly line of Inlot No's. 832 thru 817 extended east to a point on the centerline of East Boundary Street, thence north along said centerline of East Boundary Street to a point lying on the southerly bank of the Maumee River, thence northwesterly along said southerly bank of the Maumee River and the northerly line of the following Outlot's No.'s: 183, 184, 186 and 187 thence southwesterly along the southerly bank of the Maumee River and the northerly line of Outlot No's 187, 190, 191, 193, 194, 197, 198, 199, 200, 201, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784 and 785, to a point lying on the easterly line of Outlot Lot 786, thence north to the northeast corner of Outlot 786, thence westerly on the northerly line of Outlot No's. 786 and 787 and southerly bank of the Maumee River to a point on the easterly line of Outlot 202, thence north to the northeast corner of Outlot 202, thence west along the northerly line of Outlot 202 extended to the centerline of said West Boundary Street, thence south along the centerline of West Boundary Street to the point of beginning. (Ord. 114-2010. Passed 7-6-10.)

- (14) To review and act upon all applications for Certificates of Appropriateness as required by this Chapter and to establish criteria, rules and regulations not otherwise included in this Chapter for evaluating applications for Certificates of Appropriateness submitted to it;
- (15) To use the Secretary of the Interior's "Standards for Rehabilitation," as set forth on the Secretary of the Interior's website ([www.cr.nps.gov/hps/tps/tax/rhb/](http://www.cr.nps.gov/hps/tps/tax/rhb/)), and any other written guidelines that the Commission may adopt for making decisions on requests for Certificates of Appropriateness submitted to it;
- (16) Upon establishment of a Historic District, to make recommendations regarding the following items:
  - A. Paving, alteration and design of streets;
  - B. Relocation and placement of utilities;
  - C. Design and location of street furniture;
  - D. Traffic controls and limits;
  - E. Regulation of parking facilities;
  - F. Design and location of signs or business advertisements within the District; and
  - G. Such other matters requiring legislative actions which are consistent with the spirit of this Chapter.
- (17) To report regularly to the City Council on the present condition of historic buildings in the City and to identify problems that may, at a later time, threaten the preservation of these buildings;
- (18) To encourage plans for the rehabilitation of historic buildings in the City and to assist individuals and organizations who are rehabilitating specific buildings; and
- (19) To work with City officials and private individuals to resolve conflicts between the preservation of historic buildings and alternative uses of the land. (Ord. 25-2006. Passed 3-7-06.)

#### **1245.50 DESIGNATION OF HISTORIC DISTRICT OR LISTED PROPERTY.**

(a) In considering the designation of any area, place, site, building, structure, object or work of art in the City as a Historic District or a Listed Property, the Commission and City Council shall apply the following criteria with respect to the property. The property must be at least forty (40) years old and must meet one (1) or more of the following criteria:

- (1) It has character, interest or value as part of the heritage or cultural development of the City, the State or the United States.
- (2) Its location is the site of a significant historic event.
- (3) It is identified with a person or persons who significantly contributed to the culture and development of the City, the State or the United States.
- (4) It exemplifies the cultural, economic, social, archaeological, or historic heritage of the City.
- (5) It portrays the environment of a group of people in an era of history characterized by a distinctive architectural style.
- (6) It embodies distinguishing characteristics of an architectural type or specimen.
- (7) It is identified as the work of an architect, landscape architect or notable builder whose individual work has influenced the development of the City, the State or the United States.
- (8) It embodies elements of architectural design, detail, materials or craftsmanship which represent architecture of significant character.

- (9) Its unique location or singular physical characteristics represent an established and familiar visual feature of a neighborhood, community or the City.
- (10) It has yielded or is likely to yield information important to the understanding of prehistory or history.
- (11) In addition to meeting at least one (1) of the above criteria, the area within proposed Historic District boundaries must have an internal historic cohesiveness in the sense of a shared common history of its inhabitants, historical development according to a master plan, or a shared architectural style or design or a body of architecture illustrating the evolution of architectural styles over a period of time.

