

**CITY OF FINDLAY  
ZONING ORDINANCE**

**Hancock County, Ohio**



AS ADOPTED BY FINDLAY CITY COUNCIL  
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## CHAPTER 1101 GENERAL

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### 1101.01 AUTHORITY

The City Council of the City of Findlay, Hancock County, Ohio, pursuant to the authority conferred by Chapter 713 of the Ohio Revised Code, hereby provide as follows:

### 1101.02 PURPOSE

This ordinance is adopted for the purpose of promoting and protecting the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of the City of Findlay, by protecting and conserving the character, social, and economic stability of the residential, commercial, industrial, and other use areas; by securing the most appropriate use of land; by preventing overcrowding of the land and undue congestion of population; by providing adequate light, air and reasonable access; and by facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with the City of Findlay Land Use Plan.

### 1101.03 SCOPE

The scope and purpose of this code is also to guide potentially contiguous development that will be under the city's review according to hard water policy and annexation agreements.

### 1101.04 VALIDITY

This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

### 1101.05 INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations, the provisions of this Ordinance shall take precedence.

### 1101.06 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of the Ordinance:

#### A. PARTICULAR VS GENERAL

The particular shall control the general.

**B. TEXT VS ILLUSTRATION**

In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

**C. "SHALL"**

The word "shall" is always mandatory and not discretionary.

**D. "MAY"**

The word "may" is permissive.

**E. TENSE AND NUMBER**

Words used in the present tense shall include the future; the words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

**F. "BUILDING" OR "STRUCTURE"**

A "building" or "structure" includes any part thereof.

**G. "USED FOR"**

The phrase "used for" includes "arranged for," "maintained for," "designed for," "intended for," or "occupied for."

**H. "PERSON"**

The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

**I. "AND", "OR", "EITHER...OR"**

Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either ...or," the conjunction shall be interpreted as follows:

1. "And"

Indicates that all the connected items, conditions, provisions, or events shall apply.

2. "Or"

Indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

3. "Either...or"

Indicates that the connected items, conditions provisions, or events shall apply singly but not in combination.

J. **UNDEFINED**

Terms not herein defined shall have the meaning customarily assigned to them.

## **1101.07 USES**

A. **PUBLIC UTILITIES**

The location, erection, construction, change, alteration , maintenance, reconstruction, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility herein defined shall be permitted in all districts established by this Ordinance except in platted subdivisions with lots less than five (5) acres whether residential or commercial. A Compliance Certificate, but no fee therefore, shall be required for any building or structure or for the use of land essential to the operations of a public utility or railroad and such buildings, structures, or use shall comply with all requirements of this Ordinance.

B. **ESSENTIAL SERVICES**

Essential services serving the City shall be permitted as authorized and regulated by law and other articles of this Ordinance.

Examples include fire stations, police stations and or substations, utility lift stations, water towers, etc.

## **1101.08 PROHIBITION**

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure, or part thereof, except in conformity with the provisions of this Ordinance.

## **1101.09 VOTING PLACE**

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a public election.

## CHAPTER 1113 PLANNING COMMISSION RULES AND PROCEDURES

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### 1113.01 CITY PLANNING COMMISSION

Review Required All of the following shall be reviewed per Chapter 1113:

**A. SUBDIVISIONS**

As required per the City of Findlay Subdivision Rules and Regulations

**B. ALL SITE PLANS**

1. All new construction unless exempted below:
  - a. Single, two, and three family dwellings
  - b. Accessory buildings and structures
  - c. Signs
  - d. Additions/alterations to one, two, and three family dwellings
2. Any existing site proposing changes that would involve a change to:
3. Building Square Footage of more than ten percent (10%)

4. Required Parking
  5. Access from a public roadway
  6. Public water or sewer connections
  7. Impervious surface on the site
  8. Required Landscaping
- C. **CONDITIONAL USES**
- D. **NON-CONFORMING USES**
- E. **ZONE CHANGE REQUESTS**
- F. **STREET & ALLEY VACATION REQUESTS**
- G. **ANY ELEMENT OF THIS CODE AS IDENTIFIED**

### **1113.02 AUTHORITY TO FILE APPLICATIONS**

The person having legal authority to take action in accordance with the approval being sought must file an application for development review or approval under the Findlay Planning and Zoning Ordinance. Unless otherwise expressly stated, that person is presumed to be the record owner, option holder, or duly authorized agent of the record owner. City officials are authorized to require proof of legal authority to take the action sought. All applicants must be in good standing with the City of Findlay, as specified in Chapter 1165.

### **1113.03 PRE-APPLICATION**

Each applicant for development approval is encouraged to arrange a pre-application conference with Planning Commission staff. Planning Commission staff will provide assistance to applicants and ensure that the appropriate review agencies are involved in such meetings.

### **1113.04 FORM OF APPLICATION**

Applications required under the Planning and Zoning Ordinance or Subdivision Rules and Regulations must be submitted via forms provided by the City of Findlay and available on the City's website. Applications shall be accompanied by only three (3) copies of information required for submittal, i.e. site plans. A letter of submittal shall accompany each application. In the letter, the applicant shall describe the intent of the project, i.e., "this project is a beverage drive thru," or "an adult care facility with 88 beds," etc. The letter shall clearly indicate how to contact the owners or applicant and any/all consultants involved with the project. Once Planning Commission staff has reviewed the application and supporting information for completeness, the applicant must submit the remainder of the required material per Chapter 1113.08 Final Submittal.

### **1113.05 APPLICATION FILING FEES**

Applications must be accompanied by the fee amount that has been established by the City Council. Any fee

refund resulting from the applicant's withdrawal is solely at the discretion of the Planning Commission Chairman.

## **1113.06 APPLICATION COMPLETENESS**

An application will be considered complete and ready for processing only if it is submitted with the required form, includes all required information, and is accompanied by the required filing fee. The following steps will be taken in order to ensure completeness, an orderly review process, and placement on the agenda of the Planning Commission:

### **A. STAFF REVIEW**

Planning Commission staff will make a determination of application completeness within seven (7) working days of the application deadline.

### **B. INCOMPLETE APPLICATIONS**

If an application is determined to be incomplete, Planning Commission staff will notify the applicant along with an explanation of the application's deficiencies. No further processing of the application will occur until the deficiencies are corrected within the timeframe stated in the notice.

### **C. DEFICIENCIES**

#### **1. Prior to Setting Meeting Agenda**

Deficiencies corrected within the time frame stated in the notice will not affect that item's opportunity to be placed on the next city planning agenda.

#### **2. Unresolved Prior to Setting Meeting Agenda**

Applications with deficiencies requiring more time than stated in the notice will not be placed on the Planning Commission's agenda until such time as the required/requested information is received.

#### **3. Unresolved within 60 Days**

Deficiencies not corrected by the applicant within 60 days will cause the application to be considered withdrawn.

## **1113.07 APPLICATION REQUIREMENTS**

### **A. PRELIMINARY DEVELOPMENT PLAN**

Applications requiring Preliminary Development Plans shall contain information set forth in Chapter **1113.07(C) General Information** and **(D) Development Plan Information** and will be referred to various city agencies and utility providers for study. The approval of a Preliminary Development Plan shall be in effect for two (2) years to allow for the preparation and submission of the Final Development Plan. If the Final Development Plan has not been filed within this approval period, then the Preliminary Development Plan approval shall expire.

**B. FINAL DEVELOPMENT PLAN**

Only Preliminary Development Plans that have been approved by the City Planning Commission may apply for review as a Final Development Plan. The conditions for approval must be reflected in the Final Development Plan. Any deficiencies on the Preliminary Development Plan must be corrected within the established timeframe.

**C. GENERAL INFORMATION**

1. Name, address and phone number of the applicant
2. Name and address of registered surveyor, engineer and/or landscape architect who prepared the plan
3. Legal description of the property
4. Present use of the property
5. Conceptual overview of the development
6. Proposed ownership and maintenance of common open space
7. Anticipated timing and phasing of the development
8. Names and addresses of property owners within and contiguous to and directly across the street from the subject parcel or parcels

**D. DEVELOPMENT PLAN INFORMATION**

1. Vicinity/project location map
2. Location, type and density of development types
3. Conceptual drainage plan
4. Location and amount of open space(s)
5. Gross lot acreage, net lot acreage, maximum allowable density, proposed density with calculations indicated
6. Maximum site coverage
7. Topography at one-foot contour intervals
8. Base flood elevation data per Chapter 1109.02 (b) (3) (G).
9. Existing features of the development site, including major wooded areas, streets, easements, utility lines, and ponds, waterways, and land uses
10. Street layout and names
11. Existing buildings to remain or to be removed, and if the existing buildings remain, their proposed use
12. Proposed method of street lighting
13. Landscaping (if required as condition for approval)



14. Location, area, and dimensions of all lots, setbacks, and building envelopes
15. Required number of parking spaces and number of spaces proposed
16. All proposed signs excluding street signs (i.e. apartment signage)
17. Area identification (entrance) structure and/or signage
18. Any/all drainage and retention calculations
19. Proposed utility layout
20. Façade plans for projects within the Downtown Design Review District

### **1113.08 FINAL SUBMITTAL**

Once an application has been determined complete, or a notice of correction has been issued, the applicant must submit the material in the number and form as required per the application form. In addition the applicant shall submit the following:

1. An 11" x 17" reduction of the drawings to be considered at the Planning Commission Hearing.
2. A digital copy in pdf via compact disc or email.
3. One (1) set of detention calculations or a written statement if detention is not required.
4. A letter of submittal, if revised from original.

### **1113.09 MEETING LOCATION**

The meetings will be held in the Findlay City Council Chamber unless otherwise designated.

### **1113.10 MEETING SCHEDULE AND SUBMISSION DEADLINES**

Planning Commission staff shall prepare an annual schedule of meetings and submission deadlines for the Planning Commission prior to the start of each calendar year. The Planning Commission shall review and adopt/amend the schedule at its last regular meeting each November.

### **1113.11 SPECIAL MEETINGS**

The Planning Commission Chairman may call special meetings. It shall be the duty of the Chairman to call such a meeting when requested to do so by vote or in writing by a majority of the members of the Planning Commission.

### **1113.12 QUORUM**

A majority of the entire membership of the Planning Commission shall constitute a quorum. This majority must be present at a meeting in order that the Planning Commission may conduct its business. A decision of the Commission is a majority of the quorum.

#### **A. MOTIONS**

Motions shall be restated by the Chairman or Clerk before a vote is taken. The names of the persons making the motion and its second shall be recorded.

**B. VOTING**

Voting shall be by roll call.

**C. MANNER OF VOTES**

Voting shall be recorded by yeas and nays upon the request of any member if so ordered by the Chairman.

### **1113.13 ROBERTS RULES OF ORDER**

Except where otherwise specified, meetings shall be conducted according to Roberts Rules of Order.

### **1113.14 PUBLIC MEETINGS**

All Planning Commission meetings shall be open to the general public. All statements and questions at meetings, either by Planning Commission members, staff or the general public, shall be addressed to the Chairman. Information presented during the meeting shall be recorded.

### **1113.15 PUBLIC NOTICE**

Notice of applications shall be provided to adjacent property owners at least fourteen (14) days prior to the date of the meeting at which the request will be considered. The process for notification shall be as follows:

1. Applicant is to provide addressed envelopes with proper postage
2. Staff review shall verify adjacent property owners
3. Staff will mail out notices
4. Staff report will:
  - i. Identify adjacent property owners
  - ii. Indicate date of mailing notices

### **1113.16 ORDER OF BUSINESS**

The order of business at regular meetings shall be:

- A. **ROLL CALL**
- B. **SWEARING IN**
- C. **APPROVAL OF MINUTES OF PREVIOUS MEETING**
- D. **CASES REQUIRING ACTION BY THE COMMISSION**
- E. **CASE REVIEW (SEE CHAPTER 1113.17 CASE REVIEW PROCEDURE)**
- F. **ADMINISTRATIVE APPROVALS**
- G. **OTHER BUSINESS**
- H. **ADJOURNMENT**

### **1113.17 CASE REVIEW PROCEDURE**

Each request made before the Planning Commission shall be due the following process:

**A. SUMMARY**

The matter before the Commission may be presented in summary by the Chairman, or the staff.

**B. TESTIMONY**

The Chairman shall request the applicant and/or representative come forward and provide testimony.

**C. PUBLIC COMMENT**

The Chairman shall inquire if anyone is present with an interest in the case, and shall invite him or her to the podium to provide testimony.

**D. PRIVILEGE OF FLOOR**

Parties of interest have the privilege of the floor, subject to the rules of the Chairman.

**E. AGENDA ORDER**

In consideration of other applicants and attendees present, the Chairman may change the order in which the cases are heard pending anticipation of lengthy deliberation about a particular case.

**F. RECORD OF SPEAKERS**

A record shall be kept of the names and addresses of those speaking before the Planning Commission.

## **1113.18 BURDEN OF PROOF OR PERSUASION**

In all cases, the burden is on the applicant to show that an application complies with applicable review or approval criteria.

## **1113.19 WITHDRAWALS**

**A. PRIOR TO DEADLINE**

In order to withdraw an application prior to a Planning Commission meeting, the request must be received prior to the City Planning Commission Clerk mailing out the agenda packet to the Planning Commission members. The request for withdrawal must be in a letter form, addressed to the Planning Commission Clerk, and must state the reason for the request to withdraw. In general, agenda packets are mailed out the Friday prior to regularly scheduled Planning Commission meetings.

**B. POST DEADLINE**

Letters received after the mailing will be forwarded to the Planning Commission members for their consideration at the scheduled meeting. The members may approve or deny the request at the meeting. Application fees will not be refunded for withdrawals.

## 1113.20 PLANNING COMMISSION ACTION

In making their recommendation or decisions, the Planning Commission may take any of the following actions including: approval of the application; approval with modifications or conditions; denial of the application; or; tabling/deferring the application to another date. In the course of review and decision making, the Planning Commission:

**A. MAY APPLY CONDITIONS TO THE APPLICATION**

May apply conditions on the application if the effect is to:

1. Allow a less intensive use or zoning district than indicated in the application,
2. Reduce the impact of the development or;
3. Reduce the amount of land area included in the application-;
4. Provide for the public's safety and general welfare.

**B. CANNOT EXPAND THE REQUEST**

May not approve a greater density of development, a more intensive use or a more intensive zoning district than was indicated in any notice.

**C. HAS DISCRETION**

1. Is not required to approve the maximum density or intensity of use allowed.
2. The Planning Commission reserves the right to determine if a use not specified in this ordinance is appropriate in the zoning district of the subject site.
3. The Planning Commission may add, subtract, or substitute any condition of a conditional use.

**D. EXPRESS ITS DECISION**

Should clearly state its reasons for reaching a decision.

*Example: Motion to approve the request because it "complies with the site plan requirements for the zoning district" or "per the staff recommendations."*

**E. ITEMIZE APPROVAL CONDITIONS**

Should enumerate and express all conditions for approval

*Example: Motion to approve..."subject to the following five (5) conditions."*

## 1113.21 CONDITIONS OF APPROVAL

When the Planning Commission approves applications with conditions, the conditions must relate to a situation created or aggravated by the proposed use or development and must be roughly proportional to the impact of the use or development. Projects found to be out of compliance with any conditions as approved by the Planning Commission can result in having their occupancy permit revoked until such time as the conditions are found to be

in order.

### **1113.22 ISSUANCE OF ZONING PERMIT**

Issuance of a zoning permit after a site plan has been approved by the Planning Commission is not automatic. In general, cases that involve a site plan are approved with conditions. These conditions may be enumerated in the form of a letter to the applicant. Site plans approved by the Planning Commission are to be reviewed for compliance by the City Engineer and Planning Director prior to issuing a zoning permit. Failing to comply with any conditions required per Planning Commission's site plan approval will result in a delay/denial of final approval by the Planning Director and/or City Engineer.

### **1113.23 APPEALS**

Planning Commission decisions may be appealed to the Common Pleas Court per Ohio Revised Code 2506.

### **1113.24 STAFF**

The Planning Commission staff as referenced herein includes the City Engineer, HRPC Director, Fire Department Official and Planning Commission Clerk.

### **1113.25 STAFF REPORT**

The Planning Commission staff will review each request in accordance with the requirements set forth in the Findlay Planning and Zoning Ordinance and Chapter 1113.29 Administrative Review & Actions herein. Based on the results of those reviews, the staff will provide the report to the Planning Commission and applicant.

### **1113.26 CONSULTANTS**

The Planning Commission may employ expert consultants as it sees fit to aid the Commission in its work.

### **1113.27 CONDITIONS FOR REVIEWING APPLICATIONS FOR ZONING CHANGE & NON-CONFORMING USE**

In reviewing and making decisions on proposed zoning map amendments, use changes, and nonconforming uses the Planning Commission shall consider at least the following factors:

**A. CONSISTENCY WITH PLANNING & ZONING**

Consistency of the proposed rezoning with the Comprehensive Plan and the stated purpose of Findlay's Planning & Zoning Ordinance per Chapter 1101.02 Purpose;

**B. EXISTING USES**

Existing land uses within the general vicinity of the subject property;

**C. EXISTING ZONING**

The zoning classifications of properties within the general vicinity of the subject property;

**D. PHYSICAL CHARACTERISTICS**

The physical suitability of the subject property for the uses permitted under the existing and proposed zoning classifications;

**E. EFFECT FROM CHANGE**

The extent to which rezoning will positively or detrimentally affect properties within the vicinity of the subject property;

**F. ERRORS AND/OR INCONSISTENCIES**

Whether the proposed amendment corrects an error or inconsistency in the Zoning Ordinance or meets the challenge of a changing condition;

**G. UTILITIES & SERVICES**

Whether the City and other service providers will be able to provide sufficient public safety, transportation, and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development; and

**H. IMPACT ON ENVIRONMENT**

Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife and vegetation.

## **1113.28 SITE PLANS**

**A. PURPOSE**

The purpose of requiring Site Plan Review and approval is to ensure compliance with the standards of Findlay's Planning and Zoning Ordinance; to minimize land use conflicts; and to encourage the compatible physical design of the proposal. This includes but is not limited to arrangement of buildings, off-street parking, lighting, on and off-site vehicular or pedestrian circulation, landscaping, drainage and all other utilities, and review of vehicle and pedestrian access, all in a manner that will promote public safety and convenience and will preserve property values. All of the above mentioned issues are subject to review and approval.

**B. CRITERIA**

In order to be approved, the submitted plan must comply with all of the following criteria:

1. Compliance

All standards of the Planning and Zoning Ordinance, Planning Commission Rules & Procedures, and other codified ordinances and City policies;

*Example: Street naming ordinance*

2. Prior Conditions

All prior conditions for approval of previous cases pertaining to the subject parcel(s), site, building, etc. imposed by the City Planning Commission, Board of Zoning Appeals, or Findlay City Council must have been satisfied in order for a new

application for the same parcel(s) to be eligible for submission. Parcel(s) not in compliance with said conditions must be brought into conformance before new applications can be accepted by the City of Findlay.

3. Permitted Use

The proposed use must be allowed in the district in which it is located;

4. Vehicular Access

Vehicular ingress and egress to and from the site and circulation within the site must provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways and developments as well; and

5. Pedestrian Access

The plan must provide for the safe, efficient and convenient movement of pedestrians on the subject site.

## 1113.29 ADMINISTRATIVE REVIEW & ACTIONS

A. PURPOSE

For the purpose of expediting the review and approval of requests of a routine nature, the Planning Commission may delegate to the staff the administrative review of such matters for approval. The decision shall rest with staff for the following requests subject to the provisions unless otherwise expressly stated in this article.

B. ELIGIBLE APPLICATIONS

1. Home Occupations

Must meet the zoning criteria required for approval;

2. Non-conforming uses

New use must be less non-conforming than the currently established and unexpired non-conforming use;

3. Minor Changes

Minor changes to site plan and plats as set forth in Chapter 1113.31 Minor Changes Definition (Site Plans & Plats); and

4. Building additions

Cannot negatively impact/affect parking requirements, traffic circulation and/or access to roadways and satisfy other requirements as provided herein.

## 1113.30 DECISIONS BY STAFF

The staff will review each request for completeness within 10 days, and take one of the following actions:

A. **APPROVAL**

Approve the request as submitted;

B. **REVIEW & COMMENT**

Identify those revisions or modifications that would allow approval of the request;

C. **APPROVE THE REQUEST WITH CONDITIONS;**

Approve request as presented but subject to certain restrictions or conditions.

D. **DENIAL**

Deny the application for reason stated; or

E. **SEND TO PLANNING COMMISSION**

Forward the request to the Planning Commission for review and action. Staff reserves discretion to bring any application before the Planning Commission.

### **1113.31 MINOR CHANGES DEFINITION (SITE PLANS & PLATS)**

Minor Changes include the following:

A. **BUILDING SIZE**

An increase in building footprint size or cumulative floor area:

1. 30% for buildings having less than 50,000 gross square feet;
2. 15% for building having 50,000 or greater gross square feet;

B. **BUILDING HEIGHT**

An increase in building height allowable by the Planning and Zoning Ordinance;

C. **HARD SURFACE**

Minimal increase in the cumulative impervious surface coverage (existing paved area) by less than 10 percent;

D. **ZONING**

Permitted in the zoning district which it is located;

E. **CIRCULATION**

Changes in the internal traffic circulation;

F. **OPEN SPACE**

Minor alterations in open space layout;

G. **PARKING**

Insignificant changes to the parking layout;

H. **BUILDING PLACEMENT**

Changes in the building/building envelope configurations that do not significantly change the



coverage ratios, engineering calculations, parking layout, etc., and;

I. **AMENITIES**

Configuration of community recreational amenities, such as clubhouses, swimming pools, etc.

### **1113.32 REPORT TO PLANNING COMMISSION**

Administrative actions by staff shall be reported to the Planning Commission at the next regular meeting.

### **1113.33 APPEAL OF ADMINISTRATIVE DECISIONS**

Appeals of staff decisions may be taken to the Planning Commission by filing a notice of appeal with the Planning Commission Clerk. The notice shall comply with Chapter 1113.34 Appeal Criteria. Appeals must be filed within 10 days of the staff's decision.

### **1113.34 APPEAL CRITERIA**

Any person aggrieved by an administrative decision as provided for in these rules and regulations may make an appeal to the Planning Commission. An appeal shall be accompanied by a written statement from the aggrieved party and setting forth the grounds for the appeal.

### **1113.35 ACTION ON APPEAL OF A SITE PLAN**

In the case of appeals, the Planning Commission must consider the original site plan submitted with the application. The procedure is to be the same as required of the original action before the Planning Commission staff.

### **1113.36 APPROVAL PLUS VARIANCE**

If a development proposal requires both a site plan and a variance subject to Chapter 1115.04 Variance of Findlay's Zoning Ordinance, the Planning Commission may approve the project with the condition that it must also receive an approval from the Board of Zoning Appeals for any/all necessary waivers.

### **1113.37 REPETITIVE APPLICATIONS**

The Planning Commission staff may not process another application for the same or similar request affecting the same property or a portion of it until the expiration of a 1-year period, extending from the date of denial by the Planning Commission or withdrawal by the applicant.

### **1113.38 LAPSE OF APPROVAL**

If no work progresses on an approved application within one (1) year from the date of Administrative or Planning Commission approval, the approval shall lapse and become null and void. Issuance of permits and/ posting of construction bonds when required shall constitute work. The approval shall lapse if the permit expires prior to commencing the work. *Example: The maximum time period to complete a project is two (2) years. This is assuming the applicant waits until the 365th day after approval to obtain a permit. Permits are valid for one (1) year. No additional permits will be issued regardless of a project's start date or completion status.*

## CHAPTER 1115 BOARD OF ZONING APPEALS RULES & PROCEDURES

### CHAPTER CONTENTS

1115.01	Creation and Membership	1115.06	Required Findings for Issuance of Variances
1115.02	Organization	1115.07	Conditions
1115.03	Jurisdiction	1115.08	Time Limit
1115.04	Variance	1115.09	Zoning District Map Interpretation
1115.05	Granting of Variance		

### 1115.01 CREATION AND MEMBERSHIP

#### A. CREATION

A Board of Zoning Appeals, hereafter referred to as the "Board", shall be established.

#### B. MEMBER COMPOSITION

The Board shall consist of five (5) members and two (2) alternates, all of whom shall be electors of the City and who shall be appointed as follows: Five members of the Board and two alternates shall be appointed by the Mayor, with the consent and approval of Council. An alternate shall be considered a member when acting on behalf of a member who is absent or must abstain from voting.

#### C. TERMS

These members of the Board and alternates shall hold office for terms of four (4) years, and their terms shall be staggered so that not more than two shall expire in any one year.

#### D. VACANCIES

The Mayor shall appoint a new member or alternate to fill any vacancy for the unexpired term created by a resignation or otherwise, subject to the consent of Council.

#### E. CONTINUITY

All members or alternates shall serve until their successors are appointed and qualified.

#### F. REMOVAL

The Mayor shall have the power to remove any member or alternate of the Board for cause, after a public hearing before Council.

### 1115.02 ORGANIZATION

The Board is subject to the following:

#### A. OFFICERS AND PROCEEDINGS

The Board shall, within ten days after appointment, meet and organize by electing a chairman, a vice-chairman and a secretary from their membership. All meetings of the Board shall be held at

the call of the chairman, or on the written request to the chairman of two (2) members of the Board, and at such time and places as the chairman may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and require the attendance of witnesses. All meetings of the Board shall comply with requirements of Ohio's open meeting laws.

**B. RECORD KEEPING**

The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent, or failing to vote, indicating such fact, and shall also keep records of its examination and other official actions. The Board may adopt its own rules of procedure. Every order, requirement, decision or determination of the Board shall be filed in the Zoning Office and shall become a public record.

**C. OPERATIONS**

In the performance of its duties, the Board may incur such expenditures as shall be authorized by Council. Each member of the Board shall serve without compensation.

**D. QUORUM**

A majority of the members of the Board shall constitute a quorum. No action of said Board shall be official unless such action be taken or authorized by a majority of the membership of the Board.

Example: if only three of the five members are in attendance, then all decisions must be unanimous, such by a vote of 3 - 0.

## **1115.03 JURISDICTION**

**A. APPEALS**

The Board shall hear appeals from any order, requirement, decision or determination made by the Zoning Administrator. Such appeal shall be taken within such time as shall be prescribed by the Board in its rules, and by filing with the Zoning Office a notice of appeal, specifying the grounds thereof. The Zoning Office shall transmit to the Board all facts constituting the record on which the action of appeal is taken.

**B. STAY OF PROCEEDINGS**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator from whom the appeal is taken certifies to the Board, after the notice of appeal is filed with him/her, that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case no stay shall be had, unless a restraining order to that effect shall be issued by the Court of Common Pleas of Hancock County, Ohio, after due notice given to the Zoning Administrator from whom the appeal is taken and for good cause shown.

**C. SET MEETING**

The Board shall fix a time for the hearing of an appeal and give not less than seven (7) days' notice thereof to the parties, in accordance with its rules of procedure, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

**D. BOARD ACTION**

The Board may reverse, affirm or modify the order, requirement, decision or determination as in its opinion shall seem just and fair, and to that end, the Board shall have all the powers of the officer from whom the appeal is taken.

**E. APPEAL OF BOARD ACTION**

After hearing as provided above, any person adversely affected by any order or decision issued by the Board may appeal from the order of the Board to the Court of Common Pleas. Any party desiring to appeal shall file a notice of appeal with the Board setting forth the order appealed from and the grounds for appeal. A copy of such notice of appeal shall also be filed in the Court of Common Pleas by the party appealing. Such notice of appeal shall be filed within thirty days after the filing of a decision of the Board in the office of the Zoning Administrator. Such appeal may be on questions of law or on questions of law and fact. The filing of a notice of appeal in the office of the Board shall stay all proceedings appealed from until the Court of Common Pleas has rendered a decision on the matter. The provisions of the Ohio Revised Code shall further govern all appeals under the provisions of this Chapter.

## **1115.04 VARIANCE**

**A. VARIANCE DEFINED**

A variance is a modification of the literal provisions of this Zoning Ordinance granted when strict enforcement of the code would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are:

1. Undue hardship, and
2. Unique circumstances applying to the property.
3. A variance is not justified unless both elements are present in the case.