(b) The Commission shall notify the owner, by mail, of any proposal to list his or her property or to designate a Historic District, which encompasses his or her property.

(c) Upon receipt of the owner's consent to the listing on the local register, the Historic Landmarks Commission shall make a recommendation concerning the designation of the property to the Planning Commission. After receipt of the Historic Landmarks Commission's recommendation, the Planning Commission shall make a recommendation concerning the designation of the property to City Council. After receipt of the Planning Commission's recommendation, City Council shall consider such recommendation and vote on the designation of the area, place, site, building, structure, object or work of art as a Historic District or a Listed Property.

(d) If the owner of individual properties refuses or declines to give his or her written consent to a proposed listing and the Commission feels it is of considerable importance to the community that the property be listed, then the following procedure shall be followed, which shall also be the procedure followed in the designation of all Historic Districts:

- (1) The Commission shall transmit to City Council and the Planning Commission its recommendations, in writing, for the creation of a Historic District or the listing of any individual property.
- (2) The Planning Commission shall hold a public hearing on the proposed designation or listing following the procedures established in Section 1270.04 of this Zoning Code.
- (3) After receiving recommendations concerning the proposed designation or listing from the Historic Landmarks Commission and the Planning Commission, and before making a decision on the designation or listing, City Council shall hold a public hearing on the issue following the procedures established in Sections 1285.07 and 1285.08 of this Zoning Code. City Council shall give due consideration to recommendations of the Historic Landmarks Commission and the Planning Commission, as well as such views as are expressed by persons participating in the hearings before such Commissions, in making its determination with respect to the proposed designation. City Council must act on the proposed designation within forty-five (45) days after the public hearing. City Council may designate a Listed Property or a Historic District at any regular or special meeting of City Council.



- (4) If City Council approves the listing of a property or designation of a Historic District, the Commission shall notify the owner of such decision. If the proposed designation is disapproved by City Council, the Commission may, after a period of sixty (60) days, resubmit the proposal to City Council for reconsideration.  
(Ord. 25-2006. Passed 3-7-06.)

**1245.51 GUIDELINES FOR REVIEWING APPLICATIONS;  
REHABILITATION STANDARDS.**

(a) Standards of Review: In considering an application for a Certificate of Appropriateness, the Historic Landmarks Commission shall be guided by the following general guidelines:

- (1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
- (3) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and such significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. If replacement is necessary, then the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) ~~The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.~~
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and when such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

- (10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(b) Guidelines for Applying Standards of Review: The following guidelines are designed to help individual property owners formulate plans for the rehabilitation, preservation and continued use of historic buildings consistent with the intent of the Secretary of the Interior's "Standards of Rehabilitation." The guidelines pertain to buildings of all occupancy and construction types, sizes and materials. They apply to permanent and temporary construction on the exterior and interior of historic buildings as well as new attached or adjacent construction.

- (1) Techniques, treatments and methods consistent with the "Standards for Rehabilitation" are listed as "recommended." Not all recommendations listed under treatment will apply to each project proposal. Rehabilitation approaches, materials and methods which may adversely affect a building's architectural and historic qualities, are listed as "not recommended."
  - (2) Specific information on rehabilitation and preservation technology may be obtained by writing to the Technical Preservation Services Division, National Park Service, U.S. Department of the Interior ([www.cr.nps.gov/hps/tps/tax/rhb/](http://www.cr.nps.gov/hps/tps/tax/rhb/)), or to the appropriate State Historic Preservation Officer. Advice should also be sought from qualified professionals, including architects, architectural historians and archaeologists skilled in the preservation, restoration and rehabilitation of old buildings.
- (Ord. 25-2006. Passed 3-7-06.)

#### **1245.52 MINIMUM MAINTENANCE REQUIRED.**

(a) If any structure located on a Listed Property or any property located within a Historic District is vacant or uninhabited, the owner of such property shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration.

(b) The provisions of provision (a) above shall be in addition to all other applicable provisions of the Wood County Building Code and/or the Ohio Basic Building Code.

(c) The Historic Landmarks Commission, on its own initiative, may file a petition with City Council, requesting that the City proceed to take action against any owner who, in the opinion of the Commission, is in violation of this Zoning Code.

(Ord. 25-2006. Passed 3-7-06.)

**1245.53 LIMITATIONS ON ISSUANCE OF BUILDING AND DEMOLITION PERMITS.**

No construction, reconstruction, alteration or demolition of any area, place, site, building, structure, object or work of art in any designated Historic District or of any Listed Property shall be undertaken prior to obtaining a Certificate of Appropriateness from the Historic Landmarks Commission and, if applicable, a permit from the Zoning Inspector. No permit shall be issued by the Zoning Inspector for the construction, reconstruction, alteration or demolition of any area, place, site, building, structure, object or work of art within a designated Historic District or for a Listed Property, except in cases coming under the exclusions in this Chapter, unless the application for such permit is approved by the Commission through the issuance of a Certificate of Appropriateness in the manner prescribed in Section 1245.54.  
(Ord. 25-2006. Passed 3-7-06.)

**1245.54 ISSUANCE OF CERTIFICATES OF APPROPRIATENESS.**

(a) Before any exterior change in design, texture or material, or to exterior features, including construction, reconstruction, alteration and demolition of any Listed Property or of a property located within a Historic District, can be undertaken, an applicant shall first apply for and secure a Certificate of Appropriateness from the Historic Landmarks Commission. The application for such Certificate shall be submitted to the Chair of the Commission, together with such plans, specifications and other material as the Commission may from time to time prescribe.

(b) The Commission shall review the application for a Certificate of Appropriateness at its next regularly scheduled meeting, provided the application is filed at least two (2) weeks prior to such meeting. If the Commission determines that there will be no change in exterior design, texture, material or exterior architectural features, it shall cause the Chair to endorse a Certificate of Appropriateness and return the plans and specifications to the applicant.

(c) If the Commission finds that there will be a change in exterior design, texture or material, or to the exterior architectural features, the Commission shall determine whether the proposed construction, reconstruction, alteration or demolition is appropriate or whether it has an adverse effect upon the purposes of this Chapter, the Historic District or the Listed Property. In making such determination, the Commission shall refer to the Secretary of the Interior's "Standards for Rehabilitation," and to any other written design guidelines adopted by the Commission. In the case of archeological properties, the Commission shall refer to the Advisory Council on Historic Preservation's "Treatment of Archeological Properties: A Handbook". Cost estimates shall be presented by the applicant, and these costs shall be considered by the Commission in making a decision. It is the Commission's responsibility to take into consideration the feasibility of the alternatives or choices in each situation. The Commission's consideration of cost estimates shall include situations when the restoration of original features of the building is one (1) of the alternatives or choices.

(d) If the proposed construction, reconstruction, alteration or demolition is determined to have no adverse effect on the Historic District or Listed Property, and does not violate the spirit and purpose of these preservation regulations, then the Commission Secretary shall issue the Certificate of Appropriateness.

(e) If the Commission finds that such proposed construction, reconstruction, alteration, demolition or change in design, texture, material or exterior architectural feature will have an adverse effect on the Historic District or Listed Property, and does violate the spirit and purpose of these preservation regulations, then the Commission shall deny issuance of the Certificate of Appropriateness.

(f) If the Commission determines that a Certificate of Appropriateness should not be issued, it shall forthwith state in its records reasons for such determination and may include recommendations regarding the proposed construction, reconstruction, alteration, demolition, or change in design, texture, material or exterior architectural feature. The Secretary of the Commission shall notify the applicant of such determination and transmit to him or her a certified copy of the reasons for denial and recommendations, if any, of the Commission.