**B. APPLYING STANDARDS**

The Board shall be permitted to grant variances as above defined in specific cases whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive an owner of the reasonable use of the land or building involved. In review of a variance request, nonconformities on adjacent lands in the same district may be considered when evaluating

applications regarding structures or buildings. Such instances may be considered grounds for the issuance of a variance.

**C. PUBLIC NOTICE OF MEETING**

Notice of applications for variance shall be provided to all abutting property owners and published in a newspaper of general circulation at least fourteen (14) days prior to the date of the meeting at which the variance request will be considered. A second notice is required to be published at least seven (7) days prior to the same meeting. Holidays or other occasions that affect the notification schedule will be noted on the annual application deadline schedule presented at the beginning of each calendar year.

## **1115.05 GRANTING OF VARIANCE**

No variance from the strict application of the standards of this Zoning Ordinance shall be granted by the Board of Appeals unless and until the applicant demonstrates to the Board's satisfaction all of the following:

**A. CONDITIONS AND CIRCUMSTANCES**

That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same district.

**B. PROPERTY RIGHTS**

That the literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance.

**C. APPLICANT'S DISREGARD**

That the special conditions and circumstances do not result from the actions of applicant, his agent and/or contractor to disregard or circumvent the Zoning Ordinance but are a result from the applicant's good faith attempts to improve the property, neighborhood and community without substantially infringing on the language and intent of the Zoning Ordinance.

**D. HARMONY WITH LOCALITY**

That the variance requested shall not alter the essential character of the locality nor substantially or permanently impair the appropriate use or development of adjacent properties.

**E. MAGNITUDE OF VARIANCE**

The category of variance is of little consequence to the ordinance but of great benefit to a property owner's usability.

*A guideline for measuring magnitude is not more than ten (10) percent of any measureable*

*criteria, such as a setback.*

*Example: A property located near the flood plain is constrained by various zoning requirements. The lot is zoned R-3 Single Family, is traversed by the 100-year flood plain, and measures the minimum 3,500 square foot lot size as required. The property owner is seeking a variance to construct the minimum required 800 square foot home as a single story because the footprint cannot fit on the site. The building envelop is only 750 square feet. The front and side yard requirements are ten feet (10') and three feet (3') respectively.*

*Solution 1: If balancing the site is not an option, the flood ordinance is of higher importance than the setback requirements. With such minimal setbacks the additional 50 square feet would encroach presents a larger magnitude variance than would allowing a 750 square foot structure.*

*Solution 2: If possible, adding a second story to the structure would reduce the first floor footprint and eliminate the need for a variance.*

**F. ALTERNATIVES**

Whether the applicant's predicament can be obviated through some method other than a variance. The applicant has presented and/or evaluated other alternatives but has concluded this request is the most feasible.

**G. SUBSTANTIAL JUSTICE**

Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

**1115.06 REQUIRED FINDINGS FOR ISSUANCE OF VARIANCES**

No variance shall be granted by the Board of Zoning Appeals without consideration and resolve of the following standards.

**A. BURDEN OF PROOF**

In requests for variances, the burden of all required proofs shall be on the applicant.

**B. APPROPRIATE REQUEST**

Prior to approving any requested variance, the Board of Appeals shall make a determination that the reasons set forth in the application are valid and do justify the granting of the variance.

**C. MINIMAL DEVIATION**

The Board shall also determine if the variance is the minimum variance necessary to make possible the reasonable use of the land, building or structure. The Board's minutes shall include the basis on which the Board justifies the granting of any variance.

**D. USE VARIANCES NOT ALLOWED**

Under no circumstances shall the Board of Appeals grant a variance which will permit a use which is not permitted in the district in which the property is located.

**E. PREEMPTIVE VARIANCES**

Under no circumstances shall the Board of Zoning Appeals grant a preemptive variance.

### **1115.07 CONDITIONS**

The Board of Zoning Appeals may prescribe appropriate conditions and safeguards as it may determine necessary to protect the value and utility of properties adjoining those involved in variance requests. Failure to adhere to such conditions and safeguards shall be a violation of this Zoning Ordinance. In prescribing conditions, the Board shall, to the greatest extent possible, attach only those conditions which are visible from a building's exterior and are, therefore, enforceable by the Zoning Administrator.

### **1115.08 TIME LIMIT**

When a variance from the strict application of the terms of this Code has been approved by the Board of Zoning Appeals, the Zoning Department may issue a zoning permit. If an applicant fails to secure the zoning permit within 60 days of the decision, such variance shall expire. If it deems a more restrictive time limit to be appropriate, the Board of Zoning Appeals shall have the authority to adjust the permit duration period. City of Findlay Zoning Permits are valid for one (1) year. The duration period can be reduced but not by less than three months. Permit duration can also be increased, but not by more than two (2) years.

*Example: The board may want to limit the zoning permit's period of validity from 1 year to 6 months for a particular reason, such as paving the parking lot now instead of waiting until spring.*

### **1115.09 ZONING DISTRICT MAP INTERPRETATION**

The Board shall also interpret the Zoning District Map which constitutes a part of the Zoning Ordinance. In the interpretation of such Zoning District Map, the Board shall consider that district boundaries are intended to follow the center lines of existing streets, highways, alleys or property lines, or extensions of same, or the banks of rivers, streams, creeks and open ditches, half-section or quarter-section lines, unless definite conditions are otherwise indicated on the Zoning District Map.

## CHAPTER 1119 ESTABLISHMENT OF DISTRICTS

### CHAPTER CONTENTS

1119.01 Districts	1119.04 Respect to Other Local Regulations
1119.02 Overlay Districts	1119.05 Interpretation of District Boundaries
1119.03 Zoning District Map	1119.06 Zoning of Vacated Areas

## 1119.01 DISTRICTS

The City is hereby divided into fifteen (15) Districts known as:

- A. **"R-1" SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT**  
Area restricted primarily to low density residential development.
- B. **"R-2" SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT**  
Area restricted primarily to medium density residential development.
- C. **"R-3" SINGLE-FAMILY HIGH DENSITY RESIDENTIAL DISTRICT**  
Area restricted primarily to high density residential development on lots. This zoning district is designed to accommodate the many smaller, older lots within the City of Findlay.
- D. **"R-4" DUPLEX/TRIPLEX HIGH DENSITY RESIDENTIAL DISTRICT**  
Area providing for high density residential development, including single family and two-family residential units. This zoning district is designed to accommodate the many smaller, older lots in the City's neighborhoods where it is desirable to encourage the development of two-family residential units.
- E. **"M-1" MULTIPLE-FAMILY DISTRICT**  
Area restricted primarily to multiple dwelling units with low density on single lots.
- F. **"M-2" MULTIPLE-FAMILY DISTRICT**  
Area restricted primarily to multiple dwelling units with high density on single lots.
- G. **CD" CONDOMINIUM DISTRICT**  
District for the development of residential condominiums.
- H. **"MH" MOBILE HOME DISTRICT**  
Areas designed for mobile home parks.
- I. **"O-1" INSTITUTIONS AND OFFICES DISTRICT**  
Area restricted primarily to office uses, both single building and campus type.



- J. **"C-1" LOCAL COMMERCIAL DISTRICT**  
Area designated for businesses of more local target market and under 15,000 square feet in building footprint.
- K. **"C-2" GENERAL COMMERCIAL DISTRICT**  
Area designated for businesses of more regional target market and over 15,000 square feet in building footprint.
- L. **"C-3" DOWNTOWN COMMERCIAL DISTRICT**  
Area designated to represent the downtown business district
- M. **"I-1" LIGHT INDUSTRIAL DISTRICT**  
Area designed primarily for light industry and wholesaling.
- N. **"I-2" GENERAL INDUSTRIAL DISTRICT**  
Area designed for heavy industry, including food processing.
- O. **"PO" PARK AND OPEN SPACE DISTRICT**  
Special purpose district designed to preserve and enhance open space and recreational areas whether public or private.

## 1119.02 OVERLAY DISTRICTS

The City's zoning districts may be further defined through restrictions imposed by one or more of the following Overlay Districts:

- A. **"MOD" MEDICAL OVERLAY DISTRICT**  
The Medical Overlay District promotes medical and related uses associated with a primary care point such as a hospital. The district allows for a mix of uses supporting the primary care point while protecting the property in the vicinity from more intrusive uses allowable in other use districts.
- B. **"PMUD" PLANNED MIXED USE DEVELOPMENT**  
A voluntary district that provides for a mix of uses in one of two ways: residential and commercial; or commercial and industrial. The designation allows for innovative design, conservation of natural features, and requires open space areas in exchange for the deviation of certain requirements contained in the base zoning districts to achieve a balanced design.
- C. **"PRD" PLANNED RESIDENTIAL DEVELOPMENT**  
A voluntary district that encourages innovative residential design, conservation of natural features, and requires open space areas in exchange for deviation of certain requirements contained in the base zoning districts to achieve a balanced design.

**D. "ROD" RIPARIAN OVERLAY DISTRICT**

Setbacks along watercourses, including rivers, streams, major and minor tributaries to serve as buffer areas. The District is prepared and adopted in preparation of the Flood Mitigation effort underway to minimize or reduce flooding of the Blanchard River and its tributaries. Once the mitigation effort is complete, the overlay district shall be designated on the zoning map. One example would be 75' setbacks both sides of the Blanchard River and 25' both sides of Eagle Creek.

**E. "UOD" UNIVERSITY OVERLAY DISTRICT**

The University Overlay District promotes educational and related uses associated with secondary education institutions such as a university or community college. The Overlay District permits educational institutions and their accessory uses, as well as a variety of local commercial uses typically associated with and nearby a university or college, to enhance the campus existence but protect the area from more intrusive uses allowable in commercial districts.

### **1119.03 ZONING DISTRICT MAP**

The boundaries of zoning districts are shown upon the Zoning District Map which is made a part of this Zoning Ordinance, which is designated as the "Zoning District Map." The Zoning District Map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the Zoning District Map and all the notations, references and other information shown thereon were fully set forth or described herein, of which the original Zoning District Map is properly attested and is on file with the City Council.

### **1119.04 RESPECT TO OTHER LOCAL REGULATIONS**

The intent of this Zoning Ordinance is to coordinate, cross reference, and respect other local government regulations where they apply in specific instances as much as possible. The various regulations incorporated by reference herein include but may not be limited to:

**A. FINDLAY MUNICIPAL CODE CHAPTER 1351 "FLOOD DAMAGE REDUCTION ORDINANCE"**

Restricts or prohibits certain land uses within the 100-year flood plain as defined by the Flood Hazard Boundary Map, issued by the Federal Emergency Management Administration for the City of Findlay.

**B. FINDLAY MUNICIPAL CODE CHAPTER 1105 SUBDIVISION RULES AND REGULATIONS**

Establishes requirements for creating lots, or parcels and establishing the review and decision-making process.

**C. HANCOCK COUNTY ACCESS MANAGEMENT REGULATIONS**

Establishes policies for the unincorporated area of Hancock County to allow access onto county and township roadways. A county roadway classification system is identified along with related

distance requirements between access points.

## **1119.05 INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:

**A. ROADWAYS**

Boundaries indicated as approximately following the centerlines of streets, highways or alleys, shall be construed to follow such centerlines.

**B. LOT LINES**

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

**C. MUNICIPAL LIMITS**

Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.

**D. RAILROADS**

Boundaries indicated as following railroad lines shall be construed to be located in the centerline or the midway (if multiple) between the main tracks.

**E. SHORELINES**

Boundaries indicated as following shorelines shall be construed to follow the centerline of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines and in the event of a natural change in the watercourse way shall be construed to follow such centerlines.

**F. MAP INTERPRETATIONS**

Boundaries indicated as parallel to or extensions of features indicated in subsections "A" through "E" above shall be so construed. Distances not specifically indicated on the official Zoning District Map shall be determined by the scale of the Map.

**G. INTERPRETATIONS & DISCREPANCIES**

Where physical or natural features existing on the ground are at variance with those shown on the official Zoning District Map, or in other circumstances not covered by subsections "A" through "F" above, the Board of Zoning Appeals shall interpret the District boundaries.

**H. EXTEND TO CENTERLINES**

Insofar as some or all of the various Districts may be indicated on the Zoning District Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that

such District boundaries do extend to the center of any public right-of-way.

### **1119.06 ZONING OF VACATED AREAS**

Whenever any street, alley or other public way, within the incorporated area of the City of Findlay shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zoning District as the property to which it attaches.

# CHAPTER 1121 R-1 SINGLE FAMILY LOW DENSITY RESIDENTIAL

## SUPPORTING ILLUSTRATIONS

## District Intent

This residential district is intended to provide for the development of single-family homes with a density range of approximately 4 dwelling units per acre.

### Required Approvals

- City of Findlay Zoning Inspector

### Permitted Uses Summary

#### Residential Uses:

- Single Family Dwellings
- Accessory Uses (See, Permitted Accessory Structures)
- Daycares (Type B Family day-care home)
- Public and Private Parks

#### Accessory Uses:

- Detached garages
- Gazebos, decks, porches, hot tub enclosures
- Carports, canopies, pool houses, greenhouses
- Fences
- Structures less than 50 square feet are not considered accessory structures.

### Conditional Uses Summary

- Cemeteries
- Home Occupations
- Non-Commercial Recreational
- Facilities
- Places of Worship
- Public/Private Golf Courses
- Public Swimming Pools
- Restricted Commercial
- Recreation Facilities
- Schools – Public/Private
- Kindergarten to 12
- Bed & Breakfasts
- group homes
- emergency services
- Community Center

### Setbacks & Lot Size

- Front Setback: 30'
- Side Setback: 5'
- Rear Yard Setback: 30'
- Minimum Lot: 10,000 square feet
- Minimum lot frontage 65'
- Street side yard setback: 15'

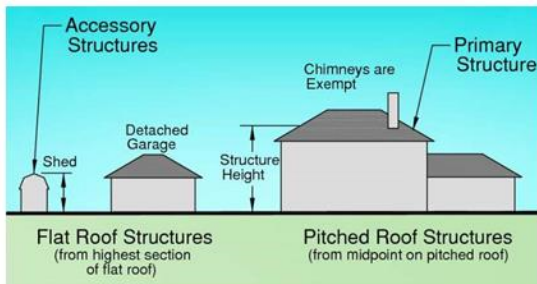
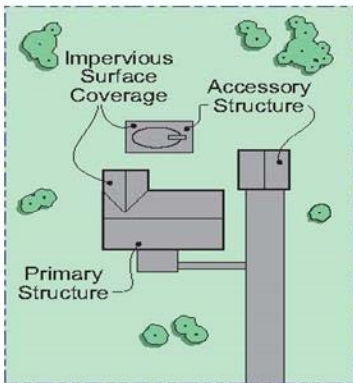


### Lot Coverage

- Maximum 33% for all structures
- Minimum Living Area:
  - Single Story - 1,600 square feet
  - Two Story - 1,800 square feet
- One accessory structure of less than 50 square feet is excluded

### Building Height

- Primary Structure: 40'
- Accessory Structure: 18'



### Additional Development Standards

- Accessory Structures 1161.01
- Communication Structures 1161.13
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Home Occupation 1161.05
- Landscaping Standards 1161.08
- Lighting Standards 1161.09
- Parking 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Penalties
- Flood Damage Reduction

## CHAPTER 1121 R-1 SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT

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1121.01	Intent	1121.06	Lot Requirements
1121.02	Permitted Use - Certificate Required	1121.07	Minimum Living Areas
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1121.04	Uses Expressly Prohibited	1121.09	Applicable Chapters
1121.05	Required Building Setbacks	1121.99	Penalties

### 1121.01 INTENT

The R-1 Single Family Districts are intended to provide for single family homes. The intent is to provide an environment of predominantly low density, single-family, detached dwellings, along with accessory buildings, which serve the residents of the District, and are for the purpose of providing low density housing.

### 1121.02 PERMITTED USE - CERTIFICATE REQUIRED

- A. SINGLE FAMILY DWELLINGS
- B. ACCESSORY USES (SEE 1161.01 ACCESSORY STRUCTURES, PERMITTED ACCESSORY STRUCTURES)
- C. DAYCARES (TYPE B FAMILY DAY-CARE HOME)
- D. PUBLIC AND PRIVATE PARKS

### 1121.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL

- A. CEMETERIES
- B. GOVERNMENT USES
- C. HOME OCCUPATIONS
- D. NON-COMMERCIAL RECREATIONAL FACILITIES
- E. PLACES OF WORSHIP
- F. PUBLIC/PRIVATE GOLF COURSES
- G. PUBLIC SWIMMING POOLS
- H. GROUP HOMES
- I. RESTRICTED COMMERCIAL RECREATIONAL FACILITIES
- J. SCHOOLS – PUBLIC/PRIVATE KINDERGARTEN TO 12
- K. EMERGENCY SERVICES
- L. COMMUNITY CENTER
- M. BORROW PITS

#### **1121.04 USES EXPRESSLY PROHIBITED**

- A. **PARKING, IDLING, OR STORAGE OF SEMI-CABS AND TRACTOR TRAILERS**
- B. **TAXI SERVICES**
- C. **TOWING SERVICES**
- D. **GARBAGE/REFUSE OPERATIONS**

#### **1121.05 REQUIRED BUILDING SETBACKS**

- A. **FRONT YARD SETBACK**  
Thirty feet (30')
- B. **SIDE YARD SETBACK**  
Five feet (5')
- C. **REAR YARD SETBACK**  
Thirty feet (30')
- D. **STREET SIDE YARD SETBACK**  
Fifteen feet (15')
- E. **AVERAGE FRONT YARD SETBACK**
  - i. Where one or more lots are improved, the front depth shall equal the average depth of the front yards of the lots on either side or thirty feet (30'), whichever is the lesser. In no case shall a front yard be less than twenty feet (20').
  - ii. Where the lot is a corner lot, the depth of the front yards shall equal the front yard depth of the adjoining lots or thirty feet (30'), whichever is less. In no case shall a corner lot have front yards less than twenty feet (20').
- F. **OVERHANGS**  
Overhangs may not encroach into any setbacks by more than two feet (2')

#### **1121.06 LOT REQUIREMENTS**

- A. **MINIMUM REQUIRED LOT SIZE**  
10,000 square feet
- B. **MINIMUM REQUIRED LOT FRONTAGE**  
Sixty-five feet (65')
- C. **MAXIMUM PERCENT OF LOT COVERAGE**
  - 1. Maximum  
No lot shall exceed 33% in coverage for all roofed structures.
  - 2. Exceptions:

One accessory building containing fifty (50) square feet or less per site. Such buildings are not permitted in any front yard.

### **1121.07 MINIMUM LIVING AREAS**

**A. SINGLE STORY HOME**

Shall have a minimum of 1,600 square feet of living space excluding garages, porches, and basements.

**B. TWO STORY HOME**

Shall have a minimum of 1,800 square feet of living space

### **1121.08 HEIGHT REQUIREMENTS**

**A. PRIMARY STRUCTURE**

Shall not exceed forty feet (40') above grade

**B. ACCESSORY STRUCTURES**

Shall not exceed eighteen feet (18') above grade

### **1121.09 APPLICABLE CHAPTERS**

CHAPTER 1155 RIPARIAN CORRIDOR OVERLAY  
DISTRICT

CHAPTER 1163 PERFORMANCE REQUIREMENTS

CHAPTER 1165 ADMINISTRATION

CHAPTER 1162 NONCONFORMITY

CHAPTER 1351 FLOOD REDUCTION ORDINANCE

### **1121.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty set forth in CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES.



# CHAPTER 1122 R-2 SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL

## SUPPORTING ILLUSTRATIONS

### District Intent

This residential district is intended to provide for the development of single-family homes with a density range of approximately 5 dwelling units per acre.

### Required Approvals

- City of Findlay Zoning Inspector

### Permitted Uses Summary

#### Residential Uses:

- Single Family Residential Detached
- Accessory Uses
- Daycare (Type B Family day-care home)
- Public and Private Parks

#### Accessory Uses:

- Detached garages
- Gazebos, decks, porches, hot tub enclosures
- Carports, canopies, pool houses, greenhouses
- Fences
- Structures less than 50 square feet are not considered accessory structures.

### Conditional Uses Summary

- Cemeteries
- Home Occupations
- Non-Commercial Recreational
- Facilities
- Places of Worship
- Public/Private Golf Courses
- Public Swimming Pools
- Restricted Commercial
- Recreation Facilities
- Schools – Public/Private
- Kindergarten to 12
- Bed & Breakfasts
- Group homes
- Emergency services



#### Setbacks & Lot Size

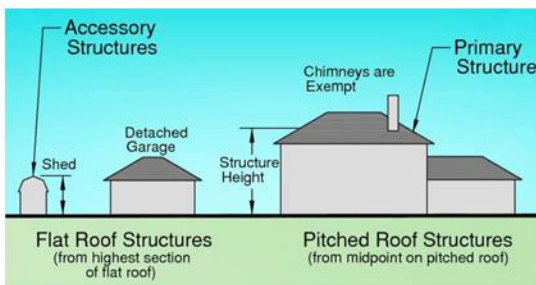
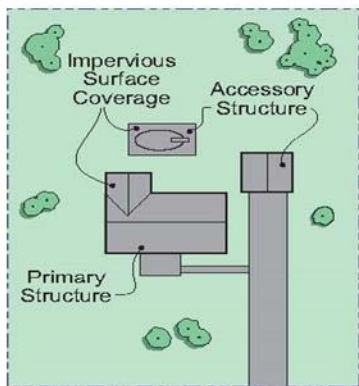
- Front Setback: 25'
- Side Setback: 5'
- Rear Yard Setback: 30'
- Minimum 7,500 square feet
- Minimum lot frontage: 50'
- Average Front Yard Setback: Front depth shall equal average depth of the front yards of the lots on either side or 25', whichever is lesser. In no case less than 15'
- Street Side Yard Setback: 15'

#### Lot Coverage

- Maximum 33% for all structures
- Minimum Living Area:
  - Single Story - 1,300 square feet
  - Two Story - 1,500 square feet

#### Building Height

- Primary Structure: 40'
- Accessory Structure 18'



#### Additional Development Standards

- Accessory Structures 1161.01
- Communication Structures 1161.13
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Home Occupation 1161.05
- Landscaping Standards 1161.08
- Lighting Standards 1161.09
- Parking 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Penalties 1199
- Flood Damage Reduction

## CHAPTER 1122 R-2 SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT

### CHAPTER CONTENTS

1122.01	Intent	1122.07	Minimum Living Areas
1122.02	Permitted Use - Certificate Required	1122.08	Height Requirements
1122.03	Conditional Use Requiring Planning Commission Approval	1122.09	Applicable Chapters
1122.04	Uses Expressly Prohibited	1122.99	Penalties
1122.05	Required Building Setbacks		
1122.06	Lot Requirements		

### 1122.01 INTENT

The R-2 Single Family Districts are intended to provide for single family homes on individual lots. The intent is to provide an environment of predominantly medium density, single-family, detached dwellings, along with other residentially related facilities, which serve the residents of the District, and are for the purpose of providing medium density housing.

### 1122.02 PERMITTED USE - CERTIFICATE REQUIRED

- A. SINGLE FAMILY DWELLINGS
- B. ACCESSORY USES (SEE, PERMITTED ACCESSORY STRUCTURES)
- C. DAYCARES (TYPE B FAMILY DAY-CARE HOME)
- D. PUBLIC AND PRIVATE PARKS

### 1122.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL

- A. CEMETERIES
- B. HOME OCCUPATIONS
- C. NON-COMMERCIAL RECREATIONAL FACILITIES
- D. PLACES OF WORSHIP
- E. PUBLIC/PRIVATE GOLF COURSES
- F. PUBLIC SWIMMING POOLS
- G. RESTRICTED COMMERCIAL RECREATION FACILITIES
- H. SCHOOLS – PUBLIC/PRIVATE KINDERGARTEN TO 12
- I. BED & BREAKFASTS
- J. GROUP HOMES
- K. EMERGENCY SERVICES
- L. COMMUNITY CENTER
- M. BORROW PITS

## 1122.04 USES EXPRESSLY PROHIBITED

- A. **PARKING, IDLING, OR STORAGE OF SEMI-CABS AND TRACTOR TRAILERS**
- B. **TAXI SERVICES**
- C. **TOWING SERVICES**
- D. **GARBAGE/REFUSE OPERATIONS**

## 1122.05 REQUIRED BUILDING SETBACKS

- A. **FRONT YARD SETBACK:**  
Twenty-five feet (25')
- B. **SIDE YARD SETBACK:**  
Five feet (5')
- C. **REAR YARD SETBACK:**  
Thirty feet (30')
- D. **STREET SIDE YARD SETBACK:**  
Fifteen feet (15')
- E. **AVERAGE FRONT YARD SETBACK**
  1. Where one or more lots are improved, the front depth shall equal the average depth of the front yards of the lots on either side or twenty-five feet (25'), whichever is the lesser. In no case shall a front yard be less than fifteen feet (15').
  2. Where the lot is a corner lot, the depth of the front yards shall equal the front yard depth of the adjoining lots or twenty-five feet (25'), whichever is less. In no case shall a corner lot have front yards less than fifteen feet (15').
- F. **OVERHANGS**  
Overhangs may not encroach into any setback by more than 2 feet

## 1122.06 LOT REQUIREMENTS

- A. **MINIMUM:**  
No lot size shall be less than 7,500 square feet.
- B. **MINIMUM**  
Minimum required lot frontage is fifty feet (50')
- C. **MAXIMUM PERCENT OF LOT COVERAGE:**

1. Maximum

No lot shall exceed 33% in coverage for all roofed structures

2. Exceptions

One accessory building containing fifty (50) square feet or less per site. Such buildings are not permitted in any front yard.

### 1122.07 MINIMUM LIVING AREAS

A. **SINGLE STORY HOMES:**

Shall have a minimum 1,300 square feet of living space

B. **TWO STORY HOMES:**

Shall have a minimum of 1,500 square feet of living space

### 1122.08 HEIGHT REQUIREMENTS

A. **PRIMARY STRUCTURE**

Shall not exceed forty feet (40') above grade

B. **ACCESSORY STRUCTURES**

Shall not exceed eighteen feet (18') above grade

### 1122.09 APPLICABLE CHAPTERS

CHAPTER 1155 RIPARIAN CORRIDOR OVERLAY DISTRICT

CHAPTER 1162 NONCONFORMITY

CHAPTER 1163 PERFORMANCE REQUIREMENTS

CHAPTER 1165 ADMINISTRATION

### 1122.99 PENALTIES

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty set forth in CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES.

# CHAPTER 1123 R-3 SINGLE FAMILY HIGH DENSITY RESIDENTIAL

## SUPPORTING ILLUSTRATIONS

### District Intent

This residential district is intended to provide for the characteristics of smaller residential lots as are common in older platted neighborhoods.

### Required Approvals

- City of Findlay Zoning Inspector

### Permitted Uses Summary

#### Residential Uses:

- Single Family Residential Detached
- Accessory Uses
- Daycare (Type B Family day-care home)
- Public and Private Parks

#### Accessory Uses:

- Detached garages
- Gazebos, decks, porches, hot tub enclosures
- Carports, canopies, pool houses, greenhouses
- Fences
- Structures less than 50 square feet are not considered accessory structures.

### Conditional Uses Summary

- Cemeteries
- Government Uses
- Home Occupations
- Non-Commercial Recreational
- Facilities
- Places of Worship
- Public/Private Golf Courses
- Public Swimming Pools
- Restricted Commercial
- Recreational facilities
- Schools – Public/Private
- Kindergarten to 12
- Funeral services
- group homes
- Bed & Breakfasts
- Parking Lots
- Emergency Services
- Community Center



#### Setbacks & Lot Size

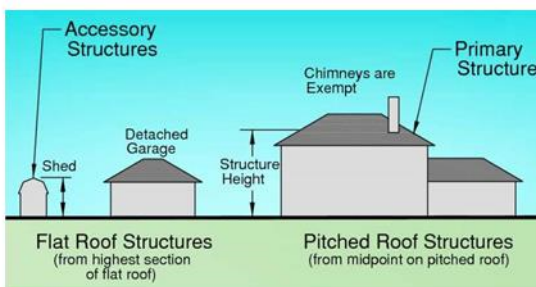
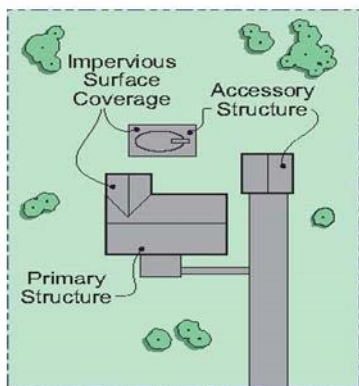
- Front Setback: 10'
- Side Setback: 3'
- Rear Yard Setback: 15% of lot depth or 30' which ever is less
- Minimum 3,500 square feet
- Minimum lot frontage: 35 feet
- Average Front Yard Setback: The front depth shall equal the average depth of the front yards of the lots on either side or 10', whichever is lesser. In no case shall it be less than 5'
- Street Side Yard Setback: 10'

#### Lot Coverage

- Maximum 50% for all structures
- Minimum Living Area:
  - Single Story - 800 square feet
  - Two-story - 1,000 square feet

#### Building Height

- Primary Structure: 40'
- Accessory Structure 18'



#### Additional Development Standards

- Accessory Structures 1161.01
- Communication Structures 1161.13
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Home Occupation 1161.05
- Landscaping Standards 1161.08
- Lighting Standards 1161.09
- Parking 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Penalties 1199
- Flood Damage Reduction

## CHAPTER 1123 R-3 SINGLE-FAMILY HIGH DENSITY RESIDENTIAL DISTRICT

### CHAPTER CONTENTS

1123.01	Intent	1123.06	Lot Requirements
1123.02	Permitted Use - Certificate Required	1123.07	Minimum Living Area
1123.03	Conditional Use Requiring Planning Commission Approval	1123.08	Height Requirements
1123.04	Uses Expressly Prohibited	1123.09	Applicable Chapters
1123.05	Required Building Setbacks	1123.99	Penalties

### 1123.01 INTENT

The R-3 Single Family Districts are intended to bring older neighborhoods into conformance with zoning regulations. The intent is to provide an environment of predominantly higher density, single-family, detached dwellings, along with other residentially related facilities, which serve the residents of the District. The R-3 District is designed to provide for the older, smaller lots that are common with older, platted neighborhoods.

### 1123.02 PERMITTED USE - CERTIFICATE REQUIRED

- A. SINGLE FAMILY DWELLINGS
- B. ACCESSORY USES
- C. DAYCARES (TYPE B FAMILY DAY-CARE HOME)
- D. PUBLIC AND PRIVATE PARKS

### 1123.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL

- A. CEMETERIES
- B. GOVERNMENT USES
- C. HOME OCCUPATIONS
- D. NON-COMMERCIAL RECREATIONAL FACILITIES
- E. PLACES OF WORSHIP
- F. PUBLIC/PRIVATE GOLF COURSES
- G. PUBLIC SWIMMING POOLS
- H. RESTRICTED COMMERCIAL RECREATIONAL FACILITIES
- I. SCHOOLS – PUBLIC/PRIVATE KINDERGARTEN TO 12
- J. FUNERAL SERVICES
- K. GROUP HOMES
- L. BED & BREAKFASTS
- M. PARKING LOTS
- N. EMERGENCY SERVICES
- O. COMMUNITY CENTER
- P. BORROW PITS

## 1123.04 USES EXPRESSLY PROHIBITED

- A. **PARKING, IDLING, OR STORAGE OF SEMI-CABS AND TRACTOR TRAILER**
- B. **TAXI SERVICES**
- C. **TOWING SERVICES**
- D. **GARBAGE/REFUSE OPERATIONS**

## 1123.05 REQUIRED BUILDING SETBACKS

- A. **FRONT YARD SETBACK**  
Ten feet (10')
- B. **SIDE YARD SETBACK**  
Three feet (3')
- C. **STREET SIDE YARD SETBACK**  
Ten feet (10')
- D. **REAR YARD SETBACK**  
Fifteen percent (15%) of the lot depth or thirty feet (30'), whichever is less
- E. **AVERAGE FRONT YARD SETBACK**
  - 1. Where one or more lots are improved, the front depth shall equal the average depth of the front yards of the lots on either side or ten feet (10'), whichever is the lesser. In no case shall a front yard be less than five feet (5').
  - 2. Where the lot is a corner lot, the depth of the front yards shall equal the front yard depth of the adjoining lots or ten feet (10'), whichever is less. In no case shall a corner lot have front yards less than five feet (5').
- F. **OVERHANGS**  
Overhangs may not encroach into any setbacks by more than two feet (2').

## 1123.06 LOT REQUIREMENTS

- A. **MINIMUM REQUIRED LOT SIZE**  
The minimum lot size is 3,500 square feet.
- B. **MINIMUM REQUIRED LOT FRONTAGE**  
Thirty-five feet (35')
- C. **MAXIMUM PERCENT OF LOT COVERAGE**  
Maximum:  
No lot shall exceed 50% in coverage for all roofed structures
- D. **EXCEPTIONS INCLUDE:**  
One accessory building containing fifty (50) square feet or less per site.

*Example 1: A lot in an R-3 District has 55% lot coverage. The residents are still able to erect an accessory building of 100 square feet. These are typically the kit sheds available at any home improvement store. The shed will still require a zoning permit.*

*Example 2: A lot in an R-3 District is 5,000 square feet and has 40% lot coverage (2000 sq. ft). It does not have a garage and owner would like to construct a 600 square foot garage. The owner is limited to 500 square feet before reaching the 50% maximum (2,500 sq. ft). Can the application for an accessory structure add the 100 square foot exemption to the permit? The answer is 'No'. The 100 sq. ft. exemption is intended to provide for smaller shed type buildings, not as a bonus for larger roofed structures.*

## **1123.07 MINIMUM LIVING AREA**

### **A. SINGLE STORY HOMES**

Shall have a minimum 800 square feet of living space

### **B. TWO STORY HOMES**

Shall have a minimum of 1,000 square feet of living space

## **1123.08 HEIGHT REQUIREMENTS**

### **A. PRIMARY STRUCTURE**

Shall not exceed forty feet (40') above grade

### **B. ACCESSORY STRUCTURES**

Shall not exceed eighteen feet (18') above grade

## **1123.09 APPLICABLE CHAPTERS**

CHAPTER 1155 RIPARIAN CORRIDOR OVERLAY DISTRICT

CHAPTER 1162 NONCONFORMITY

CHAPTER 1163 PERFORMANCE REQUIREMENTS

CHAPTER 1165 ADMINISTRATION

## **1123.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty set forth in CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES.



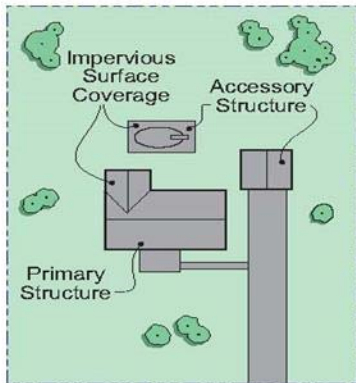
# CHAPTER 1124 R-4 DUPLEX/TRIPLEX RESIDENTIAL

## SUPPORTING ILLUSTRATIONS



### Setbacks & Lot Size (Existing, Infill and Rehab)

- Front Setback: 10'
- Side Setback: 3'
- Rear Yard Setback 30'
- Minimum 4,500 square feet
- Minimum lot frontage: 45'
- Street Side Yard Setback: 10'
- Average Front Yard Setback: The front depth shall equal the average depth of the front yards of the lots on either side or 10', whichever is lesser. In no case shall it be less than 5'

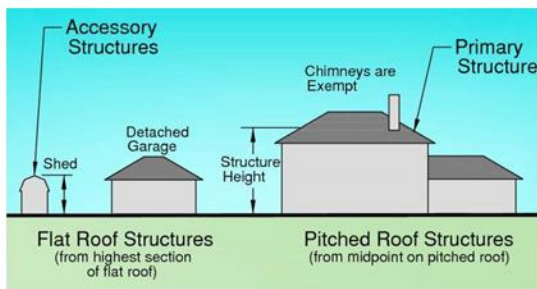


### Setbacks & Lot Size (New Construction)

- Front Setback: 25'
- Side Setback: 5'
- Rear Yard Setback 30'
- Minimum 4,500 square feet
- Minimum lot frontage: 45'
- Street Side Yard Setback: 10'
- Average Front Yard Setback: The front depth shall equal the average depth of the front yards of the lots on either side or 10', whichever is lesser. In no case shall it be less than 5'

### Lot Coverage & Living Area

- Maximum 50% for all structures
- Minimum Living area:  
Single story: 800 square feet  
Two story: 1,000 square feet



### Building Height

- Primary Structure: 40'
- Accessory Structures: 18'

### Additional Development Standards

- Accessory Structures 1161.01
- Architectural Standards 1161.02
- Communication Structures 1161.13
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Home Occupation 1161.05
- Outdoor Storage Standards 1161.10
- Parking 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Penalties 1100

### District Intent

This residential district is intended to bring older neighborhoods into conformance with zoning regulations. The intent is to provide an environment of predominantly higher density, single-family and duplexes / triplexes, detached dwellings, along with other residentially related facilities, which serve the residents of the District.

### Required Approvals

- City Planning Commission
- City of Findlay Zoning Inspector

### Permitted Uses Summary

#### Residential Uses:

- Single Family Dwellings
- Duplexes
- Triplexes
- Accessory Uses
- Daycare (Type B Family day-care home)
- Public and Private Parks

#### Accessory Uses:

- Detached garages
- Gazebos, decks, hot tub enclosures
- Carports, canopies, pool houses, greenhouses
- Fences
- Structures less than 50 square feet are not considered accessory structures

### Conditional Uses

- Bed & Breakfasts
- Cemeteries
- Emergency Services
- Funeral Services
- Government Uses
- Group Homes
- Home Occupations
- Non-Commercial Recreational Facilities
- Parking Lots
- Places of Worship
- Public/Private Golf Courses
- Public Swimming Pools

## CHAPTER 1124 R-4 DUPLEX/TRIPLEX HIGH DENISTY RESIDENTIAL DISTRICT

### CHAPTER CONTENTS

1124.01	Intent	1124.06	Lot Requirements
1124.02	Permitted Use - Certificate Required	1124.07	Minimum Living Area
1124.03	Conditional Use Requiring Planning Commission Approval	1124.08	Height Requirements
1124.04	Uses Expressly Prohibited	1124.09	Applicable Chapters
1124.05	Required Building Setbacks	1124.99	Penalties

### 1124.01 INTENT

The R-4 Duplex/Triplex District is designed to stabilize the older neighborhoods that are saturated with duplexes and triplexes. The R-4 classification exists to respect existing, legal conforming duplex/triplex properties. However, the district cannot be designated in a manner that would represent a spot zone. Therefore, areas with a significant number of duplexes and triplexes may be zoned R-4 overall, but each neighborhood will be evaluated for R-4 based on existing uses and zoning compliance. All zone change requests for R-4 Duplex/Triplex must meet all requirements of this chapter, including but not limited to lot size, coverage, off-street parking, etc.

### 1124.02 PERMITTED USE - CERTIFICATE REQUIRED

- |                            |  |
|----------------------------|--|
| A. SINGLE FAMILY DWELLINGS | E. DAYCARES (TYPE B FAMILY DAYCARE HOME) |
| B. DUPLEX                  | F. PUBLIC AND PRIVATE PARKS              |
| C. TRIPLEX                 |  |
| D. ACCESSORY USES          |  |

### 1124.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL

- |   |  |
|---|--|
| A. CEMETERIES                             | H. RESTRICTED COMMERCIAL RECREATION FACILITY   |
| B. GOVERNMENT USES                        | I. SCHOOLS – PUBLIC/PRIVATE KINDERGARTEN TO 12 |
| C. HOME OCCUPATIONS                       | J. FUNERAL SERVICES                            |
| D. NON-COMMERCIAL RECREATIONAL FACILITIES | K. BED & BREAKFASTS                            |
| E. PLACES OF WORSHIP                      | L. PARKING LOT                                 |
| F. PUBLIC/PRIVATE GOLF COURSES            | M. EMERGENCY SERVICES                          |
| G. PUBLIC SWIMMING POOLS                  |  |

- N. **GROUP HOMES**
- O. **COMMUNITY CENTER**

- P. **BORROW PITS**

### **1124.04 USES EXPRESSLY PROHIBITED**

- A. **PARKING, IDLING, OR STORAGE OF SEMI-CABS AND TRACTOR TRAILER**
- B. **TAXI SERVICES**
- C. **TOWING SERVICES**
- D. **GARBAGE/REFUSE OPERATIONS**

### **1124.05 REQUIRED BUILDING SETBACKS**

#### **A. EXISTING, INFILL, AND REHAB**

##### **1. FRONT YARD SETBACK**

Ten feet (10')

##### **2. SIDE YARD SETBACK**

Three feet (3')

##### **3. STREET SIDE YARD SETBACK**

Ten feet (10')

##### **4. REAR YARD SETBACK**

Thirty feet (30')

##### **5. AVERAGE FRONT YARD SETBACK**

- i. Where one or more lots are improved, the front depth shall equal the average depth of the front yards of the lots on either side or ten feet (10'), whichever is the lesser. In no case shall a front yard be less than five feet (5').
- ii. Where the lot is a corner lot, the depth of the front yards shall equal the front yard depth of the adjoining lots or ten feet (10'), whichever is less. In no case shall a corner lot have front yards less than five feet (5').

#### **B. NEW CONSTRUCTION**

##### **1. FRONT YARD SETBACK**

Twenty-five feet (25')

##### **2. SIDE YARD SETBACK**

Five feet (5')

##### **3. REAR YARD SETBACK**

Thirty feet (30')

**4. AVERAGE FRONT YARD SETBACK**

Where one or more lots are improved, the front depth shall equal the average depth of the front yards of the lots on either side or twenty-five feet (25'), whichever is the lesser. In no case shall a front yard be less than fifteen feet (15').

Where the lot is a corner lot, the depth of the front yards shall equal the front yard depth of the adjoining lots or twenty-five feet (25'), whichever is less. In no case shall a corner lot have front yards less than fifteen feet (15').

See Chapter 1174 Definitions.

## **1124.06 LOT REQUIREMENTS**

**A. MINIMUM REQUIRED LOT SIZE**

The minimum lot size is 4,500 square feet.

**B. MINIMUM REQUIRED LOT FRONTAGE**

Forty-five feet (45')

**C. MAXIMUM PERCENT OF LOT COVERAGE**

Maximum:

No lot shall exceed 50% in coverage for all roofed structures

**D. EXCEPTIONS INCLUDE:**

One accessory building containing fifty (50) square feet or less per buildable lot. See Chapter 1121.06 Lot Requirements for additional information.

## **1124.07 MINIMUM LIVING AREA**

**A. SINGLE STORY HOMES**

Shall have a minimum 800 square feet of living space

**B. TWO STORY HOMES**

Shall have a minimum of 1,000 square feet of living space

## **1124.08 HEIGHT REQUIREMENTS**

### **A. PRIMARY STRUCTURE**

Shall not exceed forty feet (40') above grade

### **B. ACCESSORY STRUCTURES**

Shall not exceed eighteen feet (18') above grade

## **1124.09 APPLICABLE CHAPTERS**

CHAPTER 1155 RIPARIAN CORRIDOR OVERLAY DISTRICT

CHAPTER 1162 NONCONFORMITY

CHAPTER 1163 PERFORMANCE REQUIREMENTS

CHAPTER 1165 ADMINISTRATION

## **1124.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty set forth in CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES.

**SUPPORTING ILLUSTRATIONS**



**Minimum Project Setbacks**

- Front Setback:
  - Major/Secondary Thoroughfare: 40'
  - All other streets: 25'
- Side Setback: 25'
- Rear Yard Setback 30'
  - Buildings with height of 30'-50' require equivalent rear yard setbacks
- Minimum project lot frontage: 75'

**Minimum Project Area**

**Project Area:** shall mean the net area remaining within the site after the deduction of all dedicated right-of-ways and private streets.

- 5,400 square feet per unit
  - There shall be no minimum project area other than the land area necessary to provide for the development standards.

**Minimum Living Area**

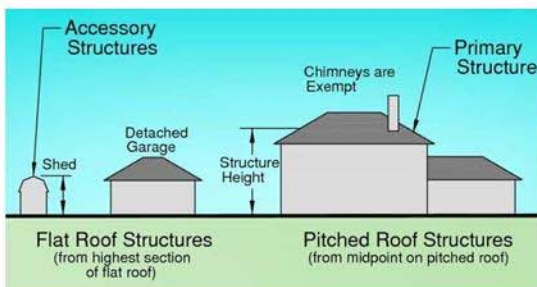
- 500 square feet per unit

**Building Height**

- Primary Structure: 50'
- Accessory Structure: 18'
- Minimum building separation: 20'

**Maximum Lot Coverage**

Not more than 40% of the site may be covered by impervious surfaces excluding patios, sidewalks, and walking paths



**Additional Development Standards**

- Accessory Structures 1161.01
- Architectural Standards 1161.02
- Communication Structures 1161.13
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Home Occupation 1161.05
- Landscaping Standards 1161.08
- Lighting Standards 1161.09
- Outdoor Storage Standards 1161.10
- Parking 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Penalties 1199
- Flood Damage Reduction Ordinance 1351

**District Intent**

This residential district is intended to provide for the development of multi-family units at an approximate density of 8 units per acre.

**Required Approvals**

- City Planning Commission
- City of Findlay Zoning Inspector
- State Bldg. Department if over 3 units

**Permitted Uses Summary**

**Residential Uses:**

- Attached multifamily dwellings:
  - Duplexes
  - Apartments
  - Townhouses
  - Condominiums

- Accessory Uses

**Accessory Uses:**

- Garages, attached and detached
- Gazebos, decks, porches, hot tub enclosures
- Carports, canopies, pool houses, greenhouses
- Fences
- Management offices and other facilities normally associated with tenants' convenience (laundry room, exercise room, etc.)

**Conditional Uses**

- Cemeteries
- Child Daycare Center
- Emergency Services
- Government Uses
- Home Occupations
- Non-Commercial Recreational Facilities
- Nursing and Convalescence Homes
- Places of Worship
- Public/Private Parks
- Public/Private Golf Courses
- Public Swimming Pools
- Commercial Recreation Facilities
- Schools (Public/Private K-12)
- Funeral Services
- Bed & Breakfasts
- Parking Lots
- Group Homes
- Community Centers

## CHAPTER 1125 M-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

### CHAPTER CONTENTS

1125.01	Intent	1125.06	Lot Requirements
1125.02	Permitted Use - Certificate Required	1125.07	Minimum Living Area
1125.03	Conditional Use - Planning Commission Approval	1125.08	Minimum Building Separation
1124.04	Uses Expressly Prohibited	1125.09	Maximum Height
1125.05	Required Building Setbacks	1125.99	Penalties

### 1125.01 INTENT

The M-1 Multiple-Family Residential Districts are a higher density residential district (no more than 8.68 units per acre) and are designed to provide sites for multiple-family dwelling structures and related uses which will generally serve as zones of transition between non-residential districts and lower density R-1, R-2, and R-3 districts. The Multiple-Family Districts are further designed to serve the limited needs of apartment type units in an otherwise medium or low density single-family community. The M-1 District allows for less density than the M-2 District.

### 1125.02 PERMITTED USE - CERTIFICATE REQUIRED

- |                              |                         |
|------------------------------|-------------------------|
| A. MULTIPLE-FAMILY DWELLINGS | C. TWO-FAMILY DWELLINGS |
| B. ACCESSORY USES            | D. APARTMENTS           |

### 1125.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL

- |   |                             |
|---|-----------------------------|
| A. CEMETERIES                             | K. COMMERCIAL               |
| B. CHILD DAYCARE CENTER                   | RECREATION FACILITY         |
| C. GOVERNMENT USES                        | L. SCHOOLS – PUBLIC/PRIVATE |
| D. HOME OCCUPATIONS                       | KINDERGARTEN TO 12          |
| E. NON-COMMERCIAL RECREATIONAL FACILITIES | M. FUNERAL SERVICES         |
| F. NURSING AND CONVALESCENCE HOMES        | N. BED & BREAKFASTS         |
| G. PLACES OF WORSHIP                      | O. GROUP HOMES              |
| H. PUBLIC/PRIVATE PARKS                   | P. PARKING LOT              |
| I. PUBLIC/PRIVATE GOLF COURSES            | Q. COMMUNITY CENTER         |
| J. PUBLIC SWIMMING POOLS                  | R. EMERGENCY SERVICES       |
|   | S. BORROW PITS              |

## 1125.04 USES EXPRESSLY PROHIBITED

- A. **PARKING, IDLING, OR STORAGE OF SEMI-CABS AND TRACTOR TRAILERS**
- B. **TAXI SERVICES**
- C. **TOWING SERVICES**
- D. **GARBAGE/REFUSE OPERATIONS**

## 1125.05 REQUIRED BUILDING SETBACKS

- A. **FRONT YARD SETBACK**
  - 1. Major & secondary thoroughfares:  
Forty feet (40')
- B. **ALL OTHER STREETS:**  
Twenty-five (25')
- C. **SIDE YARD SETBACK**  
Twenty-five feet (25')
- D. **REAR YARD SETBACK**  
Thirty feet (30') minimum. Buildings with heights between 30' and 50' require equivalent rear yard setbacks.

## 1125.06 LOT REQUIREMENTS

- A. **MINIMUM LOT SIZE**  
Ratio  

The required minimum lot size shall be determined by the following ratio: 5,400 square feet of lot size per living unit.
- B. **EXCLUSIVE OF RIGHTS OF WAYS AND STREETS**  
Dedicated and private streets do not count toward the required lot size.  
*Example: A ten-unit apartment building would require a lot of 54,000 square feet, not including dedicated right-of-ways or private streets. (10 x 5,400 = 54,000)*
- C. **MINIMUM LOT FRONTAGE**  
Seventy-five feet (75')
- D. **MAXIMUM LOT COVERAGE**  
Not more than 40% of the site may be covered by impervious surface excluding patios, sidewalks, and walking paths.

## 1125.07 MINIMUM LIVING AREA

500 square feet per living unit.

## 1125.08 MINIMUM BUILDING SEPARATION

Twenty feet (20')



## **1125.09 MAXIMUM HEIGHT**

### **A. PRIMARY STRUCTURE**

Primary structures shall not exceed fifty feet (50')

### **B. ACCESSORY STRUCTURE**

Accessory structures shall not exceed eighteen feet (18')

## **1125.10 APPLICABLE CHAPTERS**

CHAPTER 1155 RIPARIAN CORRIDOR OVERLAY DISTRICT

CHAPTER 1162 NONCONFORMITY

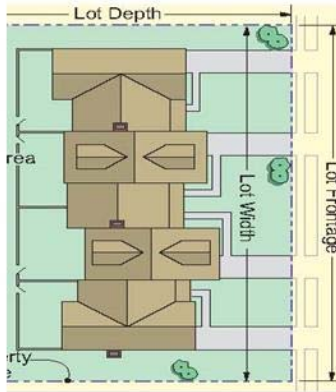
CHAPTER 1163 PERFORMANCE REQUIREMENTS

## **1125.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty set forth in CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES.

# CHAPTER 1126 M-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT

## SUPPORTING ILLUSTRATIONS



### Minimum Project Setbacks

- Front Setback:
  - Major/Secondary Thoroughfares: 40'
  - All other streets: 25'
- Side Setback: 25'
- Rear Yard Setback 30'
- Buildings with height of 35'-50' require equivalent rear yard setbacks
- Minimum project lot frontage: 125'

### Minimum Project Area

Project Area: shall mean the net area remaining within the site after the deduction of all dedicated right-of-ways and private streets.

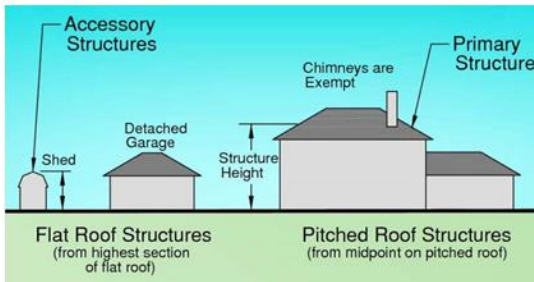
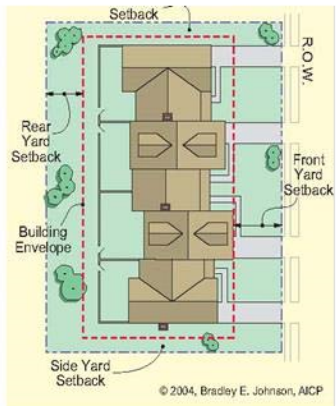
- 3,500 square feet per unit
- There shall be no minimum project area other than the land area necessary to provide for the development standards.

### Maximum Building Size

- None
- Minimum building separation: 20'

### Minimum Living Area

- 500 square feet per unit



### Maximum Lot Coverage

Not more than 40% of the site may be covered in Impervious Surface

### Building Height

- Primary Structure: 50'
- Accessory Structure 18'

### Additional Development Standards

- Accessory Structures 1161.01
- Architectural Standards 1161.02
- Communication Structures 1161.13
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Home Occupation 1161.05
- Landscaping Standards 1161.08
- Outdoor Storage Standards 1161.10
- Parking 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Penalties 1120

### District Intent

This residential district is intended to provide for the development of multi-family units at an approximate density of twelve (12) units per acre.

### Required Approvals

- City Planning Commission
- City of Findlay Zoning Inspector
- State Building Department

### Permitted Uses Summary

#### Residential Uses:

- Attached multifamily dwellings:
  - Duplexes
  - Apartments
  - Townhouses
  - Condominiums

#### Accessory Uses:

- Garages, attached and detached
- Gazebos, decks, porches, hot tub enclosures
- Carports, canopies, pool houses, greenhouses
- Fences
- Management offices and other facilities normally associated with tenants' convenience (Laundromats, exercise rooms, etc.)

### Conditional Uses

- Bed & Breakfasts
- Cemeteries
- Community Center
- Daycare Facilities
- Emergency Services
- Funeral Services
- Government Uses
- Group Homes
- Home Occupations
- Non-Commercial Recreational Facilities
- Nursing and Convalescence Homes
- Parking Lots
- Places of Worship
- Public/Private Parks
- Public/Private Golf Courses

## CHAPTER 1126 M-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

### CHAPTER CONTENT

1126.01	Intent	1126.06	Lot Requirements
1126.02	Permitted Use - Certificate Required	1126.07	Minimum Living Area
1126.03	Conditional Use Requiring Planning Commission Approval	1126.08	Height Requirements
1126.04	Uses Expressly Prohibited	1126.09	Minimum Building Separation
1126.05	Required Building Setbacks	1126.10	Applicable Chapters
		1126.99	Penalties

### 1126.01 INTENT

The M-2 Multiple-Family Residential Districts are a higher density residential district and are designed to provide sites for multiple-family dwelling structures and related uses which will generally serve as zones of transition between non-residential districts and lower density R-1, R-2, and R-3 districts. The Multiple-Family Districts are further designed to serve the limited needs of apartment type units in an otherwise medium or low density single-family community. The M-2 District allows for a higher density than the M-1 District.