(g) Certificate of Appropriateness: A Certificate of Appropriateness shall then be in effect for one (1) year from the date of issuance. If the approved improvements have not been started within one (1) year, the Certificate of Appropriateness shall expire. If the improvements have been started within one (1) year from the date of issuance of a Certificate of Appropriateness, the Certificate shall be in effect for a total of two (2) years from the date of issuance. All such improvements must be completed prior to the expiration of the new Certificate of Appropriateness. If the Certificate of Appropriateness expires, a new Certificate of Appropriateness shall be required for these improvements as prescribed in Section 1245.54.  
(Ord. 25-2006. Passed 3-7-06.)

#### **1245.55 DEMOLITIONS.**

(a) When the Commission is deciding whether a proposed demolition will have an adverse effect on the Historic District or Listed Property, its consideration shall be based on the following standards:

- (1) Whether the property at this time has historical, cultural or architectural significance and contributes to maintaining the character of the historic district.
- (2) Whether the preservation of the building will cause substantial economic hardship for the applicant. Substantial economic hardship does not include an applicant's inability to maximize the return on the applicant's investment. Neglect of a building by its owner and its deterioration does not create the basis for a finding of substantial economic hardship or a finding of no reasonable use.
- (3) Whether the building can no longer be put to a reasonable use, including an adaptive re-use of the building.
- (4) For demolition of entire structures, whether the proposed new use of the property is consistent with the quality and character of the Historic District.

- (5) The Commission's determination on a proposed demolition of a building shall be based upon a balance of the foregoing factors with the burden upon the applicant to establish that he or she is entitled to a Certificate of Appropriateness. In making any such determination, the Commission shall be guided by the principle that the demolition of a historic or contributing property constitutes as irreplaceable loss to the quality and character of a Listed Property and the Historic District. The reasoning of the Commission in reaching any such decision and the results of its balancing of the foregoing factors shall be clearly stated either in the minutes for the proceeding or in a separate written report. Upon a determination by the Commission that a building is not historically, culturally or architecturally significant or otherwise worthy of preservation upon consideration of the foregoing factors, a Certificate of Appropriateness for the proposed demolition shall be issued.
- (b) If the Commission answers any of these questions affirmatively, it shall make findings and prepare a written report with its reasons. When this step has been completed, the Commission shall authorize the Commission Secretary to issue the Certificate of Appropriateness.
- (c) In applying for a Certificate of Appropriateness to demolish a building subject to this Chapter, the applicant shall present credible evidence to the Commission including, but not limited to, the following:
  - (1) Detailed reports and background information on the historical or architectural significant (or lack thereof) of the building to be demolished.
  - (2) Appraisals, where deemed necessary by the Commission, showing the present fair market value of the property; the fair market value of the property assuming that the building has been demolished; and the fair market value of the property assuming that the building has been restored or altered for productive use.
  - (3) Detailed information on the economic feasibility of restoring the building, putting the building to an alternative use or altering the building to an alternate use.
  - (4) Where necessary or where requested by the Commission, a cost estimate for restoring the building or altering the building to an alternative use.
  - (5) When requested by the Commission, definitive plans for reuse of the site, evidence of a commitment for funding of the new project, a time frame for project initiation and completion and an assessment of the effect of such plans on the character and integrity of the Listed Property and the Historic District.
- (d) The Commission may extend the time for decision an additional ninety (90) days on an application for the demolition in order to find a way to save the building. The ninety (90) day period shall start on the day the Commission meeting at which the demolition request is reviewed.
- (e) The Commission may ask interested individuals and organizations for assistance in seeking an alternative to demolition.

(f) During the review period, the owner of the structure shall make all reasonable efforts to maintain the structure and prevent further deterioration.

(g) Upon determination of the Fire Chief or City Engineer and with the concurrence of the Planning and Zoning Administrator, a Certificate of Appropriateness may be issued to demolish a structure where the public health and safety are in immediate danger if the demolition is not permitted.