### 1126.02 PERMITTED USE - CERTIFICATE REQUIRED

- |                              |                   |
|------------------------------|-------------------|
| A. MULTIPLE-FAMILY DWELLINGS | C. APARTMENTS     |
| B. TWO-FAMILY DWELLINGS      | D. ACCESSORY USES |

### 1126.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL

- |   |  |
|---|--|
| A. CEMETERIES                             | J. PUBLIC SWIMMING POOLS                         |
| B. DAYCARE FACILITIES                     | K. RESTRICTED COMMERCIAL RECREATIONAL FACILITIES |
| C. GOVERNMENT USES                        | L. SCHOOLS – PUBLIC/PRIVATE KINDERGARTEN TO 12   |
| D. HOME OCCUPATIONS                       | M. FUNERAL HOMES                                 |
| E. NON-COMMERCIAL RECREATIONAL FACILITIES | N. BED & BREAKFASTS                              |
| F. NURSING AND CONVALESCENCE HOMES        | O. PARKING LOT                                   |
| G. PLACES OF WORSHIP                      | P. EMERGENCY SERVICES                            |
| H. PUBLIC/PRIVATE PARKS                   | Q. COMMUNITY CENTER                              |
| I. PUBLIC/PRIVATE GOLF COURSES            | R. BORROW PITS                                   |

### 1126.04 USES EXPRESSLY PROHIBITED

- A. **PARKING, IDLING, OR STORAGE OF SEMI-CABS AND TRACTOR TRAILERS**
- B. **TAXI SERVICES**
- C. **TOWING SERVICES**
- D. **GARBAGE/REFUSE OPERATIONS**

### 1126.05 REQUIRED BUILDING SETBACKS

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>A. <b>FRONT YARD SETBACK</b><br/>Major &amp; secondary thoroughfares:<br/>forty feet (40')<br/><br/>All other streets: twenty-five feet<br/>(25')</li><li>B. <b>SIDE YARD SETBACK</b><br/>Twenty-five feet (25')</li></ul> | <ul style="list-style-type: none"><li>C. <b>REAR YARD SETBACK</b><br/>Thirty feet (30' minimum. Buildings with heights between 35' and 50' require equivalent rear yard setbacks.</li></ul> |
|--|---|

### 1126.06 LOT REQUIREMENTS

- A. **MINIMUM LOT SIZE**  
Shall be determined by the following ratio: 3,500 square feet of lot size per living unit. Dedicated right-of-ways and private streets do not count toward the required lot size.  
*Example: A ten-unit apartment building would require a lot of 35,000 square feet, not including dedicated rights-of-way or private streets. (10 x 3,500 = 35,000)*
- B. **MINIMUM LOT FRONTAGE**  
One hundred and twenty-five feet (125').
- C. **MAXIMUM LOT COVERAGE**  
Not more than 40% of the site may be covered by impervious surface, excluding patios, sidewalks, and walking paths.

### 1126.07 MINIMUM LIVING AREA

- A. **MINIMUM LIVING AREA**  
500 square feet per living unit.

### 1126.08 HEIGHT REQUIREMENTS

- A. **PRIMARY STRUCTURE** (50')  
Shall not exceed fifty feet

**B. ACCESSORY STRUCTURE**

Shall not exceed eighteen  
feet (18')

## **1126.09 MINIMUM BUILDING SEPARATION**

### **A. MINIMUM**

Twenty feet (20')

## **1126.10 APPLICABLE CHAPTERS**

CHAPTER 1155 RIPARIAN CORRIDOR OVERLAY DISTRICT

CHAPTER 1162 NONCONFORMITY

CHAPTER 1163 PERFORMANCE REQUIREMENTS

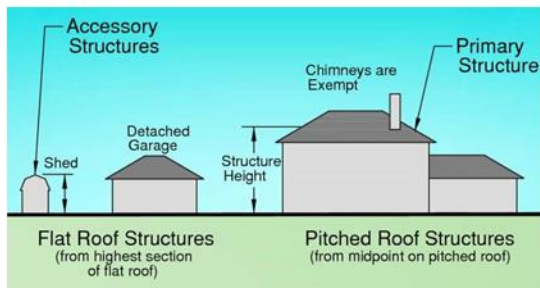
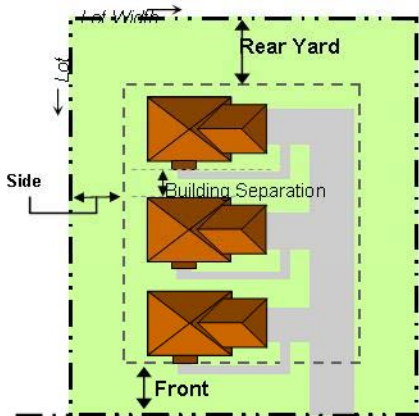
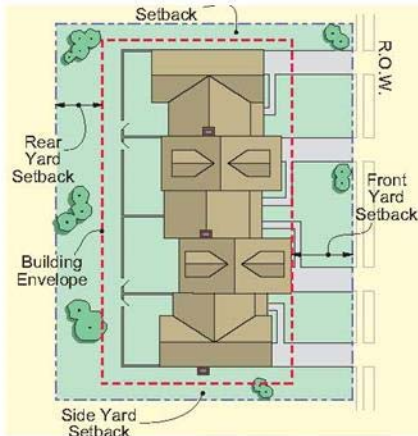
CHAPTER 1165 ADMINISTRATION

## **1126.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty set forth in CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES.

# CHAPTER 1127 CD CONDOMINIUM DISTRICT

## SUPPORTING ILLUSTRATIONS



### Setbacks & Lot Size

- Front Setback:
  - Major/Secondary Thoroughfare: 40'
  - All other streets: 25'
- Side Setback: 15'
- Rear Yard Setback: 30'
- Minimum Lot Size: determined by ratio of 7,000 square feet of lot size per living unit.
- Minimum lot frontage: 100'

### Building Sizes and Separation

- Minimum Living Area: 800 square feet per unit
- Maximum Building Size: No more than four (4) units per building
- Building Separation:
  - Single family detached: 10'
  - Two or three unit: 15'
  - Four unit: 20'
  - Differing size buildings next to each other: the higher standard applies

### Building Height

- Primary Structure: 40'
- Accessory Structure 18'

### District Intent

This residential district is designed to provide sites for condominium dwelling structures and related uses. The Condominium District allows for the development of structures with one (1) to six (6) living units per building.

### Required Approvals

- City Planning Commission
- City of Findlay Zoning Inspector
- State Building Department if over 3 units

### Permitted Uses Summary

- Accessory Uses
- Condominiums
- Daycares (Type B Family Day Care Home)
- Public/Private Parks

### Conditional Uses

- Government Uses
- Home Occupations
- Non-Commercial Recreational Facilities
- Nursing and Convalescence Homes
- Places of Worship
- Public/Private Golf Courses
- Commercial Recreation Facility
- Schools (Public/Private K-12)

### Additional Development Standards

- Accessory Structures 1161.01
- Architectural Standards 1161.02
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.4
- Home Occupation 1161.05
- Landscaping Standards 1161.08
- Lighting Standards 1161.09
- Outdoor Storage Standards 1161.10
- Parking Standards 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Penalties 1199

## CHAPTER 1127 CD CONDOMINIUM DISTRICT

### CHAPTER CONTENTS

1127.01	Intent	1127.07	Minimum Living Area
1127.02	Permitted Use - Certificate Required	1127.08	Height Requirements
1127.03	Conditional Use Requiring Planning Commission Approval	1127.09	Minimum Building Separation
1127.04	Uses Expressly Prohibited	1127.10	Maximum Building Size
1127.05	Required Building Setbacks	1127.11	Applicable Chapters
1127.06	Lot Requirements	1127.99	Penalties

### 1127.01 INTENT

The CD Condominium Districts are designed to provide sites for condominium dwelling structures and related uses. The Condominium Districts allow for the development of structures with one (1) to four (4) living units per building.

### 1127.02 PERMITTED USE - CERTIFICATE REQUIRED

- A. CONDOMINIUMS
- B. ACCESSORY USES
- C. PUBLIC/PRIVATE PARKS

### 1127.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL

- A. GOVERNMENT USES
- B. HOME OCCUPATIONS
- C. BORROW PITS
- D. NON-COMMERCIAL RECREATIONAL FACILITIES
- E. NURSING AND CONVALESCENCE HOMES
- F. PLACES OF WORSHIP
- G. PUBLIC/PRIVATE GOLF COURSES
- H. COMMERCIAL RECREATIONAL FACILITIES
- I. SCHOOLS – PUBLIC/PRIVATE KINDERGARTEN TO 12

### 1127.04 USES EXPRESSLY PROHIBITED

- A. PARKING, IDLING, OR STORAGE OF SEMI-CABS AND TRACTOR TRAILERS
- B. TAXI SERVICES
- C. TOWING SERVICES
- D. GARBAGE/REFUSE OPERATIONS



## 1127.05 REQUIRED BUILDING SETBACKS

A. **FRONT YARD SETBACK**

Major & secondary thoroughfares: forty feet (40')

All other streets: twenty five feet (25')

B. **SIDE YARD SETBACK**

Fifteen feet (15')

C. **REAR YARD SETBACK**

Thirty feet (30')

## 1127.06 LOT REQUIREMENTS

A. **MINIMUM LOT SIZE**

Shall be determined by the following ratio:

1. 7,000 square feet

Minimum area of lot size per living unit.

B. **RIGHT OF WAYS**

Dedicated rights-of-ways and private streets do not count toward the required lot size.

*Example: A ten unit condominium development would require a lot of 70,000 square feet, not including dedicated rights-of-way or private streets. (10 x 7,000 = 70,000)*

C. **MINIMUM FRONTAGE**

One hundred feet (100')

## 1127.07 MINIMUM LIVING AREA

A. **MINIMUM**

800 square feet per living unit.

## 1127.08 HEIGHT REQUIREMENTS

A. **PRIMARY STRUCTURE**

Shall not exceed forty feet (40')

B. **ACCESSORY STRUCTURE**

Shall not exceed eighteen feet (18')

## 1127.09 MINIMUM BUILDING SEPARATION

A. **SINGLE FAMILY DETACHED CONDOMINIUM**

Ten feet (10')

B. **TWO OR THREE UNIT CONDOMINIUM BUILDING**

Fifteen feet (15')

C. **FOUR UNIT CONDOMINIUM BUILDING**

Twenty feet (20')

D. **DIFFERING SIZED CONDOMINIUMS**

In the case of adjacent but differing size condominiums, the project will be held to the more stringent separation (meaning the greater distance)

## 1127.10 MAXIMUM BUILDING SIZE

### A. MAXIMUM

No single condominium shall have more than four (4) living units per building.

*Example: The building's maximum size is limited by the lot size, setbacks, building height, maximum number of units, and the 7,000 sq. ft. of lot size per-unit requirement.*

## 1127.11 APPLICABLE CHAPTERS

CHAPTER 1155 RIPARIAN CORRIDOR OVERLAY  
DISTRICT

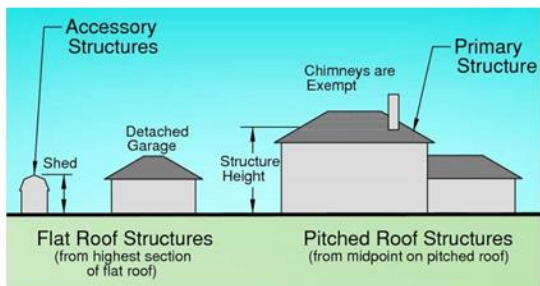
CHAPTER 1162 NONCONFORMITY  
CHAPTER 1163 PERFORMANCE REQUIREMENTS  
CHAPTER 1165 ADMINISTRATION

## 1127.99 PENALTIES

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty set forth in CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES.

# CHAPTER 1129 MH MOBILE HOME DISTRICT

## SUPPORTING ILLUSTRATIONS



### Project Perimeter Setbacks

- Access from a Major or Secondary Thoroughfare is required
- Minimum Lot Frontage of site: 200' on at least one perimeter line
- Front Setback: 40'
- All other streets: 30'
- Interior Side Yard Setback: 30'
- Rear Yard Setback 30'

### Dwelling Setbacks & Lot Sizes

- Minimum 4,000 square feet per dwelling lot exclusive of street pavement
- Front Setback: 15' from edge of pavement of interior roads.
- Side setback: 7'
- Rear Setback: 10'
- Minimum 5-acre site exclusive of right of way and street pavement

### Lot Coverage

- Minimum Living Area:  
Per requirements of State of Ohio Health Department

### Building Height

- Primary Structure: 20'
- Accessory Structure 18'

### District Intent

This district is designed to provide sites for mobile home dwelling structures and related uses.

### Required Approvals

- City Planning Commission
- City of Findlay Zoning Inspector
- State Building Department

### Permitted Uses Summary

#### Residential Uses:

- Mobile Homes

#### Accessory Uses:

- Garage, attached and detached
- Man-made lakes and ponds, for both aesthetic and utilitarian purposes
- Utility building with permanent foundation

### Conditional Uses

- Home Occupations
- Non-commercial Recreation Facilities
- Public/Private Parks
- Public Swimming Pools

### Additional Development Standards

- Accessory Structures 1161.01
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Home Occupation 1161.05
- Landscaping Standards 1161.08
- Lighting Standards 1161.09
- Outdoor Storage Standards 1161.10
- Parking 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Penalties 1199
- Highway & Transportation Thoroughfare Plan

## CHAPTER 1129 MH MOBILE HOME DISTRICT

### Chapter Contents

1129.01	Intent	1129.06	Minimum Living Area
1129.02	Permitted Use - Certificate Required	1129.07	Minimum Building Separation
1129.03	Conditional Use Requiring Planning Commission Approval	1129.08	Minimum Building Size
1129.04	Required Setbacks	1129.09	Height Requirements
1129.05	Lot Requirements	1129.10	Applicable Chapters
		1129.99	Penalties

### 1129.01 INTENT

The MH Mobile Home Districts are designed to provide sites for mobile home dwelling structures and related uses.

### 1129.02 PERMITTED USE - CERTIFICATE REQUIRED

- A. MOBILE HOMES
- B. ACCESSORY USES

### 1129.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL

- A. HOME OCCUPATIONS
- B. NON-COMMERCIAL RECREATIONAL FACILITIES
- C. PUBLIC/PRIVATE PARKS
- D. PUBLIC SWIMMING POOL
- E. EMERGENCY SERVICES
- F. BORROW PITS

### 1129.04 REQUIRED SETBACKS

- A. PERIMETER SETBACK
  - Major or secondary thoroughfare (Required)
  - Forty feet (40')
- B. ALL OTHER STREETS:
  - Thirty feet (30')
- C. INTERIOR -SIDE YARD
  - Thirty feet (30')
- D. INTERIOR - REAR YARD
  - Thirty feet (30')

*Example: Interior requirements, such as Side Yard and Rear Yard, are to be implemented in areas where a mobile home development abuts neighboring property that is not street frontage or another mobile home park development.*

**E. FRONT SETBACK**

Fifteen feet (15') from edge of pavement

**F. SIDE SETBACK**

Seven feet (7')

**G. REAR SETBACK**

Ten feet (10')

## **1129.05 LOT REQUIREMENTS**

**A. MINIMUM DEVELOPMENT SIZE**

All new mobile home parks shall be a minimum of five (5) acres in size:

1. Exclusive of Rights-of-Way

**B. MINIMUM LOT SIZE**

Shall be determined by the following ratios:

1. 4,000 square feet per dwelling unit

**C. MINIMUM LOT FRONTAGE – ENTIRE SITE**

At least one perimeter line of the lot shall measure 200' feet along an arterial street.

**D. MAXIMUM LOT COVERAGE**

Per requirements of the State of Ohio Health Department.

## **1129.06 MINIMUM LIVING AREA**

Per State of Ohio Health Code

## **1129.07 MINIMUM BUILDING SEPARATION**

Per State of Ohio Health Code

## **1129.08 MINIMUM BUILDING SIZE**

Per State of Ohio Health Code

## **1129.09 HEIGHT REQUIREMENTS**

**A. PRIMARY STRUCTURE**

Shall not exceed twenty feet (20')

**B. ACCESSORY STRUCTURE**

Shall not exceed eighteen feet (18')

## **1129.10 APPLICABLE CHAPTERS**

CHAPTER 1155 RIPARIAN CORRIDOR OVERLAY DISTRICT

CHAPTER 1162 NONCONFORMITY

CHAPTER 1163 PERFORMANCE REQUIREMENTS

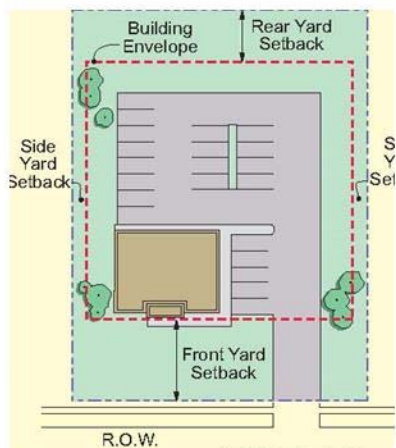
CHAPTER 1165 ADMINISTRATION

## **1129.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty set forth in CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES.

# CHAPTER 1131 O-1 INSTITUTIONS & OFFICES DISTRICT

## SUPPORTING ILLUSTRATIONS



### Setbacks & Lot Size

#### Buildings One or Two Stories

- Front Setback: 25'
- Side Setback: 5'
- Rear Yard Setback: 20'

#### Buildings Three Stories

- Front Setback: 40'
- Side Setback: 20'
- Rear Yard Setback: 20'
- No minimum lot or building size

#### Buildings Four Stories or More

- Front Setback: 55'
- Side Setback: 20'
- Rear Yard Setback: 40'

### Minimum Lot Size

- No minimum lot size other than the land needed to meet the required development standards

#### Minimum lot frontage: 50'

#### Minimum building separation:

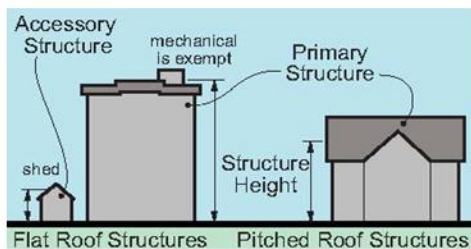
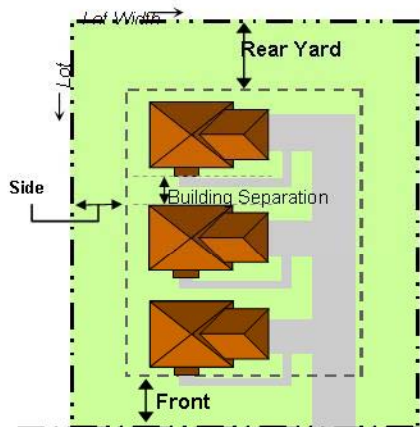
- 3 stories or less: 20'
- 4 stories or more: 30'

### Lot Coverage

- See Buffer Yard Requirements in Landscaping Standards Chapter 1161.6

### Building Height

- Primary Structure: Dependent on number of stories
- Accessory Structure: 18'



### Additional Development Standards

- Accessory Structures 1161.01
- Architectural Standards 1161.02
- Communication Structures 1161.13
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Landscaping Standards 1161.08
- Lighting Standards 1161.09
- Parking 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Penalties 1199
- Flood Damage Reduction Ordinance 1251

### District Intent

The Office District is established to provide for the development of professional and office type businesses which may serve as buffer areas between residential and more intense commercial districts.

### Required Approvals

- City Planning Commission
- Findlay Zoning Inspector
- State Building Department

### Permitted Uses Summary

#### Primary Uses:

- Office or office complexes:
  - Professional offices, banks, financial services, real estate offices, medical offices, law offices
- Community centers
- Daycare Facilities
- Government uses
- Laboratories
- Libraries
- Places of worship
- Public and private parks
- Schools (Public/Private K-12)
- Schools: trade, business, commercial

#### Accessory Uses:

- Garages, attached and detached
- Man-made lakes and ponds, for both aesthetic and utilitarian purposes
- Utility buildings with permanent foundations

### Conditional Uses

- Cemeteries
- Communication Structures
- Emergency Services
- Funeral Services
- Mixed Office / Residential
- Nursing and Convalescence Homes

## CHAPTER 1131 O-1 INSTITUTIONS AND OFFICES DISTRICT

### CHAPTER CONTENTS

1131.01	Intent	1131.05	Lot Requirements
1131.02	Permitted Use - Certificate Required	1131.06	Minimum Building Separation
1131.03	Conditional Uses	1131.07	Applicable Chapters
1131.04	Required Building Setbacks	1131.99	Penalties

### 1131.01 INTENT

The Institutions and Offices district is established to provide for the development of professional and office type businesses which may serve as buffer areas between residential and more intense commercial districts.

### 1131.02 PERMITTED USE - CERTIFICATE REQUIRED

- |  |   |
|--|---|
| A. ACCESSORY USES                          | J. PUBLIC/PRIVATE PARKS                           |
| B. GENERAL OFFICES                         | K. SCHOOLS – PUBLIC/PRIVATE<br>KINDERGARTEN TO 12 |
| C. GOVERNMENT USES                         | L. DAYCARE FACILITIES                             |
| D. FINANCIAL AND INSURANCE<br>INSTITUTIONS | M. LIBRARIES                                      |
| E. LABORATORIES                            | N. COMMUNITY CENTERS                              |
| F. MEDICAL OFFICES                         | O. SCHOOLS: TRADE, BUSINESS,<br>COMMERCIAL        |
| G. LAW OFFICES                             |   |
| H. PLACES OF WORSHIP                       |   |
| I. PROFESSIONAL OFFICES                    |   |

### 1131.03 CONDITIONAL USES

- A. NURSING AND CONVALESCENCE HOMES
- B. FUNERAL SERVICES
- C. CEMETERIES
- D. EMERGENCY SERVICES
- E. COMMUNICATION STRUCTURES
- F. MIXED USE OFFICE/RESIDENTIAL
- G. BORROW PITS

### 1131.04 REQUIRED BUILDING SETBACKS

Building setbacks are based on three categories of height: buildings one or two stories in height, buildings three stories in height or less, and; buildings in excess of three stories.

- A. BUILDINGS 1 OR 2 STORIES TALL

- 1. Front Yard Setback



Twenty five feet (25')

2. Side Yard Setback

Five feet (5')

3. Rear Yard Setback

Twenty feet (20')

**B. BUILDINGS THREE STORIES TALL**

1. Front Yard Setback: Forty feet (40').

2. Side Yard Setback: Twenty feet (20')

3. Rear Yard Setback: Twenty feet (20')

**C. BUILDINGS FOUR-STORIES TALL OR MORE**

1. Front Yard Setback

Fifty-five feet (55').

2. Side Yard Setback

Twenty feet (20')

3. Rear Yard Setback

Forty Feet (40')

## 1131.05 LOT REQUIREMENTS

**A. MINIMUM LOT SIZE**

No minimum lot size other than the land that is needed to meet all the required development standards.

**B. MINIMUM LOT FRONTAGE**

Fifty feet (50')

## 1131.06 MINIMUM BUILDING SEPARATION

**A. BUILDINGS THREE STORIES TALL OR LESS**

Twenty feet (20')

**B. BUILDINGS FOUR STORIES TALL OR MORE**

Thirty feet (30')

## 1131.07 APPLICABLE CHAPTERS

CHAPTER 1155 RIPARIAN CORRIDOR OVERLAY DISTRICT

CHAPTER 1162 NONCONFORMITY

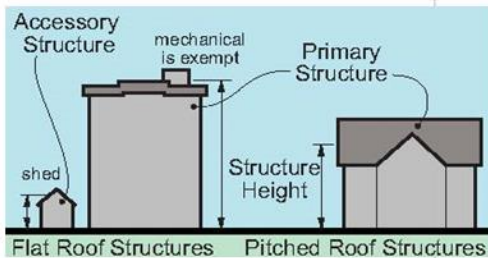
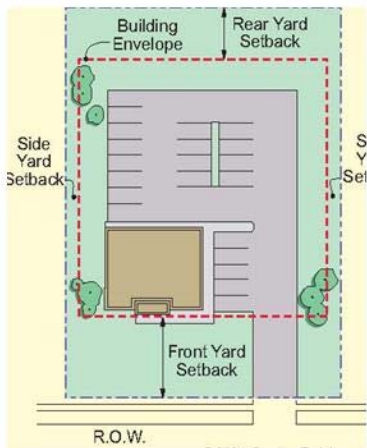
CHAPTER 1163 PERFORMANCE REQUIREMENTS

**1131.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty set forth in CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES.

# CHAPTER 1133 C-1 LOCAL COMMERCIAL DISTRICT

## SUPPORTING ILLUSTRATIONS



### District Intent

The Local Commercial District is established to provide for the development of commercial and frequently used businesses associated with the shopping, service and family needs of adjacent or local residential areas. It will provide for smaller shops and stores to serve a localized area.

### Setbacks & Lot Size

- Front Setback: 25'
- Side Setback: 10'
- Rear Yard Setback: 20'
- Minimum lot frontage 75'

### Building Height

- Primary Structure: 40'
- Accessory Structure 18'

### Required Approvals

- City Planning Commission
- City Zoning Inspector
- State Building Department

### Permitted Uses Summary

- All uses permitted in the O-1 District
- Accessory uses
- Art and Antique Shops
- Bakeries - retail
- Bed & Breakfasts
- Book Stores
- Body Clinics
- Business Services
- Coffee Shops
- Community Center
- Convenience Stores
- Dance Studios
- Day Care Centers
- Dry Cleaners
- Flower Shops
- Food Retailing
- Fraternal Organizations / Private Clubs
- Hardware Stores
- Health Services
- Ice Cream Shops
- Libraries
- Pawn Shops
- Personal Services
- Professional Services
- Retail Businesses (except as restricted per 1161.15)
- Restaurants
- Veterinary Clinics (no kennel)

### Conditional Uses

- Bars, Night Clubs, Taverns
- Car Washes
- Drive Thrus
- Fueling Stations
- Funeral Services
- Minor Automotive Services
- Off-Premise Signs
- Sports and Recreation Facilities

### Additional Development Standards

- Accessory Structures 1161.01
- Architectural Standards 1161.02
- Communication Structures 1161.13
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Landscaping Standards 1161.08
- Lighting Standards 1161.09
- Outdoor Storage Standards 1161.10
- Parking 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Flood Damage Reduction Ordinance 1351

## CHAPTER 1133 C-1 LOCAL COMMERCIAL DISTRICT

### CHAPTER CONTENTS

1133.01	Intent	1133.06	Height Standards
1133.02	Permitted Use - Certificate Required	1133.07	Outdoor Display of Merchandise
1133.03	Conditional Uses	1133.08	Screening
1133.04	Required Building Setbacks	1133.09	Applicable Chapters
1133.05	Required Lot Frontage	1133.99	Penalties

### 1133.01 INTENT

The C-1 Neighborhood Commercial District is established to provide for the development of commercial and frequently used businesses associated with the shopping, service and family needs of adjacent or local residential areas. The C-1 Local Commercial zoning district is intended to provide for the establishment of smaller shops or stores serving a localized area rather than larger businesses serving regional areas.

### 1133.02 PERMITTED USE - CERTIFICATE REQUIRED

All uses permitted are permitted in this district, in addition to which the following uses are also permitted: Retail Business (except conditions per Chapter 1161.15).

- |                                  |                                   |
|----------------------------------|-----------------------------------|
| A. PROFESSIONAL SERVICES         | Q. HARDWARE STORES                |
| B. LIBRARIES                     | R. HEALTH SERVICES                |
| C. RESTAURANTS                   | S. ICE CREAM SHOPS                |
| D. ART AND ANTIQUE SHOPS         | T. BEAUTY SALONS                  |
| E. BAKERIES – RETAIL             | U. BARBER SHOPS                   |
| F. BED & BREAKFASTS              | V. BODY CLINICS                   |
| G. BOOK STORES                   | W. VETERINARY CLINICS (NO KENNEL) |
| H. BUSINESS SERVICES             | X. PAWN SHOPS                     |
| I. COFFEE SHOPS                  | Y. ACCESSORY USES                 |
| J. CONVENIENCE STORES            | Z. PERSONAL SERVICES              |
| K. CRAFT SUPPLIES                | AA. COMMUNITY CENTER              |
| L. DANCE STUDIOS                 | BB. FRATERNAL ORGANIZATIONS       |
| M. DAY CARE CENTERS (TYPE A & B) | CC. PRIVATE CLUBS                 |
| N. DRY CLEANERS                  |                                   |
| O. FLOWER SHOPS                  |                                   |
| P. FOOD RETAILING                |                                   |

### 1133.03 CONDITIONAL USES

In addition to other requirements found in this Ordinance, uses stated below may be permitted or denied

depending upon how well they can address various site issues. Common conditions for approving such uses are located in Chapter 1161.15.

- A. **SPORTS & RECREATIONAL FACILITIES**
- B. **BARS, NIGHT CLUBS, TAVERNS**
- C. **DRIVE THRUS**
- D. **CAR WASHES**
- E. **FUELING STATIONS**
- F. **FUNERAL SERVICES**
- G. **MINOR AUTOMOTIVE SERVICES**
- H. **OFF-PREMISE SIGNS**
- I. **CONTRACTOR'S SHOP**
- J. **BORROW PITS**
- K. **MIXED USE**
- COMMERCIAL/RESIDENTIAL**

### **1133.04 REQUIRED BUILDING SETBACKS**

- A. **FRONT YARD SETBACK**  
Twenty-five feet (25')
- B. **SIDE YARD SETBACK**  
Ten feet (10')
- C. **STREET SIDE YARD SETBACK**  
Fifteen feet (15')
- D. **REAR YARD SETBACK**  
Twenty feet (20')

### **1133.05 REQUIRED LOT FRONTAGE**

- A. **MINIMUM LOT FRONTAGE**  
Minimum required lot frontage is seventy-five feet (75').

### **1135.06 HEIGHT STANDARDS**

Maximum forty feet (40')

### **1133.07 OUTDOOR DISPLAY OF MERCHANDISE & OUTDOOR STORAGE**

See Chapter 1161.10 Outdoor Storage Standards/ Chapter 1161.10.3 Outdoor Display

## **1133.08 SCREENING**

Screening is required of all areas that abut residentially zoned districts. Required screening shall be opaque, such as a board on-board fence, masonry walls or equivalent material deemed appropriate by the Zoning Administrator or Planning Commission. The screening standards can be found in Chapter 1161.07 Screening

## **1133.09 APPLICABLE CHAPTERS**

CHAPTER 1155 RIPARIAN CORRIDOR OVERLAY DISTRICT

CHAPTER 1162 NONCONFORMITY

CHAPTER 1163 PERFORMANCE REQUIREMENTS

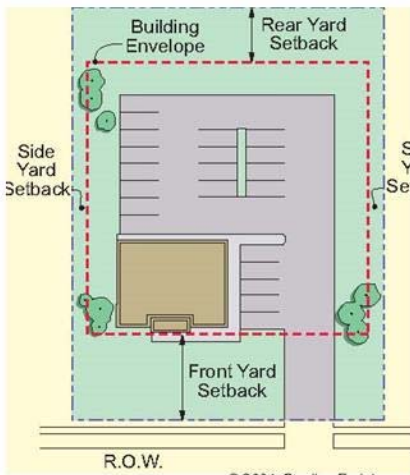
CHAPTER 1165 ADMINISTRATION

## **1133.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalties set forth in Chapter 1199.

# CHAPTER 1135 C-2 GENERAL COMMERCIAL DISTRICT

## SUPPORTING ILLUSTRATIONS



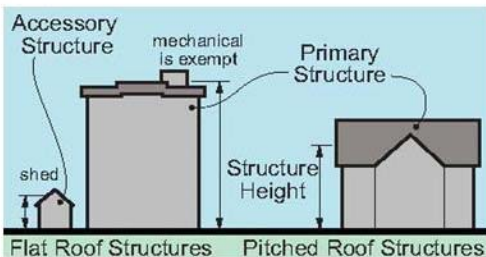
### Setbacks & Lot Size

- Front Setback: 30'
- Side Setback: 15' (typical)  
-Adjacent to Residential: 25'
- Rear Yard Setback: 30'

Minimum Lot Frontage: 100'

### Building Height

- Primary Structure: 60' maximum
- Accessory Structure: 18'



### Additional Development Standards

- Accessory Structures 1161.01
- Architectural Standards 1161.02
- Communication Structures 1161.13
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Landscaping Standards 1161.08
- Lighting Standards 1161.09
- Parking 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Penalties 1199
- Flood Damage Reduction Ordinance 1251

### District Intent

The General Commercial District is established to provide for a broad spectrum of commercial and business uses. These uses are expected to serve a regional area.

### Required Approvals

- City Planning Commission
- City of Findlay Zoning Inspector
- State Building Department

### Permitted Uses Summary

- All uses permitted in I-O and C-1
- Accessory Uses
- Automotive Sales
- Cinemas/Theaters
- Commercial Schools
- Clubs
- Financial Institutions
- Fueling Stations
- Lumber Yards
- Minor Automobile Repair Services
- Motels and Hotels
- Pawn Shops
- Retail Trade
- Shopping Malls
- Taxi Services

### Conditional Uses

- Bars, Night Clubs/Taverns
- Car Washes
- Drive-Thru Beverage Stores
- Drive Thru Lanes/Windows
- Funeral Services
- Major Auto Repair
- Mixed Use Commercial / Residential
- Off-Premise Signs
- Outdoor Sale of Building Materials
- Parking Garages
- Sports & Recreation Facilities

## CHAPTER 1135 C-2 GENERAL COMMERCIAL DISTRICT

### CHAPTER CONTENTS

1135.01	Intent	1135.06	Height Standards
1135.02	Permitted Use - Certificate Required	1135.07	Outdoor Display of Merchandise & Outdoor Storage
1135.03	Conditional Use	1135.08	Applicable Chapters
1135.04	Required Building Setbacks	1135.99	Penalties
1135.05	Required Lot Frontage		

### 1135.01 INTENT

The C-2 Commercial District is established to provide for the development of a broad spectrum of commercial and business uses. These uses are expected to serve the commercial, business, and service needs of a regional area.

### 1135.02 PERMITTED USE - CERTIFICATE REQUIRED

This district permits all uses permitted in O-1 and C-1, in addition to the following uses:

- |                       |                                     |
|-----------------------|-------------------------------------|
| A. RETAIL TRADE       | G. FINANCIAL INSTITUTIONS           |
| B. AUTOMOTIVE SALES   | H. SHOPPING MALLS                   |
| C. MOTELS AND HOTELS  | I. LUMBER YARDS                     |
| D. CINEMAS/THEATERS   | J. PAWN SHOPS                       |
| E. COMMERCIAL SCHOOLS | K. ACCESSORY USES                   |
| F. CLUBS              | L. TAXI SERVICES                    |
|                       | M. FUELING STATIONS                 |
|                       | N. MINOR AUTOMOBILE REPAIR SERVICES |

### 1135.03 CONDITIONAL USE

In addition to other requirements found in this Ordinance, uses stated below may be permitted or denied depending upon how well they can address various site issues. Common conditions for approving such uses 'conditionally' are located in Chapter 1161.15.



- A. SPORTS & RECREATIONAL FACILITIES
- B. BARS, NIGHT CLUBS, TAVERNS
- C. FUNERAL SERVICES
- D. OUTDOOR SALE OF BUILDING MATERIALS
- E. DRIVE-THRU BEVERAGE STORES
- F. CONTRACTOR EQUIPMENT, RENTAL, & SUPPLIES

- G. CAR WASHES
- H. DRIVE THRU LANES/WINDOWS
- I. PARKING GARAGES
- J. OFF PREMISE SIGNS
- K. RV SALES
- L. MAJOR AUTO REPAIR
- M. BORROW PITS
- N. MIXED USE COMMERCIAL/RESIDENTIAL

### 1135.04 REQUIRED BUILDING SETBACKS

- A. FRONT YARD SETBACK  
Thirty feet (30')
- B. SIDE YARD SETBACK
  - 1. Typical  
Fifteen feet (15')
  - 2. Adjacent to Residential Use or Zoning  
Twenty-five (25')
- C. STREET SIDE YARD SETBACK  
Fifteen feet (15')
- D. REAR YARD SETBACK  
Thirty feet (30')

### 1135.05 REQUIRED LOT FRONTAGE

Minimum required lot frontage is one hundred feet (100').

### 1135.06 HEIGHT STANDARDS

Maximum sixty feet (60')

### 1135.07 OUTDOOR DISPLAY OF MERCHANDISE & OUTDOOR STORAGE

See Chapter 1161.10 Outdoor Storage Standards/ Chapter 1161.10.3 Outdoor Display

### 1135.08 APPLICABLE CHAPTERS

- CHAPTER 1161.02 Architectural Standards
- CHAPTER 1161.07 Screening

CHAPTER 1161.09 Lighting

CHAPTER 1161.10 Outdoor Storage Standards

CHAPTER 1161.11 Parking Standards

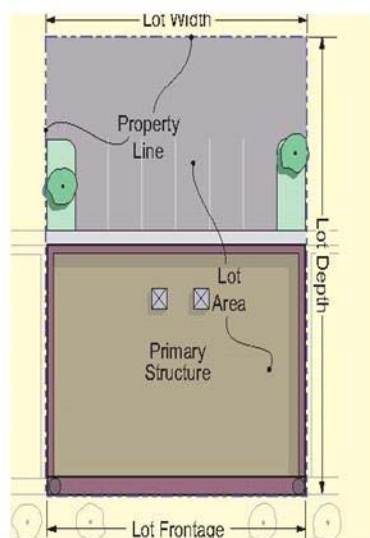
CHAPTER 1161.12 Sign Standards

## **1135.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalties as set forth in Chapter 1199.

# CHAPTER 1137 C-3 DOWNTOWN BUSINESS DISTRICT

## SUPPORTING ILLUSTRATIONS

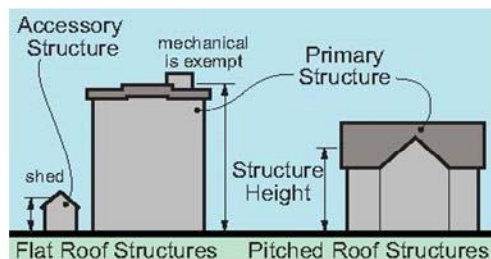


### Setbacks & Lot Size

- Front Setback: None
- Side Setback: None
- Rear Yard Setback:
  - Loading space at a ratio of ten square feet per front foot of building is required
- No Minimum Lot Size

### Building Height

- Primary Structure: No Maximum
- Accessory Structure: 18'



### District Intent

The Downtown Business District is intended to permit those uses which provide for a variety of retail stores and related activities, office buildings, and service establishments which occupy prime frontages in the Central Business District.

The District is also designed to provide for the needs of the daytime work force, the Downtown resident and transient population, along with recreational demands of such groups.

### Required Approvals

- City Planning Commission
- City of Findlay Zoning Inspector
- State Building Department

### Permitted Uses Summary

- **See detailed listing in Chapter 1137.02**
- Accessory Uses
- Amusement and Entertainment Uses
- Bars, Taverns, Nightclubs
- Government Uses
- Office uses
- Public Utility Uses
- Public & Quasi-public Uses
- Retail Businesses
- Service Businesses
- Sidewalk Cafes
- Taxi Services

### Conditional Uses

- Residential
- Other Uses: Subject to City Planning Commission

### Additional Development Standards

- Accessory Structures 1161.01
- Architectural Standards 1161.02
- Communication Structures 1161.13
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Landscaping Standards 1161.08
- Lighting Standards 1161.09
- Parking 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Penalties 1199
- Flood Damage Reduction Ordinance 1351

## CHAPTER 1137 C-3 DOWNTOWN BUSINESS DISTRICT

### CHAPTER CONTENTS

1137.01	Intent	1137.04	lot Requirements
1137.02	Uses Permitted	1137.99	Penalties
1137.03	conditional uses permitted		

### 1137.01 INTENT

The C-3 Downtown Business District is designed to distinguish the area as unique from all other business district areas in the city. The unique characteristics include closer massing of buildings, taller buildings, pedestrian-friendly walkways; numerous uses to co-exist that are prohibited in other districts; using the City's rights-of-way for outdoor dining, sidewalk sales, and exhibits; lack of required setbacks, and; lack of parking requirements.

The C-3 Downtown Business District is the most open zoning district and allows the mixing of uses that other zoning districts do not permit. Creative parking arrangements are encouraged but not required. Absent any parking requirements, there cannot be an expectation to provide ample curbside parking in front of each business door, nor can there be a code standard cited as reason for creating surface parking lots in place of existing buildings.

### 1137.02 USES PERMITTED

In the C-3 Downtown Business Districts the following principal uses shall be permitted:

- |  |   |
|--|---|
| A. PROFESSIONAL SERVICES                           | O. FLOWER SHOPS   |
| B. LIBRARIES                                       | P. FOOD RETAILING   |
| C. RESTAURANTS                                     | Q. HARDWARE STORES  |
| D. ART AND ANTIQUE SHOPS                           | R. HEALTH SERVICES  |
| E. BAKERIES – RETAIL                               | S. ICE CREAM SHOPS  |
| F. BED & BREAKFASTS                                | T. BEAUTY SALONS  |
| G. BOOK STORES                                     | U. BARBER SHOPS   |
| H. BARS, TAVERNS, NIGHT CLUBS<br>BUSINESS SERVICES | V. SIDEWALK CAFÉS (DEPENDENT ON APPROVAL FROM SAFETY SERVICE DIRECTOR). |
| I. COFFEE SHOPS                                    | W. VETERINARY CLINIC (NO KENNEL)  |
| J. CONVENIENCE STORES                              | X. <del>PAWN SHOPS</del>  |
| K. CRAFT SUPPLIES                                  | Y. ACCESSORY USES   |
| L. DANCE STUDIOS                                   | Z. TAXI SERVICES  |
| M. DAY CARE CENTERS (TYPE A & B)                   |   |
| N. DRY CLEANERS                                    |   |

### 1137.02 PERMITTED USES, CONTINUED:

- A. RETAIL TRADE
- B. ~~AUTOMOTIVE SALES~~
- C. MOTELS AND HOTELS
- D. CINEMAS/THEATERS
- E. COMMERCIAL SCHOOLS
- F. CLUBS
- G. FINANCIAL INSTITUTIONS
- H. SHOPPING MALLS
- I. ~~PAWN SHOPS~~
- J. PARKING LOTS, RAMPS & DECKS
- K. ENTERTAINMENT USES
- L. GOVERNMENTAL USES
- M. PUBLIC AND QUASI-PUBLIC USES

### 1137.03 CONDITIONAL USES PERMITTED

- A. RESIDENTIAL USES
- B. AUTOMOTIVE SALES
- C. BORROW PITS
- D. OTHER USES

Other uses are those which the City Planning Commission finds to be:

1. Similar in character to one or more of the use groups indicated above.
2. Supports the high intensity nature of downtown including the pedestrian oriented goal

### 1137.04 LOT REQUIREMENTS

- A. FRONT & REAR YARD REQUIREMENTS

No front or side yards are required in the C-3 Districts.

- B. REAR YARDS

1. Loading spaces shall be provided in the ratio of at least ten (10) square feet per front foot of the building
2. Where an alley exists or is provided at the rear of the buildings, the rear building setback and loading requirements may be computed from the center of said alley.

### 1137.05 APPLICABLE CHAPTERS

CHAPTER 907 Sidewalk Repair & Construction

CHAPTER 1161.11 Parking Standards

CHAPTER 1161.07 Screening

CHAPTER 1161.12 Sign Standards

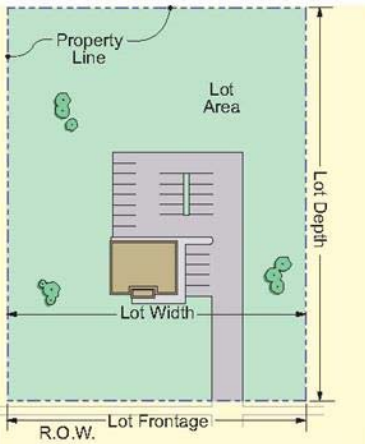
CHAPTER 1161.10 Outdoor Storage Standards

## **1137.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalties as set forth in Chapter 1199.

# CHAPTER 1141 I-1 LIGHT INDUSTRIAL DISTRICT

## SUPPORTING ILLUSTRATIONS



### Setbacks & Lot Size

- Front Setback: 50'
- Side Setback: 30'
  - If located directly next to a residential zone or use: 75'
- Rear Yard Setback: 30'
  - If located next to a residential zone or use: 75'
- Established building line: Expansion of an existing building may use established setbacks or current standards, whichever is less

**Minimum lot frontage:** 100'

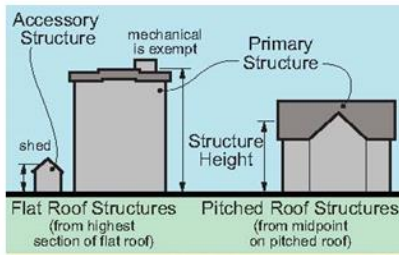
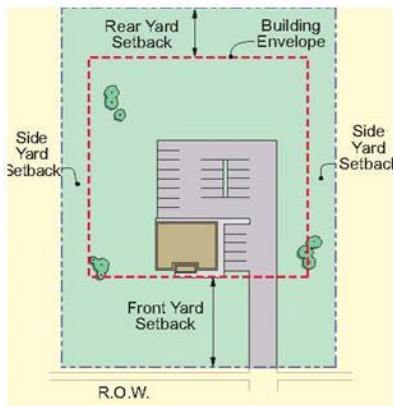
**Minimum lot or building size:** None

### Building Height'

- Primary Structure: 60'
- Accessory Structure: 40'

### Minimum Building Separation'

- 25 feet between buildings



### Additional Development Standards

- Accessory Structures 1161.01
- Communication Structures 1161.12
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Landscaping Standards 1161.08
- Lighting Standards 1161.09
- Outdoor Storage Standards 1161.10
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Penalties 1199
- Flood Damage Reduction Ordinance 1351

### District Intent

The I-1 district is designed primarily to accommodate wholesale activities, warehouses, and light industrial operations which may be conducted in areas proximate to residential and commercial uses. Any external physical effects are restricted to the area of the District.

### Required Approvals

- City Planning Commission
- City of Findlay Zoning Inspector
- State Building Department

### Permitted Uses Summary

#### Primary Uses:

- Accessory Uses
- Major Automotive Repair
- Bulk Sales, Storage of Top Soils and Mulches
- Contractor Storage Equipment
- Industrial manufacturing, processing, fabricating, assembling, wholesaling, cleaning, testing, repairing of goods; if enclosed within a building.
- Kennels, Outdoor/Indoor Kennels-Veterinary Clinics
- Light Manufacturing
- Machining
- Mini-storage Warehouses
- Production and/or Storage of Medical or Compressed Gases
- Public Safety Facilities
- Public and Private Utilities
- Research and Development Laboratories
- Refuse Collection & Recycling Center
- RV Sales and Services
- Semi-Truck Repair, Sales and Service
- Transportation and Warehousing
- Trade or Industrial Schools
- Towing Operations and Storage Lots
- Welding
- Wholesale Trades
- Truck Stops

### Conditional Uses

- Adult Entertainment Establishments/Uses (see Chapter 1164)
- Sales areas or showrooms for products manufac-

## CHAPTER 1141 I-1 LIGHT INDUSTRIAL DISTRICT

### CHAPTER CONTENTS

1141.01	Intent	1141.06	Required Lot Frontage
1141.02	Permitted Use- Certificate Required	1141.07	height requirements
1141.03	Conditional Uses	1141.08	Minimum Building Separation
1141.04	Required Building Setbacks	1141.09	Applicable Chapters
1141.05	Existing Setbacks	1141.99	Penalties

### 1141.01 INTENT

The I-1 Light Industrial Districts are designed primarily to accommodate wholesale activities, warehouses, and light industrial operations which may be conducted in areas proximate to residential and commercial areas with attempts to provide as much isolation as possible and where external environmental and physical effects are restricted to the area of this District. No offensive or hazardous conditions shall be created by an industry. Disruptive activities shall be minimized to maintain tranquility if near commercial or residential areas and districts. These would include excessive traffic, dust, dirt, noxious gases, smoke, noise, fumes or vibrations. Permitted uses of this district exclude heavy industrial operations. The processing of raw material for shipment in bulk form to be used elsewhere is also prohibited, with the exception of agricultural products identified as North American Industrial Classification System Code 311119 Other Animal Food Manufacturing.

### 1141.02 PERMITTED USE - CERTIFICATE REQUIRED

- |   |  |
|---|--|
| A. INDUSTRIAL MANUFACTURING                 | M. PUBLIC SAFETY FACILITIES                                    |
| B. LIGHT MANUFACTURING                      | N. KENNELS OUTDOOR/INDOOR<br>KENNELS-VETERINARY CLINICS        |
| C. WHOLESALE TRADE                          | O. REFUSE COLLECTION & RECYCLING<br>CENTERS                    |
| D. TRANSPORTATION & WAREHOUSING             | P. TOWING OPERATIONS & STORAGE<br>LOTS                         |
| E. MACHINING                                | Q. PRODUCTION AND/OR STORAGE OF<br>MEDICAL OR COMPRESSED GASES |
| F. WELDING                                  | R. RV SALES AND SERVICES                                       |
| G. MAJOR AUTOMOTIVE REPAIR                  | S. CONTRACTOR STORAGE EQUIPMENT                                |
| H. SEMI-TRUCK REPAIR, SALES, AND<br>SERVICE | T. BULK SALES, STORAGE OF TOP<br>SOILS & MULCHES, ETC.         |
| I. TRUCK STOPS                              | U. ACCESSORY USES  |
| J. RESEARCH & DEVELOPMENT<br>LABORATORIES   |  |
| K. MINI-STORAGE WAREHOUSE                   |  |
| L. TRADE OR INDUSTRIAL SCHOOLS              |  |



### 114.1.03 CONDITIONAL USES

A. **SALES AREAS OR SHOWROOMS FOR PRODUCTS MANUFACTURED ON-SITE**

Sales area not to exceed forty-percent (40%) of the primary structure

B. **ADULT ENTERTAINMENT ESTABLISHMENTS / ADULT ENTERTAINMENT USES**

(See CHAPTER 1164 ADULT ENTERTAINMENT ESTABLISHMENTS/ADULT)

C. **OUTDOOR DRIVE-IN MOVIE THEATERS**

D. **ANY ADDITIONAL LESS INTENSIVE, NON-OBJECTIONABLE USES WHICH ARE SUBJECT TO PLANNING COMMISSION REVIEW.**

E. **BORROW PITS**

### 114.1.04 REQUIRED BUILDING SETBACKS

A. **FRONT YARD SETBACK**

Fifty feet (50')

B. **SIDE YARD SETBACK**

1. Thirty feet (30')

2. If adjacent to an area that is zoned or used for residential, the setback shall be seventy- five feet (75').

C. **REAR YARD SETBACK**

1. Thirty feet (30')

2. If adjacent to an area that is zoned or used for residential, the setback shall be seventy- five feet (75').

### 114.1.05 EXISTING SETBACKS

A. **INDUSTRIAL USES**

Expansion of existing industrial uses may use the established setbacks or the current standards, whichever is less.

### 114.1.06 REQUIRED LOT FRONTAGE

A. **MINIMUM LOT FRONTAGE**

Minimum required lot frontage is one hundred feet (100').

### 114.1.07 HEIGHT REQUIREMENTS

A. **PRIMARY STRUCTURE**

Shall not exceed sixty feet (60')

B. **ACCESSORY STRUCTURE**

Shall not exceed forty feet (40')

## **1141.08 MINIMUM BUILDING SEPARATION**

### **A. MINIMUM SEPARATION**

Minimum distance between buildings – twenty-five feet (25)

## **1141.09 APPLICABLE CHAPTERS**

CHAPTER 1161.07 Screening

CHAPTER 1161.10 Outdoor Storage Standards

CHAPTER 1161.11 Parking Standards

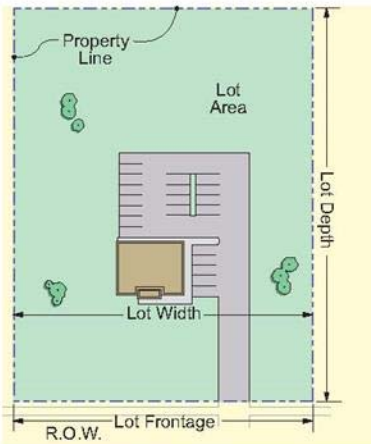
CHAPTER 1161.12 Sign Standards

## **1141.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalties as set forth in Chapter 1199.

# CHAPTER 1143 I-2 GENERAL INDUSTRIAL DISTRICT

## SUPPORTING ILLUSTRATIONS



### Setbacks & Lot Size

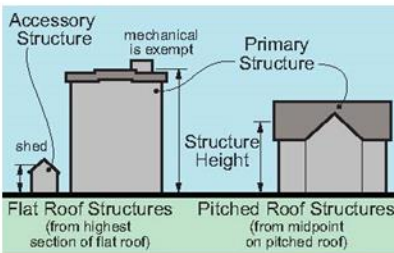
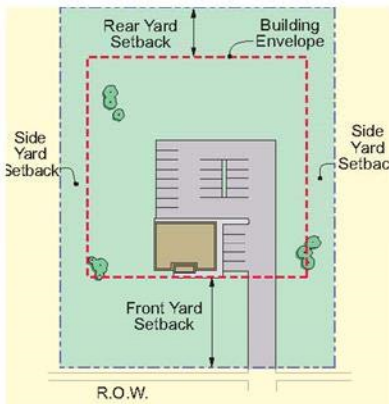
- Front Setback:
  - Major/Secondary Thoroughfares: 75'
  - All other streets: 50'
- Side Setback: 30'
  - If adjacent to a residentially zoned property: 75'
- Rear Yard Setback: 30'
  - If adjacent to a residentially zoned property: 75'
- Expansion of an existing use may use established setbacks or current standards, whichever is less

**Minimum Lot Frontage:** 100 feet

**Minimum Building Separation:** 25'

### Building Height

- Primary Structure: 60'
- Accessory Structure: 40'



### Additional Development Standards

- Accessory Structures 1161.01
- Communication Structures 1161.13
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Landscaping Standards 1161.08
- Lighting Standards 1161.09
- Outdoor Storage Standards 1161.10
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Penalties 1199
- Flood Damage Reduction Ordinance 1351

### District Intent

The I-2 District is designed for manufacturing and assembling, fabricating activities, whose external physical effects may be felt in other districts. This District is structured to include heavy industrial uses.

### Required Approvals

- City Planning Commission
- City of Findlay Zoning Inspector
- State Building Department

### Permitted Uses Summary

- All Uses permitted in I-1 Light Industrial
- Accessory uses
- Automobile Service Stations
- Major Automotive Repairs
- Light Manufacturing
- Laboratories
- Research and Testing Facilities
- Heavy Manufacturing
- Refineries
- Truck Stops
- Warehousing
- Wholesale Business

### Accessory Uses:

- Buildings and structures that are subordinate, appropriate, and incidental to the permitted uses.

### Conditional Uses

- Adult Entertainment Establishments/Uses  
(See Chapter 1164)
- Junk Yards
- Landfills
- Mining
- Oil and Gas Wells
- Quarrying
- Slaughterhouses
- Stock Yards
- Off Premise Signs
- Any Additional Less Intensive, Non-Objectionable

## CHAPTER 1143 I-2 GENERAL INDUSTRIAL DISTRICT

### CHAPTER CONTENTS

1143.01	Intent	1143.06	Required Lot Frontage
1143.02	Permitted Uses – certificate REQUIRED	1143.07	Minimum Building Separation
1143.03	Conditional Uses	1143.08	height requirements
1143.04	Required Building Setbacks	1143.09	Applicable Chapters
1143.05	Use of Existing Setbacks	1143.99	Penalties

### 1143.01 INTENT

The I-2 General Industrial Districts are designed primarily for manufacturing and assembling, fabricating activities, including large scale and specialized industrial operations whose external physical effects may be felt in other districts. These Districts are structured to include heavy industrial use.