(h) The following shall constitute the penalties and remedies for a violation of this Chapter:

- (1) Whoever demolishes or causes to demolish a building in the Historic District or any Listed Property without obtaining a Certificate of Appropriateness shall be guilty of a minor misdemeanor.
- (2) Whoever demolishes or causes to be demolished a building in the Historic District or any Listed Property after being enjoined by court of equity or being ordered to cease and desist by the Planning and Zoning Administrator shall be guilty of a first-degree misdemeanor.
- (3) In addition to the other remedies and penalties provided in this Chapter and the Zoning Code, the City may issue an order to cease and desist and / or initiate appropriate actions or proceedings to prevent, restrain or enjoin any threatened or continuing violations of Section 1245.55.  
(Ord. 25-2006. Passed 3-7-06.)

#### **1245.56 APPEALS.**

An applicant who has been denied a Certificate of Appropriateness by the Historic Landmarks Commission may appeal the decision to City Council. Any such appeal shall be made within thirty (30) days after the denial of the Certificate. Grounds for the appeal shall be given by the applicants in the papers submitted and the grounds shall be limited to procedural errors by the Commission, failure by the Commission to consider the entire record presented to the Commission with respect to the application, an incomplete explanation for the decision reached by the Commission, or where there has been a clear misapplication of either the design review guidelines or the Historic District ordinance. When considering an appeal, City Council shall refer to the written guidelines adopted by the Commission and the entire record before the Commission. City Council may request additional information from the Commission and/or the applicant and may hold a public hearing on the issue. City Council may affirm or reverse the Commission's decision. If City Council affirms the decision, the denial of the Certificate will stand. If City Council reverses the decision of the Commission it shall state, as a matter of public record, the reasons for the reversal. (Ord. 25-2006. Passed 3-7-06.)

#### **1245.57 REHABILITATION OF BUILDINGS.**

The Commission may initiate and encourage plans for the preservation and rehabilitation of the individual historic buildings. To achieve this goal, the Commission may assist private individuals and organizations who are working to rehabilitate specific buildings. The Commission may seek to identify buildings where maintenance work is needed or buildings where the restoration of former features or elements is appropriate. After identifying such a building, the Commission may request a meeting with the owner to discuss plans for the property. The Commission shall, on a regular basis, give official recognition to owners and tenants who maintain or rehabilitate their historic buildings with care and thus contribute to the preservation of the history of Perrysburg. (Ord. 25-2006. Passed 3-7-06.)

**1245.58 EARLY IDENTIFICATION OF PLANS AFFECTING HISTORIC PROPERTY.**

The Commission shall work with the City staff and private individuals to learn about proposed public or private plans that would lead to changes in the Historic Districts or to Listed Properties. This work shall be done to cover the period before the Commission receives an application from an owner or tenant. The purpose of this early identification of projects is to help in the preservation of historic buildings and to resolve conflicts between the preservation of historic buildings and alternative use of the land.  
(Ord. 25-2006. Passed 3-7-06.)

**1245.59 EXCLUSIONS.**

Nothing in this Chapter shall prevent the ordinary maintenance or repair, as defined in Section 1245.47, of any Listed Property or property within a Historic District, if such work involves no change in design, texture, material or exterior feature. Nothing in this Chapter shall prevent any change, including the construction, reconstruction, alteration or demolition of any property, structure, building, object or work of art within a Historic District or Listed Property, which, in the view of the City acting lawfully, is required for public safety because of an unsafe or dangerous condition. (Ord. 25-2006. Passed 3-7-06.)

**1245.60 PREVENTION OF UNLAWFUL CHANGES.**

If any unlawful change is made in any property, which has been designated as a Listed Property or which is situated in a Historic District, the City may institute appropriate proceedings to prevent such unlawful change. Such remedy shall be in addition to the penalty provided in Section 1280.06. (Ord. 25-2006. Passed 3-7-06.)