### 1143.02 PERMITTED USES – CERTIFICATE REQUIRED

- |                                    |                         |
|------------------------------------|-------------------------|
| A. ALL USES PERMITTED IN I-1       | G. ACCESSORY USES       |
| B. LIGHT MANUFACTURING             | H. WHOLESALE BUSINESSES |
| C. RESEARCH AND TESTING FACILITIES | I. WAREHOUSING          |
| D. AUTOMOBILE SERVICE STATIONS     | J. LABORATORIES         |
| E. MAJOR AUTOMOBILE REPAIR         | K. TRUCK STOPS          |
| F. HEAVY MANUFACTURING             | L. REFINERIES           |

### 1143.03 CONDITIONAL USES

- |  |   |
|--|---|
| A. JUNKYARDS   | G. MINING   |
| B. STOCK YARDS   | H. QUARRYING  |
| C. SLAUGHTERHOUSE  | I. OFF PREMISE SIGNS  |
| D. LANDFILLS   | J. BORROW PITS  |
| E. OIL AND GAS WELLS   | K. ANY ADDITIONAL LESS INTENSIVE, NON-OBJECTIVE USES WHICH ARE SUBJECT TO PLANNING COMMISSION REVIEW. |
| F. ADULT ENTERTAINMENT ESTABLISHMENTS / ADULT ENTERTAINMENT USES |   |

### 1143.04 REQUIRED BUILDING SETBACKS

- A. FRONT YARD SETBACK
1. Major & secondary thoroughfares – seventy-five feet (75')
  2. All other streets – fifty feet (50')
- B. SIDE YARD SETBACK
1. Thirty feet (30');

2. If adjacent to an area that is zoned for residential, the setback shall be seventy-five feet (75').

**C. REAR YARD SETBACK**

1. Thirty feet (30');
2. If adjacent to an area that is zoned for residential, the setback shall be seventy-five feet (75').

### **1143.05 USE OF EXISTING SETBACKS**

Existing industrial operations with established setbacks less than required in this Chapter may be permitted to continue using the existing setback for current uses. Expansion of existing industrial uses may use the established setbacks or the current standards, whichever is less.

### **1143.06 REQUIRED LOT FRONTAGE**

**A. MINIMUM LOT FRONTAGE**

Minimum required lot frontage is one hundred feet (100').

### **1143.07 MINIMUM BUILDING SEPARATION**

**A. MINIMUM SEPARATION**

Minimum distance between buildings – twenty-five feet (25)

### **1143.08 HEIGHT REQUIREMENTS**

**A. PRIMARY STRUCTURE**

Shall not exceed sixty feet (60')

**B. ACCESSORY STRUCTURE**

Shall not exceed forty feet (40')

### **1143.09 APPLICABLE CHAPTERS**

CHAPTER 1161.07 Screening

CHAPTER 1161.10 Outdoor Storage Standards

CHAPTER 1161.11 Parking Standards

CHAPTER 1161.12 Sign Standards

### **1143.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalties as set forth in Chapter 1199.

## CHAPTER 1147 P-O PARK & OPEN SPACE DISTRICT

### CHAPTER CONTENTS

1147.01	Intent	1147.04	Height Requirement
1147.02	Permitted Uses		
1147.03	Required Building Setbacks		

### 1147.01 INTENT

The P-O Park & Open Space District is a Special Purpose zoning district intended to preserve and enhance major open space and recreational areas by protecting the natural amenities they possess and by accommodating development that is compatible with those natural amenities. The P-O district may also be applied to privately-owned open space areas within residential developments. Such a designation is an appropriate zoning classification for open space (non-development) parcels within subdivisions.

### 1147.02 PERMITTED USES

- |                                  |                           |
|----------------------------------|---------------------------|
| A. COMMUNITY RECREATION          | D. FESTIVALS & GATHERINGS |
| B. PASSIVE RECREATION ACTIVITIES | E. ACCESSORY STRUCTURES   |
| C. ACTIVE RECREATION ACTIVITIES  |                           |

### 1147.03 REQUIRED BUILDING SETBACKS

#### FRONT YARD SETBACK

Front yard setbacks for any building, off-street parking area, playground, sport court or other active recreation area shall meet the requirements of the surrounding neighborhood front yard setbacks. In the case of multiple districts abutting, the most restrictive standards shall apply.

#### SIDE AND REAR SETBACK

Any building, off-street parking area, playground, sport court or other active recreation area must be set back at least 30 feet from any R-1, R-2, R-3 or R-4 district and at least 20 feet from any other residential or commercial district.

### 1147.04 HEIGHT REQUIREMENT

#### MAXIMUM BUILDING HEIGHT – THIRTY-FIVE FEET (35')

## CHAPTER 1151 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

### CHAPTER CONTENTS

1151.01	Intent	1151.10	Common Open Space Requirements
1151.02	Applications	1151.11	Permitted Uses
1151.03	Re-Zoning	1151.12	Designation
1151.04	Preliminary Development Plan	1151.13	Amendments
1151.05	Final Development Plan	1151.14	Decisions by City Planning Commission
1151.06	Additional Information	1151.15	Appeals
1151.07	Plats Required	1151.16	Approval Period
1151.08	Design Requirements	1151.99	Penalties
1151.09	Standards		

### 1151.01 INTENT

The Planned Residential Development (PRD) is a voluntary procedure that provides an overlay district that is intended to encourage innovative design, conservation of significant natural features, consolidation of open space, and provide for a mixture of residential uses with an integrated design in Residential zoning districts. The PRD allows greater design flexibility so that natural features and open space may be preserved and enhanced through the site's development in a coordinated and efficient manner.

All proposals will be considered on their merits in relation to the following: adherence with the City of Findlay Comprehensive Land Use Plan; the context of the area in which the PRD is to be located; the adequacy and availability of public facilities and infrastructure; and the compatibility with the proposal's immediate surroundings. The City Planning Commission may require any reasonable condition or design accommodation to promote proper development in harmony to the community. It is not intended that the City Planning Commission automatically grant the maximum use or density.

### 1151.02 APPLICATIONS

Applicants are encouraged to meet with the local development officials, the Findlay City Engineer, Hancock County Engineer (if applicable) and the Hancock Regional Planning Commission. Applications for a PRD are made with the Findlay City Council and involve a preliminary and final review phase. Applicants must first submit an application for a "Preliminary Review for Planned Residential Development Overlay" along with a Preliminary Development Plan. If a project is approved in the preliminary phase, applicants may then make an application for a final review using a "Request for Planned Residential Development Overlay." The application must be accompanied with a Final Development Plan. All applications must contain information required per Chapter 1113.04 Form of Application.

### **1151.03 RE-ZONING**

Applications will only be considered for tracts of land zoned Residential. Petitions for a zoning change require a separate process.

### **1151.04 PRELIMINARY DEVELOPMENT PLAN**

The Preliminary Development Plan shall contain information set forth in Chapter 1113.07 Application Requirements Preliminary Development Plan and B General Information. The request shall be referred to various agencies and utility providers for study. The City shall provide notice and publication of the Planning Commission's review. The proposal shall be reviewed with respect to its meeting the design requirements and standards as set forth in CHAPTERS 1151.08 Design Requirements and 1151.09.

### **1151.05 FINAL DEVELOPMENT PLAN**

Only Preliminary Development Plans that have been approved by the Planning Commission may apply for review as a Final Development Plan. The conditions for approval must be reflected in the Final Development Plan. Any deficiencies on the Preliminary Development Plan must be corrected.

### **1151.06 ADDITIONAL INFORMATION**

The City Planning Commission may require additional information such as professionally prepared maps, survey drawings, studies or reports including environmental assessments, and/or traffic impact studies for the development. The expense of providing this information is the responsibility of the applicant.

### **1151.07 PLATS REQUIRED**

A Planned Residential Development requires a plat map. Procedures for plat map approval are set forth in the City of Findlay Subdivision Rules & Regulations. It is recommended that the platting process be initiated after the Preliminary Development Plan has been approved by the Planning Commission.

### **1151.08 DESIGN REQUIREMENTS**

#### **A. MINIMUM ACREAGE**

Minimum size tract of land must be twenty (20) acres.

#### **B. OPEN SPACE**

Ten percent (10%) of the gross parcel acreage shall be allocated to common open space and/or recreation areas. Up to 1/3 of the acreage may be comprised of retention areas, ponds, or flood areas.

#### **C. MAXIMUM IMPERVIOUS SURFACE**

No more than forty percent (40%) of the gross parcel acreage shall be devoted to coverage by buildings, street pavement, motor vehicle driveway pavement, and parking area pavement.



**D. MINIMUM PERVIOUS SURFACE**

Not less than sixty percent (60%) of the gross parcel acreage shall be devoted to pervious surface, including yards, open space, common areas, water features, and new rights-of-way (i.e. boulevards and tree lawns).

**E. MAXIMUM DENSITY**

The maximum number of dwelling units permitted shall be 4.45 per net developable acre. For the purpose of this calculation, net residential acreage equals eighty percent of the gross parcel acreage. Gross parcel acreage is the total parcel area excluding existing public rights-of-way.

**1151.09 STANDARDS**

**A. ADVERSE AFFECTS**

The property adjacent to the area included in the plan shall not be adversely affected by encroaching buildings, retention ponds or other drainage paths, vehicular circulation routes, location of refuse collection points, or the proximity of the entry of the new development on the public roadway.

**B. ZONING**

The plan must be consistent with the intent and purposes of The City of Findlay Zoning Ordinance to promote public health, safety, and general welfare.

**C. FLEXIBILITY**

The PRD approval may provide for such exceptions from the base district regulations governing lot size, configuration, location and height of buildings, yard requirements, and subdivision standards and regulations, as may be necessary or desirable to achieve the objectives of the proposed development. Such exceptions are to be designed:

1. To promote flexibility in design and permit planned diversity in the location of structures;
2. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
3. To preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion;
4. To provide for more usable and suitably located recreational facilities and other public and common facilities than otherwise would be provided under conventional land development procedures;
5. To combine and coordinate architectural styles, building forms and building relationships within the planned residential development;

6. Appropriate setbacks for any one or group of structures and/or the total planned residential development.

## **1151.10 COMMON OPEN SPACE REQUIREMENTS**

See Chapter 1161.16 Common Open Space Requirements.

## **1151.11 PERMITTED USES**

- A. **USES PERMITTED IN THE BASE ZONING DISTRICTS, INCLUDING CONDITIONAL USES**

## **1151.12 DESIGNATION**

- A. **PUBLIC HEARING**

The Planning Commission shall hold a public hearing for Preliminary and Final Development Plans.

- B. **PUBLIC NOTICE**

See "1113.15 Public Notice."

- C. **ZONING MAP OVERLAY**

The Zoning Administrator shall cause the designation to be shown upon the official zoning map as an overlay without changing the underlying zoning.

- D. **NOTIFICATION OF DESIGNATION**

Upon designation, the Planning Commission shall promptly notify the Zoning Office.

## **1151.13 AMENDMENTS**

- A. **APPLICATION**

In the event that an applicant or owner who has obtained approval of a Final Development Plan wishes to change or modify said approved plan in any respect, he or she shall make a detailed written modification request, and file that request and fee with the Planning Commission. The application shall specifically detail the changes requested, and shall state the reasons for all changes requested.

- B. **REVIEW & DETERMINATION**

The Planning Director shall review the amendment request and decide whether the application shall be treated as a major or minor change to the Final Development Plan using the criteria set forth in Chapter 1113.31 Minor Changes Definition (Site Plans & Plats).

- C. **MAJOR CHANGE**

If the application is determined to be a major modification request, the matter shall be scheduled for a public hearing before the Planning Commission. The Planning Director shall provide written recommendations for the approval, modification, or the denial of the application to the Planning

Commission.

### **1151.14 DECISIONS BY CITY PLANNING COMMISSION**

Upon reaching a decision, the Planning Commission shall issue an oral decision followed by a written decision within seven (7) days after the date of the hearing, setting forth, with specificity, its findings and analyses.

### **1151.15 APPEALS**

See Chapter 1113.33 Appeal of Administrative Decisions.

### **1151.16 APPROVAL PERIOD**

#### **A. CONSTRUCTION STARTED**

If construction of any phase of the approved Planned Residential Development begins within two (2) years after approval is granted, the approval shall be valid until the development is completed.

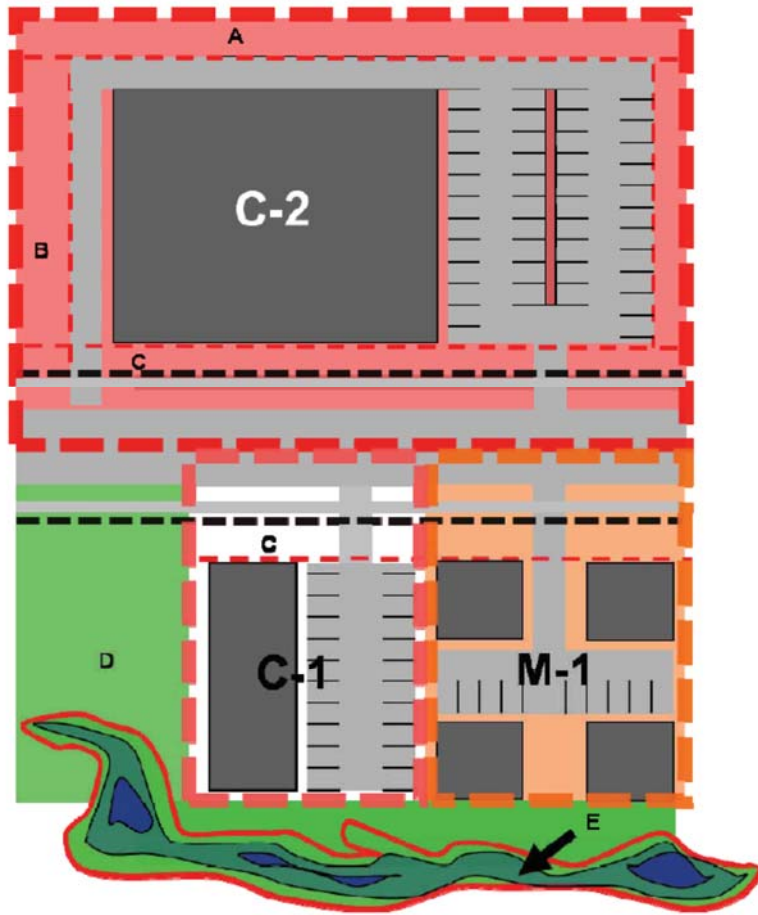
#### **B. NO CONSTRUCTION**

If no construction has begun within two (2) years after the approval is granted, the Planned Residential Development Overlay shall be void and the land shall revert to the district regulations in which it is located. The Planning Commission may approve an extension of the time limit. A project may not receive more than one extension. A maximum of ten (10) years to complete the project is permitted.

### **1151.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty as set forth in Chapter 1199.

SUPPORTING ILLUSTRATIONS



Requirements

Minimum Acreage:	10
Density per Acre:	4.45 units
Building Height:	Per Base Zoning

Lot Requirements: Per Plan

A	Rear Yard
B	Side Yard
C	Front Yard
D	Openspace
E	Detention

Additional Development Standards

- Density is a maximum of 4.45 units per net developable acre (80%)
- 40% Maximum Impervious Coverage of gross parcel acreage, including buildings, driveways, road & sidewalks.
- 60% Minimum Pervious Coverage of gross parcel acreage, including yards & right-of-way green areas.
- 10% consolidated open space. Up to 1/3 can be comprised of retention areas & floodway.
- Base zoning permitted uses and regulations apply
- Apartments may count for a maximum of 20% of the units
- Minimum 20 acre site
- Building envelope sets maximum lot coverage.
- Need ownership plan for common openspace

DISTRICT INTENT

The PRD is a voluntary overlay district to encourage innovative design, conservation of significant natural features, consolidation of open space, and provide for a mixture of residential uses with an integrated design in Residential zoning districts. The PRD allows greater design flexibility so that natural features and open space may be preserved and enhanced through the site's development in a coordinated and efficient manner.

REQUIRED APPROVALS

- City Planning Commission
- City Council
- City of Findlay Zoning Inspector

PERMITTED USES SUMMARY

All Uses permitted per the underlying base zoning district  
 Apartments - 20% of allowable density

ACCESSORY USES

- Pools
- Clubhouses
- Trails

PROCESS

1. Preliminary submittal meeting is encouraged between the applicant, City Engineer and HRPC.
2. Re-Zoning property to appropriate residential zoning, request PRD overlay atop.
3. Submit Preliminary Development Plan for Planning Commission approval
4. Submit Final Development Plan for approval by the City Planning Commission

PROHIBITED USES SUMMARY

## CHAPTER 1152 PLANNED MIXED USE DEVELOPMENT (PMUD)

### CHAPTER CONTENTS

1152.01	Intent	1152.10	Common Open Space
1152.02	Applications	1152.11	Permitted Uses
1152.03	Re-zoning	1152.12	Designation
1152.04	Preliminary Development Plan	1152.13	Amendments
1152.05	Final Development Plan	1152.14	Decisions by City Planning Commission
1152.06	Additional Information	1152.15	Appeals
1152.07	Plat Required	1152.16	Approval Period
1152.08	Design Requirements and standards	1152.99	Penalties
1152.09	Standards		

### 1152.01 INTENT

The Planned Mixed Use Development Overlay (PMUD) is a voluntary procedure that provides an overlay district that is intended to encourage innovative design, conservation of significant natural features, consolidation of open space, and to provide for a mixture of residential, commercial, and industrial uses with an integrated design. There are two types of PMUD overlays: Business-Residential and Business-Industrial. The zoning classifications allowable within a Business – Residential PMUD include M Multi-Family Residential, O-1 Office, C-1 Local Business, and C-2 General Business. The zoning classifications allowable within a Business – Industrial PMUD include O-1 Office Commercial, C-1 Local Business, C-2 General Business, and I-1 Light Industrial. The PMUD shall not provide for a mixture of residential and industrial uses.

The PMUD allows greater design flexibility so that natural features and open space may be preserved and enhanced through the location and configuration of development while an array of uses may be integrated in a coordinated, efficient and compatible manner. All proposals will be considered on their merits in relation to the following: adherence with Findlay's Comprehensive Land Use Plan; the context of the area in which the PMUD is to be located; the adequacy and availability of public facilities and infrastructure; and the compatibility with the proposal's immediate surroundings. The City Planning Commission may require any reasonable condition or design accommodation to promote proper development in harmony with the community. It is not intended that the City Planning Commission automatically grant the maximum use or density.

### 1152.02 APPLICATIONS

Applicants are encouraged to meet with the city's development officials, including the city's engineering department and Hancock Regional Planning Commission. Applications for a PMUD are made with the City Planning Commission and involve a preliminary and final review phase. Applicants must first submit an application for a

“Preliminary Review for Planned Mixed Use Development Overlay” along with a Preliminary Development Plan. If a project is approved in the preliminary phase, applicants may then make an application for a final review using a “Request for Planned Mixed Use Development Overlay.” The application must be accompanied with a Final Development Plan.

### **1152.03 RE-ZONING**

Applications will only be considered for tracts of land with a mixture of M-1 Multi-Family Residential, O-1 Office Commercial, C-1 Local Business, C-2 General Commercial and I-1 Light Industrial zoning districts. Petitions for a zoning change require a separate process. It is recommended that zoning changes be considered simultaneously with requests for PMUD Preliminary Development Plans and based on either the Business-Residential PMUD or Business-Industrial PMUD.

### **1152.04 PRELIMINARY DEVELOPMENT PLAN**

The Preliminary Development Plan shall contain information set forth in Chapter 1113.07 Application Requirements Preliminary Development Plan and General Information, which will be referred to various city agencies and utility providers for study. The City shall provide notice and publication of the City Planning Commission review. The proposal shall be reviewed according to its meeting the design requirements and standards as set forth in Chapter 1152.08 and Chapter 1152.09. The approval of a Preliminary Development Plan shall be in effect for two (2) years to allow for the preparation and submission of the Final Development Plan. If the Final Development Plan has not been filed within this approval period, then the Preliminary Development Plan approval shall expire.

### **1152.05 FINAL DEVELOPMENT PLAN**

Only Preliminary Development Plans that have been approved by the City Planning Commission may apply for review as a Final Development Plan. The conditions for approval must be reflected in the Final Development Plan. Any deficiencies on the Preliminary Development Plan must be corrected.

### **1152.06 ADDITIONAL INFORMATION**

The City Planning Commission may require additional information such as professionally prepared maps, survey drawings, studies or reports including environmental assessments and/or traffic impact studies for the development. The expense of providing this information is the responsibility of the applicant.

### **1152.07 PLAT REQUIRED**

A Planned Mixed Use Development will require a plat. Procedures for plat approval are set forth in Chapter 1109, Findlay’s Subdivision Rules & Regulations. It is recommended the platting process be initiated after the Preliminary Development Plan has been approved by the City Planning Commission. Approved final plats shall be recorded within one (1) year after the approval of the final development plan. Plats not recorded within the one year period will expire and be of no force and effect. Bonds must be secured with the City prior to commencing any

development. Plats must be recorded no later than 30 days after bonds are secured.

## **1152.08 DESIGN REQUIREMENTS AND STANDARDS**

### **A. MINIMUM ACREAGE**

Minimum size tract of land must be ten (10) acres.

### **B. OPEN SPACE**

Ten percent (10%) of the gross parcel acreage shall be allocated to common open space. Up to one third (1/3) may be comprised of retention areas, ponds, or flood areas.

### **C. MAXIMUM IMPERVIOUS SURFACE**

No more than seventy percent (70%) of the gross parcel acreage shall be devoted to impervious coverage by buildings, street pavement, motor vehicle driveway pavement and parking area pavement.

### **D. MINIMUM PERVIOUS SURFACE**

Not less than thirty percent (30%) of the gross parcel acreage shall be devoted to pervious surface, including yards, open space, common areas, water features, and new rights-of-way (i.e. boulevards and tree lawns).

### **E. RESIDENTIAL DENSITY**

Residential may count for a maximum of forty percent (40%) of the net developable acreage of a Business/Residential PMUD. The maximum number of dwelling units permitted shall be six (6) units per acre with residential zoning. For the purpose of this calculation net residential acreage equals eighty percent of the gross parcel acreage zoned Multi-Family Residential Districts. Gross parcel acreage is the total parcel area excluding existing public rights-of-way. Additionally, residential uses located above commercial and office uses will not be counted toward the maximum density. See criteria in CHAPTER 1152.08 .

### **F. PUBLIC SERVICES**

All new principal buildings, structures and other uses shall be provided with public utilities and served by public streets.

### **G. ACCESS**

Requires frontage on and direct access to, one or more dedicated and improved public arterial roads, or to an access road that runs parallel to an arterial road. Provision shall be included for future connections to other public roads as required by the City, the County Engineer and/or the Hancock Regional Planning Commission.

### **H. COMMERCIAL SQUARE FOOTAGE**

Minimum commercial floor space requirements: as approved per development plan.

**I. COMMON WALL RESIDENTIAL**

Residential standards for common wall/single-family attached dwelling, two-family dwellings, and multi-family dwellings:

1. Walkways and street trees-

The City may require walkways to connect all dwelling areas with open space and to interconnect the open spaces. Where sidewalks or bike paths are required, they shall be separated from the paved street or parking lot surface by at least five feet (5') of landscaped or grassed tree lawn with street trees.

2. Yards and setbacks

Approved per development plan.

3. Curbed street with enclosed drainage.

4. Underground utilities

All utility lines constructed to service the proposed commercial uses shall be located underground.

**J. RESIDENTIAL USES IN C-1 AND C-2**

Residential uses are permitted in C-1 and C-2 provided the residential uses meet the following requirements:

1. Located on second story or higher, above commercial and office uses excluding parking garages.

2. Minimum floor area of units to be 1,000 square feet.

3. Minimum lot width at the building line: as approved per final development plan.

4. Minimum side yards- for non-residential structures shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100') feet from any residential zoning district or Planned Residential District, or as approved per development plan.

5. Minimum Rear yard- for non-residential structures shall equal one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than one hundred (100') feet from any residential zoning district or Planned Residential District, or as approved per plan.

6. Perimeter Area- No parking shall be constructed within twenty-five (25) feet of the lot line of an existing or proposed single family home or residentially zoned district.



**K. WATER AND SEWER**

Centralized water and sewer service shall be provided unless otherwise approved per development plan. The appropriate agencies with jurisdiction shall indicate feasibility of water supply and wastewater disposal systems at the time of the preliminary development plan review.

**L. WALKWAYS AND STREET TREES**

The City may require walkways to connect parking areas with buildings. Where sidewalks or bike paths are required, they shall be separated from the paved street surface by at least five feet (5') of landscaping or grassed tree lawn with street trees that conform to City standards.

**M. ENVIRONMENTALLY SENSITIVE AREAS**

Jurisdictional wetlands, steep (over 20%) slopes, and/or 100-year floodplains shall be preserved to the greatest extent possible (note: city approval does not void requirement to comply with permitting and approvals from other required agencies, such as FEMA).

**N. BUILDING DESIGN**

The project shall give due regard to the intent of this chapter to integrate design and appearance within the planned area. Building footprints, building orientation, massing, roof shape and/or pitch shall respect the various elements of the project. The exterior materials should respect the context of the project area (*i.e.*, adjacent to a historic building/neighborhood).

**O. BUILDING HEIGHT LIMITS**

As approved per plan.

**P. PARKING**

Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the parking provisions of Chapter 1161.11 shall be incorporated, or a divergence requested with approval based upon shared parking opportunities within the proposed development.

**Q. SIGNS**

Signs shall conform to provisions of this ordinance or a divergence shall be requested to be approved per plan.

**R. SUPPLEMENTAL CONDITIONS AND SAFEGUARDS**

The City Planning Commission and/or Council may impose additional conditions relating to the development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

## 1152.09 STANDARDS

### A. ADVERSE AFFECTS

The property adjacent to the area included in the plan shall not be adversely affected by encroaching buildings, retention ponds or other drainage paths, vehicular circulation routes, location of refuse collection points, or the proximity of the entry to the new development on the public roadway.

### B. ZONING

The plan is consistent with the intent and purposes of the Findlay Zoning Ordinance to promote public health, safety, and general welfare.

### C. FLEXIBILITY

The planned residential development approval may provide for such exceptions from the base district regulations governing lot size, and configuration, location and height of buildings, yard requirements, and subdivision standards and regulations, as may be necessary or desirable to achieve the objectives of the proposed development. Such exceptions are to be designed:

1. To promote flexibility in design and permit planned diversity in the location of structures;
2. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
3. To preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion;
4. To provide for more usable and suitably located recreational facilities and other public and common facilities than otherwise would be provided under conventional land development procedures;
5. To combine and coordinate architectural styles, building forms and building relationships within the planned residential development; and
6. To design appropriate setbacks for any one or group of structures and/or the total planned residential development.

## 1152.10 COMMON OPEN SPACE

See Chapter 1161.16

## 1152.11 PERMITTED USES

### A. BUSINESS/RESIDENTIAL PMUD

The Business/Residential uses include those provided for the Residential Districts, C-1 Local Business and/or C-2 General Business District with the following exceptions:

1. Residential uses

Permitted in C-1 Local Business District and C-2 General Business District according to the Design Requirements set forth in 1152.08.

**B. PROHIBITED USES**

The following uses shall not be permitted in the Business/Residential PMUD:

- a. Automobile Dealerships, new or used;
- b. Auto laundries;
- c. Lumber yards, contractor supply, etc. with outdoor display areas;
- d. Any use requiring outdoor storage/storage yards.

**C. BUSINESS/INDUSTRIAL PMUD**

The Business/Industrial uses include those provided for in C-1 Local Business District, C-2 Local Business District and I-1 Light Industry District with the following exceptions:

1. Vehicle Sales- New or used;
2. Sales operations for boats, campers, trailers, or other recreational vehicles.
3. Commercial Kennels
4. Auto laundries
5. Trucking Operations
6. Assembly Plants and similar operations
7. Mini-storage warehouses
8. Storage facilities for building materials, sand, gravel, brick, lumber, etc.
9. Storage facilities for contractor's equipment and supplies.
10. Adult Uses

**D. TEMPORARY STRUCTURES**

Mobile homes and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than one time. Renewal of the permit shall be at the discretion of the Zoning Administrator on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Administrator may require provisions for sanitary waste disposal, solid waste disposal and water supply, as are deemed necessary. The fees for such permit and renewals thereof shall be established by the Findlay City Council. Said temporary structure

shall be removed no later than ten (10) days after expiration of said permit. No such temporary unit shall be occupied as a residence.

## **1152.12 DESIGNATION**

### **A. PUBLIC HEARING**

The City Planning Commission shall hold a public hearing for Preliminary and Final Development Plans.

### **B. PUBLIC NOTICE**

Notice shall be made in a newspaper of general circulation and notices mailed to property owners within and contiguous to and directly across the street from the subject parcel or parcels no less than two weeks prior to the public hearing.

### **C. ZONING MAP OVERLAY**

The Planning Director shall cause the designation to be shown upon the official zoning map as an overlay without changing the underlying zoning.

### **D. NOTIFICATION OF DESIGNATION**

Upon designation, the Planning Director shall promptly notify the Zoning Office.

## **1152.13 AMENDMENTS**

### **A. APPLICATION**

In the event that an applicant or owner who has obtained approval of a Final Development Plan wishes to change or modify said approved plan in any respect, he or she shall make a detailed written modification request, and file that request and fee with the City Planning Commission. The application shall specifically detail the changes requested, and shall state the reasons for all changes requested.

### **B. REVIEW AND DETERMINATION**

The Planning Director shall review the amendment request and decide whether the application shall be treated as a major or minor change to the Final Development Plan using the criteria set forth in CHAPTER 1113.31 Minor Changes Definition (Site Plans & Plats).

### **C. MAJOR CHANGE**

If the application is determined to be a major modification request, the matter shall be scheduled for a public hearing before the City Planning Commission. The Planning Director shall provide written recommendations for the approval, modification, or denial of the application to the City Planning Commission.

## **1152.14 DECISIONS BY CITY PLANNING COMMISSION**

Upon reaching a decision, the City Planning commission shall issue an oral decision followed by a written decision within seven (7) days after the date of the hearing, setting forth, with specificity, its findings and analyses.

## **1152.15 APPEALS**

### **A. APPEALS OF ADMINISTRATIVE DECISIONS**

Applicants may appeal decisions by the Planning Director to the City Planning Commission. Notice of appeal shall be made within seven (7) days of the date of decision. The City Planning Commission shall consider the appeal at a regularly scheduled meeting within thirty days (30) of receipt of notice of the appeal.

### **B. APPEALS OF PLANNING COMMISSION DECISIONS**

Decisions by the City Planning Commission shall be deemed final administrative orders for appellate purposes and shall be thereafter regulated by Chapter 2506 of the Ohio Revised Code.

## **1152.16 APPROVAL PERIOD**

### **A. CONSTRUCTION BEGUN**

If construction of any phase of the approved Planned Mixed Used Development begins within two (2) years after approval is granted, the approval shall be valid until the development is completed up to a maximum approval period of ten (10) years from the approval date.

### **B. NO CONSTRUCTION**

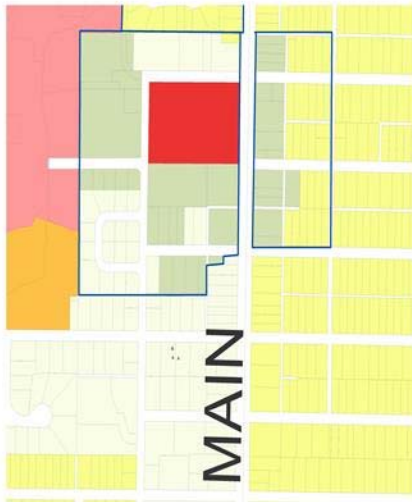
If no construction has begun within two (2) years after the approval is granted, the Planned Residential Development Overlay shall be void and the land shall revert to the district regulations in which it is located. The Planning Commission may approve an extension of the time limit. A project may not receive more than one extension. A maximum of ten (10) years to complete the project is permitted.

## **1152.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty as set forth in Chapter 1199.

# CHAPTER 1153 MOD MEDICAL OVERLAY DISTRICT

## SUPPORTING ILLUSTRATIONS

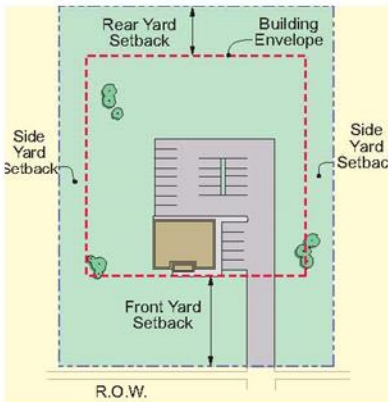


### Setbacks & Lot Size

- Front Setback: 30' or ,  
The average depth of the front yard of lots on either side. ***In no case shall this be less than 20 feet.***
- Side Setback: 10 feet
- Rear Setback: 10 feet  
20 feet if abutting residentially zoned area

### Designation or Expansion of Overlay District

A minimum of 5 acres is required to establish a new or expand an existing Medical Overlay District. Expansions shall be in conformance with the Findlay Land Use Plan

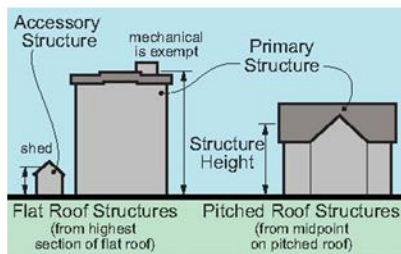


### Building Height

- Primary Structure: based on number of stories
- Accessory Structure: 18 feet

### Minimum Building Separation

- Between 1 & 2 story buildings: 10'
- Taller than two stories- 25'



### Additional Development Standards

- Accessory Structures 1161.01
- Architectural Standards 1161.02
- Communication Structures 1161.13
- Conditional Uses 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Landscaping Standards 1161.08
- Parking 1161.11
- Screening Standards 1161.07
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan

### District Intent

The Medical Overlay District allows for areas of concentrated medical facilities and related uses while preserving the residential character of the surrounding neighborhoods.

### Required Approvals

- City Planning Commission
- City of Findlay Zoning Inspector
- State Building Department

### Permitted Uses Summary

- All uses permitted per the underlying base zoning district
- General Practice Medical Services
- Mental Health Services
- Physical Therapist facilities
- Dental Offices
- Chiropractic Services
- Community Health Centers
- Pathology Services
- Medical Laboratories
- Outpatient Clinics
- Optometry Services
- Surgical Services
- Medical Research Facilities
- Medical Administration Offices
- Hospitals
- Urgent or Emergency Medical Facilities
- Hospice Facilities
- Parking Facilities
- Nursing Homes
- Assisted Living Facilities
- Treatment Facilities

### Conditional Uses

- Small Retail Trade
- Family Medical Hospitality Centers

## CHAPTER 1153 MOD MEDICAL OVERLAY DISTRICT

### CHAPTER CONTENTS

1153.01	Intent	1153.04	Required Building Setbacks
1153.02	Permitted Use - Certificate Required	1153.05	Designation and/or Expansion of Overlay District
1153.03	Conditional Use Requiring Planning Commission Approval	1153.06	Minimum Building Separation
		1153.99	Penalties

### 1153.01 INTENT

The purpose of the Medical Overlay is to allow for hospitals and areas around them to be developed with a concentration of medical facilities and related uses. The overlay will consider the character of the surrounding neighborhoods and business districts. The Medical Overlay District should have a campus-like atmosphere with pedestrian connections, landscaping, and compatible architecture. The Medical Overlay District is designated in conjunction with the underlying zoning classification. The Medical Overlay adds permitted and conditional uses to the underlying district. The conversion of existing homes to medical facilities is highly discouraged; rather the construction of new facilities is encouraged.

### 1153.02 PERMITTED USE - CERTIFICATE REQUIRED

The following uses are permitted in the Medical Overlay District in addition to those allowed per the underlying base zoning district:

- |   |  |
|---|--|
| A. HEALTH CARE CLINICS                      | H. NURSING HOME AND/OR CONVALESCENT HOMES            |
| B. HEALTH CARE OFFICES                      | I. HOSPICE FACILITIES                                |
| C. HOSPITALS                                | J. MEDICAL-RELATED EDUCATION AND RESEARCH FACILITIES |
| D. URGENT CARE OR EMERGENCY CARE FACILITIES | K. MEDICAL ADMINISTRATION OFFICES                    |
| E. SURGERY CENTERS                          | L. MEDICAL LABORATORIES                              |
| F. COMMUNITY HEALTH CENTERS                 | M. PARKING FACILITIES                                |
| G. ASSISTED LIVING FACILITIES               |  |

### 1153.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL

The following uses are permitted in the Medical Overlay District in addition to those allowed per the base zoning district subject to the following conditions:

- A. **SMALL RETAIL TRADE**
1. Must be ancillary or common to areas around medical facilities. Examples include but are not limited to: coffee shops, pharmacies, book stores, florists, medical supply stores, and retail banking.

2. All retail facilities shall have a maximum square footage of 4,000 square feet.
3. Buildings along South Main Street must be designed to face South Main Street and circulation must be located behind the building.
4. Buildings located along South Main Street at intersections with W. Pearl Street, Wallace Street, and Highland Drive must address both streets as front yards.
5. Drive-thru operations are not permitted, with the exception of retail banking. See note (6) below.
6. Drive thru operations for retail banking shall not have more than two (2) drive thru lanes. Automated Teller Machines (ATM) may not add a third lane or drive, but are permitted in one of the other two lanes. It is encouraged that ATM's be located along a sidewalk to enhance the walkable character of the Hospital Overlay District., or
7. Signage shall be limited to ground and wall signs only. Low-profile signs shall not exceed six (6') feet in height and 36 square feet per side with a maximum of two sides. Any boundary with a residential use shall have the appropriate landscape buffer per the landscaping ordinance. Due to the campus atmosphere, wayfinding sign permitting per approval of zoning officer.

**B. FAMILY MEDICAL HOSPITALITY CENTERS**

1. Limit of six (6) hospitality centers within the district.
2. The hospitality centers may be single family, duplex, or multi-family.
3. The duplex and multi-family units shall meet the standards for a multi-family living unit.

**C. BORROW PITS**

## **1153.04 REQUIRED BUILDING SETBACKS**

**A. FRONT YARD SETBACK**

The front yard setback shall be thirty feet (30'), or the average depth of the front yard setback of the lots on either side; the lesser measurement shall be used. In no case shall the setback be less than twenty feet (20').

**B. SIDE YARD SETBACK**

The side yard setback requirement is ten feet (10')

**C. REAR YARD SETBACK**

Ten feet (10');

Twenty feet (20') if abutting a residentially zoned district.



## **1153.05 DESIGNATION AND/OR EXPANSION OF OVERLAY DISTRICT**

### **A. MINIMUM REQUEST**

A minimum of five (5) acres is required to establish or to expand a new or an existing overlay district.

### **B. LAND USE PLAN**

Expansions shall occur in conformance with the Findlay Land Use Plan.

## **1153.06 MINIMUM BUILDING SEPARATION**

### **A. 1 & 2 STORY BUILDINGS**

Ten feet (10')

### **B. BUILDINGS OVER 2 STORIES**

Twenty-five feet (25')

## **1153.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty as set forth in Chapter 1199.

# CHAPTER 1154 UOD UNIVERSITY OVERLAY DISTRICT

## SUPPORTING ILLUSTRATIONS



### District Intent

The purpose of the University Overlay District is to allow post secondary education institutions and their ancillary uses while preserving the residential character of the surrounding neighborhoods.

### Required Approvals

- City Planning Commission
- City of Findlay Zoning Inspector

### Permitted Uses Summary

*Uses allowed as permitted in the base zoning district*

#### Accessory Uses:

- Detached garages
- Gazebos, decks, hot tub enclosures
- Carports, canopies, pool houses, greenhouses
- Fences
- Structures less than 50 square feet are not considered accessory structures

### Conditional Uses

*See 1154.03 Conditional Uses for complete list*

- Universities and Colleges
- Fraternity and Sorority Houses
- Civic Uses
- Commercial Uses
- Parking Lots

#### Small Scale Development

- Site does not exceed 1 acre
- Minimum Frontage: 50 feet
- Existing building footprint 5,000 square feet or less
- Access onto/from a Major/Secondary Thoroughfare

- square feet
- Access onto/from a Major Thoroughfare

#### Additional Development Standards

- Accessory Structures 1161.01
- Communication Structures 1161.13
- Conditional Use 1161.15
- Fence and Wall Standards 1161.03
- Height Standards 1161.04
- Home Occupation 1161.05
- Landscaping Standards 1161.06
- Parking 1161.11
- Signage 1161.12
- Small Wind Turbines 1161.14
- Highway & Transportation Thoroughfare Plan
- Penalties 1199
- Flood Damage Reduction

## CHAPTER 1154 UOD UNIVERSITY OVERLAY DISTRICT

### CHAPTER CONTENTS

1154.01	Intent	1154.04	Development Category
1154.02	Permitted Uses	1154.05	Design Requirements
1154.03	Conditional Uses	1154.99	Penalties

### 1154.01 INTENT

The purpose of the University Overlay District is to allow post-secondary education institutions and their ancillary uses while preserving the residential character of the surrounding neighborhoods. The university district shall have a campus-like atmosphere with pedestrian connections, landscaping, and compatible architecture. The University District is designated in conjunction with the underlying zoning classification. The University Overlay District adds permitted and conditional uses to the underlying district.

### 1154.02 PERMITTED USES

Uses permitted in the base zoning district.

### 1154.03 CONDITIONAL USES

The conditional uses permitted in the University Overlay District are subject to Chapter 1154.04

Development Category of the site for which it is proposed. The following uses are permitted subject to the associated conditions:

A. **UNIVERSITIES AND COLLEGES**

All universities, colleges, and schools are permitted, along with the associated support buildings and uses, on condition they are identified as part of a campus master plan that has been reviewed and adopted by the institution's board of directors and the Findlay City Planning Commission. Structures, buildings, and uses may include but are not limited to:

1. Education halls
2. Assembly halls
3. Concert halls
4. Athletic facilities and complexes
5. Student life centers
6. Dormitories and residence halls
7. Faculty housing
8. Administration buildings
9. Libraries
10. Theaters
11. Parking lots and garages
12. Utility stations and infrastructure
13. Maintenance facilities

B. **FRATERNITY AND SORORITY HOUSES**

Subject to the following conditions:

1. Sanction by Parent Society

2. Approval of University
3. Compliance with Off-Street Parking requirements per Chapter 1161.11 Parking Standards.

**C. CIVIC USES**

Libraries and community centers, public or private

Conditions include:

- a. Access via major or minor thoroughfare
- b. Hours of operation limited to between 6:00 a.m. and 11:00 p.m.

**D. PASSIVE AND ACTIVE RECREATIONAL PARKS**

Conditions include:

- a. Hours of operation limited to between 6:00 a.m. and 11:00 p.m.
- b. Parking requirements listed in University Overlay District Chapter 1154.03 Conditional Uses, Section H Parking Lots.

**E. THEATERS, ATHLETIC FACILITIES, AND SIMILAR PLACES OF ASSEMBLY, FOR BOTH INDOOR AND OUTDOOR USES SUBJECT TO:**

- a. Access via major or minor thoroughfare
- b. Multiple access points for ingress-egress to site
- c. Clear passage stacking for a minimum of ten (10) vehicles on site, measuring from the access/right-of-way line.
- d. Low profile signage
- e. When abutting a residential zoning classification, it must meet screening requirements set forth in Chapter 1161.07 Screening .
- f. Waste disposal/trash collection areas may not be located within the base zoning's front, side, or rear yard setbacks.

**F. COMMERCIAL USES**

The following uses share the same conditions for approval. The conditions are listed in Chapter 1154.03 Conditional Uses, Section G Conditions for commercial uses.

- |                          |                                   |
|--------------------------|-----------------------------------|
| 1. Professional Offices  | 7. Book Stores                    |
| 2. Restaurants           | 8. Business Services              |
| 3. Day Care Centers      | 9. Coffee Shops                   |
| 4. Art and Antique Shops | 10. Convenience Stores            |
| 5. Bakery – Retail       | 11. Banks, Financial Institutions |
| 6. Bed & Breakfasts      |                                   |

- |                     |                                    |
|---------------------|------------------------------------|
| 12. Craft Supplies  | 18. Health Services                |
| 13. Dance Studios   | 19. Ice Cream Shops                |
| 14. Laundromats     | 20. Beauty Salons                  |
| 15. Flower Shops    | 21. Barber Shops                   |
| 16. Food Retailing  | 22. Boarding and lodging<br>houses |
| 17. Hardware Stores |                                    |

**G. CONDITIONS FOR COMMERCIAL USES IN THE UNIVERSITY OVERLAY DISTRICT**

- a. Access via major or minor thoroughfare
- b. Hours of operation limited to between 6:00 a.m. and 11:00 p.m.
- c. Parking per Chapter 1154.03 Conditional Uses H “Parking Lots”
- d. Low profile signage – A-Frames
- e. When abutting a residential zoning classification, it must meet screening requirements set forth in Chapter 1161.07 Screening .
- f. Waste disposal/trash collection areas may not be located within the base zoning’s front, side, or rear yard setbacks.

**H. PARKING LOTS**

- a. Parking must be illuminated
- b. Parking requirement may be reduced by fifty percent (50%) if the site is connected by dedicated walkway or trail to another park, civic space, or civic use facility (i.e. school, museum, university). A city sidewalk does not meet the criteria for the parking exemption.
- c. Parking lots shall be located away from non-university residential areas.

**I. BORROW PITS**

**1154.04 DEVELOPMENT CATEGORY**

All uses permitted by the University Overlay District in addition to those expressly permitted in the base zoning district shall be reviewed and approved using criteria established in two categories of development: Small Scale Development, and Large Scale Development.

Building setbacks are based on three categories of height: buildings one or two stories in height, buildings three stories in height or less, and; buildings in excess of three stories.

**A. BUILDINGS LESS THAN 30 FEET TALL**

- 1. Front Yard Setback  
Twenty-five feet (25')
- 2. Side Yard Setback

Five feet (5')

Twenty feet (20') if adjacent to single family residential use

3. Rear Yard Setback

Twenty feet (20')

Thirty feet (30') if adjacent to single family residential use

**B. BUILDINGS 30 FEET TALL OR MORE**

1. Front Yard Setback

Forty feet (40').

2. Side Yard Setback:

Twenty feet (20')

Thirty (30') feet if adjacent to single family residential use

3. Rear Yard Setback

Twenty feet (20')

Thirty (30') feet if adjacent to single family residential use

## **1154.05 DESIGN REQUIREMENTS**

1. Low profile signage and A-Frames only
2. Screening requirements per Chapter 1161.07 Screening
3. Waste disposal/trash collection areas may not be located within the base zoning's front, side, or rear yard setbacks.
4. Parking: Parking Requirement may be reduced by 50% at the discretion of Planning Commission.
5. In no instance shall outdoor merchandise be displayed in a required front yard setback.

## **1154.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalties as set forth in Chapter 1199.

## CHAPTER 1155 RIPARIAN CORRIDOR OVERLAY DISTRICT

### CHAPTER CONTENTS

1155.01	Purpose	1155.07	Riparian Setback
1155.02	Intent	1155.08	Exemptions
1155.03	Riparian Areas Defined	1155.09	Standards and Regulations
1155.04	Prohibited Uses	1155.10	Permitted Uses
1155.05	Prohibited Activities	1155.11	Exceptions
1155.06	Area Yard and Height Regulations	1155.99	Penalties

### 1155.01 PURPOSE

It is hereby determined that the system of rivers, streams, and other natural watercourses contributes to the health and safety of the residents of the City of Findlay. The specific purpose and intent of the Riparian Corridor Overlay District is to regulate land use and construction within riparian areas to:

**A. IMPACT REDUCTION**

Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.

**B. WATERCOURSE STABILIZATION**

Stabilize the banks of watercourses to reduce bank erosion and then downstream transport of sediments eroded from watercourse banks.

**C. POLLUTANT REDUCTION**

Reduction of pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants in runoff before they enter watercourses.

**D. HABITAT**

Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.

**E. IMPROVE CITY ECONOMY**

Benefit the City economically by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as dams, retention basins, and rip rap to protect structures by reducing property damage and threats to the safety of watershed residents, and by preserving the character and property values of the City.

### 1155.02 INTENT

It is the policy of City of Findlay to encourage the establishment of naturally vegetated riparian setbacks along watercourses. Property owners who own land beside watercourses are encouraged to assume responsibility for

helping to maintain water quality and the environmental health of riparian systems within the City of Findlay. Riparian setback requirements defined herein represent only minimal protection to water quality, and property owners are encouraged to do more to protect the ecological health of waterways.

Setbacks along watercourses, including rivers, streams, major and minor tributaries, serve as buffer areas. The District has prepared and adopted plans in preparation of the Flood Mitigation effort underway to minimize or reduce flooding of the Blanchard River and its tributaries. Once the mitigation effort is complete, the overlay district should be designated on the zoning map.

As an overlay zone, this zoning district imposes additional development standards for new construction beyond those of the underlying zoning district.

### **1155.03 RIPARIAN AREAS DEFINED**

**A. STREAMS**

Streams include rivers, creeks and ditches and appear on at least one of the following maps: USGS topographical map, or soils maps located in the Soil Survey for Hancock County, Ohio, USDA, and NRCS.

**B. 100 YEAR FLOODPLAIN**

The 100-year floodplain shall be defined by FEMA Flood Insurance Rate Map as adopted by City of Findlay.

**C. PERMITTED/CONDITIONALLY PERMITTED**

Permitted and conditionally permitted uses in the underlying zoning district(s) are allowed except for those identified as prohibited uses in Chapter 1155.04 and the .

### **1155.04 PROHIBITED USES**

The following uses are expressly prohibited. Where there is a conflict in an underlying zoning district, this Chapter prevails.

- |  |   |
|--|---|
| <b>A. ASPHALT PLANTS</b>                 | <b>I. PETROLEUM STORAGE, SALES AND DISTRIBUTION</b> |
| <b>B. DRY CLEANERS</b>                   | <b>J. SAND AND GRAVEL EXTRACTION</b>                |
| <b>C. GASOLINE SERVICE STATIONS</b>      | <b>K. ROAD MAINTENANCE FACILITIES</b>               |
| <b>D. CAR WASHES</b>                     | <b>L. ROAD SALT STORAGE</b>                         |
| <b>E. JUNKYARDS</b>                      | <b>M. UNDERGROUND STORAGE TANKS</b>                 |
| <b>F. LANDFILLS OR TRANSFER STATIONS</b> | <b>N. USE OR STORAGE OF ANY CAUSTIC MATERIALS</b>   |
| <b>G. RECYCLING CENTER</b>               |   |
| <b>H. QUARRIES &amp; BORROW PITS</b>     |   |



## 1155.05 PROHIBITED ACTIVITIES

Additionally, the following activities are prohibited:

### A. CONSTRUCTION

Construction of principal or accessory structures and placement of fill, except when constructing an approved stream crossing.

### B. PAVING

The creation of new impervious surfaces, unless within a public right-of-way or approved private street constructed as part of a major residential subdivision.

### C. SUBSURFACE ACTIVITY

There shall be no drilling for petroleum or mineral products, mining activity, altering, dumping, filling or removal of riverine materials or dredging (except as may be necessary as part of a stream restoration project or other similar activity carried out by a government agency or authorized organization).

### D. CLEAR-CUTTING

Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; to such plantings as are consistent with these regulations; to such disturbances as are approved under these regulations; and to the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations.

## 1155.06 AREA YARD AND HEIGHT REGULATIONS

In addition to all area, yard and height regulations established in the underlying zoning district, the following development standards shall apply within the Riparian Corridor Overlay District and to all areas in the City of Findlay that meet the criteria per Chapter 1155.09

## 1155.07 RIPARIAN SETBACK

Widths of buffers are measured as horizontal map distance outward from the ordinary top of the bank on each side of a stream per Chapter 1155.09 . The following shall apply to the riparian setback:

### A. DELINEATION

The applicant shall be responsible for delineating the riparian setback and identifying this setback on all subdivisions, site plans, and/or zoning permit applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation may be subject to review and approval by the City of Findlay. As the result of this review, the City may require further studies from the applicant.

**B. CONSTRUCTION FENCING**

Prior to any soil disturbing activity, the riparian setback shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be protected with silt fencing throughout soil-disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. Silt fencing shall be removed when a development project is completed and grass and vegetation area is established and stable.

**C. CONFORMANCE**

No approvals or permits shall be issued by the City of Findlay prior to the determination of the riparian setback in conformance with this ordinance.

**D. RECORDING**

Upon completion of an approved subdivision, the riparian setback shall be permanently recorded on the plat records for the County of Hancock. The riparian setback area shall be formally defined by a legal description defined by meets and bounds.

## **1155.08 EXEMPTIONS**

The following are exempt from the terms and protection of these regulations: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey stormwater to another system, tile drainage systems, and stream culverts.

## **1155.09 STANDARDS AND REGULATIONS**

All areas located within the riparian setbacks as set forth in this Chapter are subject to the standards and regulations. Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the riparian setback shall be preserved in its natural state for rivers, creeks and ditches and their respective setbacks as follows:

- A. **RIVERS – 75' FROM TOP OF BANK ON EACH SIDE.**
- B. **CREEKS – 25' FROM TOP OF BANK ON EACH SIDE.**

## **1155.10 PERMITTED USES**

Within the riparian setback, the following uses and activities are permitted:

**A. RECREATION TRAILS**

Construction of multiple use recreational trails provided such trails are located at least twenty feet (20') from the ordinary top of bank of the watercourse.

**B. MAINTENANCE**

The removal of individual trees that are in danger of falling and causing damage to structures or causing blockage to the stream flow.

**C. TIMBER CUTTING**

Additionally, timber cutting is permitted when accomplished under the advice and guidance of an appropriate government agency and is necessary to preserve the forest from pest infestation, disease infestation, or fire threat.

**D. STREAM CROSSINGS**

(See City of Findlay's Flood Damage Reduction Ordinance).

**E. RE-VEGETATION AND/OR REFORESTATION**

Re-vegetation and reforestation of the riparian setback shall be allowed. Information pertaining to species of shrubs and vines recommended for stabilizing flood prone areas along streams may be obtained at the Hancock SWCD.

**F. BEST MANAGEMENT PRACTICES**

For stream bank stabilization or erosion control, Best Management Practices may be allowed if such practices are within permitted uses by the local, state, and federal government regulations and are ecologically compatible and with the emphasis on the use of natural materials and native plant species where practical and available. Such stream bank stabilization/erosion control practices shall only be undertaken upon approval of Stormwater Pollution Prevention Plan by the City of Findlay.

### **1155.11 EXCEPTIONS**

The Planning Commission may authorize a variance from the above development standards. Such a variance may include: a reduction in the width of the riparian setback, or a modification of the requirements listed in Chapter 1155. As a condition for requesting a variance from these regulations, evidence shall be provided that the site and any construction to be done thereon have been reviewed by the City of Findlay. Such a variance may be found to be appropriate when it can be shown that strict application of these standards will result in the loss of a reasonable use of a property. Conditions on such variances may include other reasonable and necessary measures to adequately protect the riparian environment, such as erosion control measures and new plantings of native vegetation.

### **1155.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalties as set forth in Chapter 1199.

## CHAPTER 1161 DEVELOPMENT STANDARDS

### CHAPTER CONTENTS

1161.01	Accessory structures	1161.10	Outdoor Storage Standards
1161.02	Architectural Standards	1161.11	Parking Standards
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### 1161.01 ACCESSORY STRUCTURES

#### 1161.01.1 ACCESSORY STRUCTURES R-1, R-2, R-3 & R-4 SINGLE FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS

The following standards shall apply to the following zoning districts: R-1, R-2, R-3, R-4

##### A. PERMITTED ACCESSORY STRUCTURES

The following accessory structures shall be permitted and require a zoning permit:

1. Buildings or structures such as detached garages
2. Gazebos, decks, and hot tub enclosures
3. Carports, pool houses and greenhouses
4. Sheds, Swimming Pools
5. Fences

##### B. PERMITTED NO ZONING PERMIT REQUIRED

1. Structures with a building footprint of fifty square feet (50') or less. No such structures are permitted in any front yard.
2. Wheel Chair ramps (Exempt from Chapter 1161.01.1 C (3)) Restricted in Front Yard.
3. Commercial storage containers are permitted on a property not to exceed sixty (60) days in a calendar year and must be situated on a site so as not to create a visibility hazard. Exemptions may be granted by the Zoning Administrator in the event of a calamity.

##### C. GENERAL REQUIREMENTS

1. Accessory structures shall comply with the following requirements:

Relationship to Primary Use: Shall be customarily incidental, accessory and subordinate

to, and commonly associated with the primary use and occupant of the same parcel. Owners of multiple, contiguous parcels that desire treatment as though they are a single lot must combine the parcels with a new legal description and deed at the Hancock County Auditor's Office. Proof of a recorded deed must be provided as part of the application.

**Example:** This requirement prevents a property owner of multiple parcels from erecting an accessory structure on a separate, vacant but recorded lot that could eventually be sold and thus become an illegal non-conforming use and lot under CHAPTER 1162 NONCONFORMITY Sections 2 – 5.

2. Maximum Floor Area: The combined building footprint of all accessory buildings on site shall not exceed nine hundred (900) square feet. One accessory building that is fifty square feet (50 sq. ft.) or less shall be exempt from this requirement. In no instance shall any separate accessory building be larger than nine hundred square feet (900 sq. ft.). Unless the lot equals or exceeds one (1) acre in size the maximum floor area cannot exceed twelve hundred square feet (1,200 sq. ft.) or eighty percent (80%) of the primary structure footprint whichever is less. All accessory buildings are subject to maximum lot coverage requirements as prescribed in each zoning district. The following stipulations apply to properties without an attached garage:

- a. One accessory building used for the parking of vehicles up to five hundred seventy-six square feet (576 sq.ft.) shall not count against the total allowable accessory building area. The accessory building used for the parking of vehicles that is greater than five hundred seventy-six square feet (576 sq. ft.) will have that area in excess of five hundred seventy-six square feet (576 sq. ft.) deducted from the maximum allowable accessory building area.

**Example:** If the property contains a 700 square foot accessory building for the parking of vehicles, 124 square feet of area of excess are deducted from any proposed accessory building, thereby limiting the size of a new accessory building to 776 square feet in area.

- b. An existing accessory building used for the parking of vehicles that is less than five hundred seventy-six square feet (576 sq. ft.), can be increased in area so the total building area does

not exceed five hundred seventy-six square feet (576 sq. ft.), even if the property contains other accessory buildings that exceed the nine hundred

square foot (900 sq. ft.) limit. Maximum lot coverage requirements will still apply.

3. Restricted in Front Yard Requirement: No accessory structure shall be permitted in the required front yard.
4. Conversions: Permanently attaching any accessory building to a primary building shall be considered a conversion and shall be subject to all required setbacks for primary structures. These connections must include a four feet (4') width building footprint, must be enclosed, have doorways on either side, and have a foundation.

*Example: A detached garage on a street side yard is proposed to be attached to the primary building with a breezeway. The garage is located in R-3 Single Family and is five feet (5') from the property line. In this instance the conversion would violate the setback required for primary structures and applicant would not be issued a zoning permit.*

5. Storage containers, box truck components, and tractor-trailers are not considered as buildings and shall not be used as accessory buildings, unless otherwise provided.

**D. SETBACKS**

1. Front Yard Setback - Accessory structures shall not encroach upon the required front setback of the lot on which they are located, except fences and decks.
2. Side and Rear Setbacks - Accessory structures may not be located closer than three feet (3') of the side yard and five feet (5') of the rear yard.
3. Screening - In no case shall an accessory structure encroach upon any required screening.

**E. OCCUPANCY:**

Accessory buildings shall not be occupied as a dwelling.

**F. HEIGHT:**

The maximum height allowed for an accessory building is eighteen feet (18').

**1161.01.2 ACCESSORY STRUCTURES CD, M-1, M-2 MULTI-FAMILY RESIDENTIAL DISTRICTS**

**A. PERMITTED ACCESSORY STRUCTURES**

The following accessory structures shall be permitted and require a zoning permit:

1. Buildings or structures such as detached garages
2. Gazebos, decks, porches, and hot tub enclosures

3. Carports, canopies, pool houses and greenhouses
4. Fences
5. Management offices and other facilities normally associated with tenants' convenience, such as washing machine facilities, exercise facilities, etc.

**B. PERMITTED NO ZONING PERMIT REQUIRED**

1. Building footprint of fifty square feet (50 sq. ft.) or less
2. Wheel Chair ramps (Exempt from Chapter 1161.01.2 C (3)) Restricted in Front Yard.

**C. GENERAL REQUIREMENTS**

Accessory structures shall comply with the following requirements:

1. Relationship to Primary Use: Shall be customarily incidental, accessory and subordinate to, and commonly associated with the primary use of the lot.
2. Ownership: Shall be operated and maintained under the same ownership as the primary structure.
3. Restricted in Front Yard Requirement: No accessory structure shall be permitted in the required front yard.

**D. SETBACKS**

1. Front Yard Setbacks - Accessory structures, except fences shall not encroach upon the established front setback of the lot on which they are located.
2. Side and Rear Setbacks - Accessory structures, excluding fences and decks shall not be located closer than three feet (3') from the side lot lines and five (5') from the rear lot line.
3. Screening - In no case shall an accessory structure encroach upon any required screening.
4. Street Side Yard Setback - Setbacks shall be fifteen feet (15').

**E. OCCUPANCY**

Accessory building shall not be occupied as a dwelling.

**F. HEIGHT**

The maximum height allowed for an accessory building is eighteen feet (18').

**G. DUMPSTER AND TRASH ENCLOSURES**

See Chapter 1161.07 Screening

### 1161.01.3 ACCESSORY STRUCTURES – O-1 OFFICE, C-1, C-2 & C-3 COMMERCIAL DISTRICTS

#### A. PERMITTED ACCESSORY STRUCTURES

1. Buildings or structures such as detached garages, carports, canopies, and patios for outdoor seating
2. Management offices and other facilities normally associated with the primary business.
3. Dumpster enclosures, mechanical equipment
4. Greenhouses Cart corrals
5. Similar accessory buildings or structures
6. Fences.

#### B. PERMITTED – NO ZONING PERMIT REQUIRED

1. Structures with a building footprint less than fifty (50) square feet
2. Wheel Chair Ramps

#### C. GENERAL REQUIREMENTS

Accessory structures shall comply with the following requirements:

1. Relationship to Primary Use: Shall be customarily incidental, accessory and subordinate to, and commonly associated with the primary use of the parcel.
2. Ownership: Shall be operated and maintained under the same ownership as the primary structure.

#### D. SETBACKS

1. Front Yard Setbacks - Accessory structures shall not encroach upon the established front setback of the lot on which they are located with exceptions being:
  - a. Fences
  - b. Outdoor seating/dining areas.
2. Side and Rear Setbacks: Accessory structures may encroach the side and rear setbacks, but may not be located closer than ten (10) feet to the lot line, except fences.
3. Screening - In no case shall an accessory structure encroach upon a defined buffer area.

#### E. ENCLOSED BUILDING REQUIREMENT

All uses and operations shall be conducted within completely enclosed buildings with the following exceptions:

1. Off-street parking
2. Drive-thru customer service windows
3. Outdoor dining areas,



**F. MAXIMUM FLOOR AREA**

The combined gross floor area of all accessory structures on site shall not exceed seventy five percent (75%) of the size of the primary structure.

**G. OCCUPANCY**

Accessory buildings shall not be occupied as a dwelling.

**H. HEIGHT**

The maximum height allowed for an accessory building is eighteen (18) feet.

**I. DUMPSTER AND TRASH ENCLOSURES**

See Chapter 1161.07 Screening .

**1161.01.4 ACCESSORY STRUCTURES – I-1 & I-2 INDUSTRIAL DISTRICTS**

**A. PERMITTED ACCESSORY STRUCTURES**

Buildings or structures which facilitate the primary structure, including maintenance buildings, storage facilities, etc.

**B. PERMITTED – NO ZONING PERMIT REQUIRED**

Structures with a building footprint of less than fifty square feet (50')

**C. GENERAL REQUIREMENTS**

Accessory structures shall comply with the following requirements:

1. Relationship to Primary Use:

Shall be customarily incidental, accessory and subordinate to, and commonly associated with the primary use of the lot.

2. Ownership:

Shall be operated and maintained under the same ownership as the primary structure.

3. Setbacks:

a. Front Yard Setbacks– Accessory structures shall not encroach upon the established front setback of the lot on which they are located, except fences.

b. Side and Rear Setbacks: Accessory structures, except fences may encroach the side and rear setbacks, but may not be located closer than ten (10) feet to the lot line.

c. In no case shall an accessory structure encroach upon a buffer yard.

4. Height

The maximum height for an accessory building is forty (40') in height.

5. Occupancy:

Accessory buildings shall not be occupied as a dwelling.

**1161.01.5 EASEMENTS**

The City is not responsible for researching recorded utility easements in the zoning permit review process. Any building or structure placed in a recorded utility easement becomes the risk and responsibility of the owner.

**1161.02 ARCHITECTURAL STANDARDS**

**1161.02.1 PURPOSE**

To promote the design and construction of new buildings that support and enhance character within the City of Findlay. The following standards are introductory minimums in comparison to standards adopted in many other communities with a high quality of living. The proposed standards should be viewed as a starting point for improving the architectural character of the city's commercial districts. The standards are only proposed for Multi-Family Residential Districts, Office and Institutional Districts, and Local and General Business Districts. Standards are suggested herein to regulate rooflines on large buildings, to prescribe exterior materials, and to assure four sided architectural design. The standards will help to establish a community-wide architectural quality. Standards should continuously be developed later to establish architectural compatibility between new construction and the existing built environment.

**1161.02.2 TERMS**

To incorporate architectural standards, it is necessary to establish a few base terms in this zoning chapter:

**A. ARTICULATION**

Enhancements prescribed vertically or horizontally across a building façade or roof.

**B. BAYS**

A square unit of measurement used for designing architectural features and materials proportionate to building facades.



**Figure 1161.2 - 1 Vertical Articulation Demarcation**

*This secondary façade is visible from a public road. The articulation has been carried over from the primary façade and incorporates variation in building materials and colors as well as a belt course and other trim details to break-up the façade. Variation in wall height has also been employed.*

**C. PRIMARY FACADES**

The prominent façade is the building front and has a main entryway. It typically faces the main street that provides vehicular access to the site. Signage indicating the business name and entrance may or may not exist on this façade. Primary facades on all nonresidential buildings shall be articulated both vertically and horizontally to relate the structure to the human-scale.

**D. VISIBLE SECONDARY FACADES**

Visible secondary facades are visible from public rights-of-way, public areas or residential areas and shall have a clear base, middle, and top portion emphasized by the articulation to a human-scale. Visible secondary façades should incorporate a variety of architectural design features, techniques, patterns, materials and colors in a coordinated manner that relate to the overall design of the structure.

(See Figure 1161.2 – 1)

**E. SECONDARY FACADES**

Secondary facades face other secondary facades of nonresidential buildings and are not visible from adjacent residential or public areas. Secondary façades or portions of secondary façades completely screened from public or residential areas by dense landscaping or other structures shall not be required to include elements of articulation.

**F. VERTICAL ARTICULATION (FIGURE 1161.2-1)**

Vertical articulation is used to present the appearance of a clerestory, half-story, or multiple full stories through one of the following methods:

1. Exterior demarcation of the floors within, using a change in building materials, masonry patterns, or windows. (Figure 1161.2 – 1 Vertical Articulation Demarcation)



**Figure 1161.2 - 2 Vertical Articulation Roofing**

*This primary façade is visible from a public road. The vertical articulation includes a staggered gable roof form with dormers and use of bays to uniformly divide and compose the retail space.*



**Figure 1161.2 - 1 Vertical Articulation Demarcation**

*The building height is broken into multiple rows of windows placed at various heights including clerestory or transom windows in the case of a half-story.*



**Figure 1161.2 - 1 Vertical Articulation – Recess**

*This side view of a front façade shows setbacks or changes in wall plane used to achieve horizontal articulation. The façade also incorporates variation in building materials, pilasters, and wall height to provide definition from one bay to another.*

2. Shed, gabled, or hipped roof forms with dormers which have windows or vents.  
(Figure 1161.2 – 3 Vertical Articulation – Roofing)
3. Vertical recess of wall plane to a depth of at least three percent of the building's depth, with window openings in the recessed wall indicating the presence of an upper-story. (Figure 1161.2 – 4 Vertical Articulation – Recesses)



**Figure 1161.2 - 2 Vertical Articulation – Recess**

*This side view of a front façade shows how setbacks or changes in wall plane were used to achieve horizontal articulation. The façade also incorporates variation in building materials, pilasters, and wall height to provide definition from one bay to another.*

To break up wall planes on elevations measuring more than 60' in width using bays proportionate to the building dimensions and any two of the following:

1. Change in wall plane  
Achieved using projections or recesses, the change in depth from one bay to the next shall be a minimum of three percent (3%) of the length of the façade.
2. Change in height of wall and/or variation in roof form.
3. Change in texture or masonry pattern.
4. Windows.
5. Other architectural elements and detailing such as pilasters

**1161.02.3 ARCHITECTURAL STANDARDS – R-1, R-2, R-3 & R-4 RESIDENTIAL DISTRICTS**

No Architectural Standards Apply. Reserved for Future.

**1161.02.4 ARCHITECTURAL STANDARDS – M-1 & M-2 MULTI-FAMILY DISTRICTS (NEW CONSTRUCTION ONLY)**

**A. FACADES**

The following designations are to be incorporated into the architectural design of primary structures and secondary structures, including detached garages and club houses.

1. Primary Facades  
Shall incorporate horizontal and vertical articulation and pronounced entry ways.

2. Visible Secondary Facades

Applicable to primary structures, club houses, and parking structures.

B. **WINDOWS**

Windows are required on all sides of apartment buildings that are facing a street or common area

C. **DUMPSTER AND TRASH ENCLOSURES**

See Chapter 1161.07 Screening

D. **FOUNDATION**

No more than the lowest nine inches of a foundation wall shall be exposed to view on any side of a structure.

**1161.02.5 ARCHITECTURAL STANDARDS – O-1, C-1, C-2 & C-3 COMMERCIAL DISTRICTS NEW CONSTRUCTION OR MAJOR CHANGES PER CHAPTER 1113.29 ADMINISTRATIVE REVIEW & ACTIONS**

A. **FACADES**

The following designations are to be incorporated into the architectural design of primary structures and secondary structures, including strip development, out parcels, and Planned Mixed Use Development Projects.

1. Primary Facades

Shall incorporate horizontal and vertical articulation and pronounced entryways.

2. Visible Secondary Facades

May incorporate horizontal or vertical articulation

B. **LINEAL/STRIP DEVELOPMENT**

Lineal strip developments shall incorporate variation in building height, building mass, roof forms and changes in wall planes. Parapet walls are encouraged to enhance the roofline and hide mechanical systems. See Figure 1161.02.1 Strip Developments.

**1161.02.6 ADDITIONAL CRITERIA**

A. **ENTRANCES**

Pedestrian or customer entryways on primary facades shall be emphasized by using two (2) of the following elements:

1. Roofing

i. Overhang in proportion to the entry

ii. Change in roof pitch using a separate dormer style pronunciation

2. Vertical Articulation
3. Horizontal Articulation

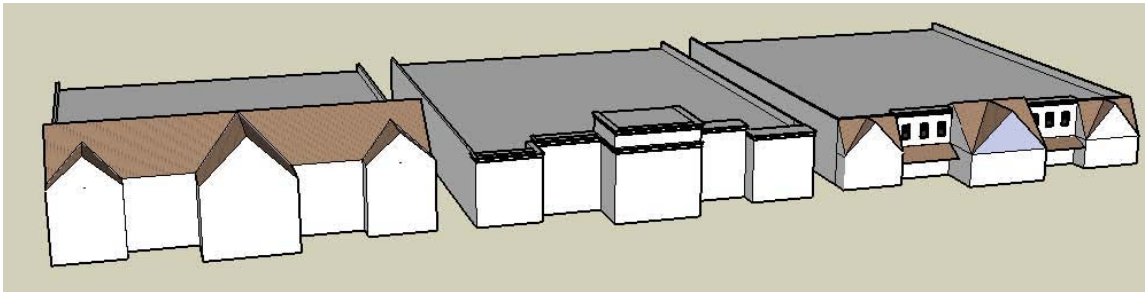
**B. SCREENING**

1. Mechanical equipment, refuse facilities, and loading docks

All mechanical equipment, trash compactors, pallets, loading docks and the like shall be screened from view. Screening can be achieved through the use of landscape mounds, masonry walls, or fences. Screening enclosures shall be architecturally compatible with the primary structure. Chain-link fences are not permitted.

**C. ROOF MOUNTED MECHANICAL EQUIPMENT**

Equipment mounted on the roof must be screened from ground-level view. The use of parapet walls or other roof structures may be used. The screening enclosures shall be architecturally compatible.



**Figure 1162.02.3 -1 Lineal Strip Development**

*The use of vertical articulation across the primary façade helps break up the bulk of the three buildings, adds variety of rooflines, yet maintains a six (6) bay approach on each façade to offer some uniformity and relationship to the buildings.*

## 1161.02.7 ARCHITECTURAL MATERIALS

The following table indicates materials approved by façade type (primary, secondary, etc.) or by type of project.

PP Permitted/Primary and Secondary Façades PS Permitted/Secondary Façade A/T Permitted as Accent C Conditionally Permitted

EXTERIOR FINISH MATERIALS	TABLE 1161.02 5 -1 ARCHITECTURAL MATERIALS							
	C-2 PMUD	C-1 PRD	M-1 M-2	Gas Station Canopies	Large- Scale Office	Small Scale- Office	Civic & Institutional	Other
Unglazed red-tone brick	PP 1, A/T	PP, A/T	PP 1, A/T	PP, A/T	PP 1, A/T	PP, A/T	PP1, A/T	PP 1, A/T
Natural Stone	PP, A/T	PP, A/T	PP, A/T	PP, A/T	PP, AT	PP, A/T	PP, A/T	PP, A/T
Cut Stone	PP, A/T	PP, A/T	PP, A/T	PP, A/T	PP, AT	PP, A/T	PP, A/T	PP, A/T
Wood Clapboard		PP, A/T		PP, A/T		PP, A/T	PP, A/T	C
Fiber Cement Siding	PP, A/T	PP	PP, A/T	PP	PP, A/T	PP	PP	C
Cement Veneers							C	C
Brick Veneers	PP	PP		PP	PP	PP	PP	C
Exterior Insulate Finish Systems (EIFS)	PS, A/T	A/T	PP 2, A/T	A/T	PS, A/T	A/T	PS/AT	C
Decorative Concrete Masonry Units	PS		A/T		PS	A/T	PP/AT	C, A/T
Tilt-Up Architectural Concrete	PS		PS				PS	C
Decorative metal siding							PS	C
Steel Sheet Siding							C	C
Wood Trim, Moldings	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Fiber Cement Trim, Moldings	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Metallic Flashing or Trim (aluminum, steel, copper, brass)	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Vinyl Trim	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
PVC Trim or Moldings	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Terra-Cotta Details or Tile	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
White-Washed Brick	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Glazed Brick	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Glazed or Unglazed Decorative Tiles	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Cast or Wrought Metal	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T

## 1161.03 FENCE AND WALL STANDARDS

### A. THE FOLLOWING STANDARDS APPLY IN ALL DISTRICTS. PROPERTY LINE

1. Fences and walls, may be located up to the property line.
2. Fences and walls, shall not encroach upon the rights-of-way or the proposed rights-of-way indicated by the Thoroughfare Plan.

### B. HEIGHT

1. Fences located in the required front yard shall not exceed forty-eight inches in height and shall be fifty percent (50%) open.

*Example: If the picket is two inches wide, the gap between the pickets must be at least 2 inches.*

2. Fences located in the side and rear yards shall not exceed eight feet (8') in height, unless they are adjacent to an interstate highway, then the maximum height is ten feet (10').
3. Fences located in the I-1 and I-2 Zoning Districts:
  - a. May be ten feet (10') in height
  - b. Fences exceeding forty-eight inches in height must maintain a five-foot (5') setback from rights-of-way.

### C. MATERIALS AND APPEARANCE

1. Non-Structural Face Outward
  - a. Fences and walls shall present the non-structural face outward.
2. Security Fencing
  - a. Fences and walls shall not incorporate barbed wire, security wire, sharpened top spikes, or similar prevention materials (I-1 Light Industrial and I-2 General Industrial are exempt from this requirement).
  - b. Chain-link fences shall only be erected in side or rear yards.
  - c. Slats are prohibited in chain link fences.
3. Responsibility:

The property owner is responsible for the location of the fence in regards to the property line, easements, and any other issues that may result. Exceptions:

The following fences are exempt from the height requirements:

- a. Baseball Diamonds
- b. Tennis Courts
- c. Golf Driving Ranges
- d. Playgrounds



- e. Sports or activities requiring protective fencing

**D. CORNER VISION CLEARANCE STANDARDS**

Fences, walls, shall meet all requirements of Chapter 1163.11 Corner Vision Clearance Standards.

## **1161.04 HEIGHT STANDARDS**

### **1161.04.1 ALL DISTRICTS**

**A. MEASUREMENT**

The height of a building shall be measured as the vertical distance from the ground level to the highest point of the roof.

**B. EXCEPTIONS**

**1. Fully Exempt**

The following types of structures or building features are exempt from the maximum height standard as stated:

- a. Church steeples, bell towers, and religious symbols.
- b. Parapet walls, cupolas, and other non-occupied architectural features.
- c. Silos.
- d. Bell towers.
- e. Smoke stacks where required to support the permitted use.

**2. Partially Exempt**

The following types of structures or building features are exempt or partially exempt from the maximum structure height standard as stated:

- a. Chimneys are allowed to extend ten feet (10') above the roof's highest point.
- b. Mechanical equipment and elevator bulkheads, when mounted on a roof, are allowed to extend ten feet (10') above the roof's highest point, but shall be:
  - i. Located such that they are not visible from adjacent private and public streets, or
  - ii. Shielded from view with a parapet or other architectural feature such that they are not visible from adjacent private or public streets; or
  - iii. Constructed with the same exterior building materials as the structure; or
  - iv. Architecturally integrated into the building's designs as to not look like

mechanical equipment or an elevator bulkhead.

- c. Wind Turbines (See Chapter 1161.14)

## **1161.04.2 HEIGHT STANDARDS BY DISTRICT**

Refer to Use Districts for height standard requirements.

## **1161.05 HOME OCCUPATION STANDARDS**

### **1161.05.1 GENERAL STANDARDS – HOME OCCUPATION**

The Home Occupation Standards apply to the R-1, R-2, R-3, M-1, M-2, M-3 zoning districts.

Refer to Section 1161.15 Conditional Use Requirements

## **1161.06 LANDSCAPING STANDARDS**

### **1161.06.1 GENERAL REQUIREMENTS M-1, M-2, M-3, O-1, C-1, C-2, C-3, I-1, & I-2**

#### **A. LANDSCAPE PLANS**

Landscape plans shall be submitted for approval with site plans and shall meet the following requirements of site plans:

1. Property lines
2. North arrow
3. Scale
4. Existing and proposed structures
5. Existing and proposed pavement
6. Rights-of-way
7. Easements
8. Topography (If available)
9. Utilities
10. Fences and walls
11. Existing wooded areas
12. Proposed plant material with:
  - i. Identification
  - ii. Caliper/size
  - iii. Quantity
  - iv. Planting details

**B. LANDSCAPE PLAN INSTALLATION EXTENSION**

Time Limit: Upon request, the City of Findlay may grant an extension of up to one hundred eighty (180) days for the complete installation of landscaping materials due to seasonal or weather conditions which preclude the quality installation of plant materials.

**C. PERFORMANCE GUARANTEE**

As a condition of the extension, the Zoning Administrator shall require a performance bond, letter of credit, or other satisfactory assurance from the person requesting the extension.

**1161.06.2 LANDSCAPING STANDARDS - M-1, M-2, O-1, C-1, C-2**

**A. TREES**

1. Lots over 15,000 square feet but less than 30,000 square feet must be planted with a minimum of one (1) canopy tree.
2. Lots 30,000 square but less than 45,000 square feet must be planted with a minimum of two (2) trees, one (1) of which must be a canopy tree.
3. Lots 45,000 square feet or more must be planted with three (3) trees plus one (1) more per every 15,000 square feet over 45,000 square feet. At least one-third (1/3) of all trees planted shall be canopy trees.
4. Deciduous trees must have 1 1/2" caliper at time of planting; or, evergreen trees shall be six feet (6') tall at the time of planting.

**B. FOUNDATION PLANTING**

1. At least two (2) shrubs or ornamental trees shall be planted for every twelve (12) lineal feet of building circumference; or, foundation planting may be placed evenly distributed or clustered. Shrubs shall be at least 18 inches in height when planted or be a minimum of a two-gallon container size.

**1161.06.3 LANDSCAPING STANDARDS – PARKING LOTS M-1, M-2, O-1, C-1, C-2, I-1, I-2**

**A. PERIMETER LANDSCAPING**

Parking lots with six (6) or more spaces shall have the following perimeter plantings:

1. Screening  
Parking lots shall be screened from streets and adjacent lots using a combination of plant materials, decorative fences, and decorative walls.
2. Shrubs

Shrubs shall be planted at a minimum ratio of one (1) shrub per five (5) lineal feet around the perimeter. Minimum size at planting shall be twenty-four (24) inches in height. A minimum of fifty percent (50%) of the shrubs shall be evergreen.

3. Walls & Fences

A wall or decorative fence may be used in lieu of shrubs. See Chapter 1161.03 (fencing) for applicable requirements.

4. Quantity

a. One (1) deciduous tree per forty (40) feet of parking lot perimeter shall be planted within ten (10) feet of the parking lot edge.

b. The trees may be clustered or arranged in various patterns.

c. Drive aisles located along the property lines shall be required to have half of the above landscaping requirement.

5. Setback

Landscape buffers are permitted within the setback from the lot line per Chapter 1161.11.4.

**B. INTERIOR PARKING LOTS- LANDSCAPING ISLANDS & BUMPOUTS**

Parking lots with twenty (20) or more parking spaces are required to have landscape islands.

The standards for such are as follows:

1. One (1) landscape island or bumpout shall be provided per twenty (20) spaces
2. Islands and/or bumpouts shall be distributed equally throughout the parking lot.
3. Islands and bumpouts shall be at least one hundred sixty-two (162) square feet in size.
4. Each island or bumpout shall contain at least one (1) tree per one hundred eighty (180) square feet.
5. Each island or bumpout shall be bordered by a four inch or higher curb above the surface of the parking lot.
6. Islands and bumpouts shall not be filled with impervious surfaces. They shall be maintained with a combination of plants and mulch, grass, and or decorative landscaping stone.

## 1161.06.4 LANDSCAPING STANDARDS – PARKING LOTS C-3

### A. PERIMETER LANDSCAPING – MAIN STREET OR MAIN CROSS

Parking lots with frontage on Main Street or Main Cross Street shall have the following perimeter screening. This includes:

1. Any newly constructed parking lot;
2. The expansion of an existing parking lot frontage by 25% or more within a two (2) year period;
3. The demolition and rebuilding of the site;
4. Major redevelopment of the site

#### 1. Buffer

- a. Parking lots with frontage on Main Street or Main Cross Street shall have a minimum five (5) foot wide buffer area for a decorative wall or wall/fence combination for screening.
- b. Corner clearance standards do not apply to this section.
- c. If a parking lot has street frontage on Main Street or Main Cross Street and a secondary street, it will be required to continue a masonry wall or wall/fence combination on the secondary street until it intersects with a public right of way, such as a street or alleyway, or two hundred (200) feet whichever is less. The remainder of the frontage on a secondary street must be screened by landscaping.
- d. For areas that are not required to have a masonry wall, they are required to have landscape screening as required in Section B Landscaping Standards.

#### 2. Walls

- a. A decorative wall or wall-fence combination that is a minimum of three and a half (3 ½) feet in height and no more than six (6) feet in height must be installed within the buffer area.
- b. The wall must not be blank and monotonous in appearance and must incorporate decorative patterns or architectural elements such as piers, pilasters or breaks in the wall.
- c. Decorative walls must not be more than fifty percent (50%) masonry above three and a half (3-1/2) feet. Smooth faced blocks, wire or chain link fencing, painted or stained wood screens, unpatterned or unpainted concrete or concrete blocks, or split faced block shall not be permitted.
- d. The decorative wall and primary structure should appear as a unified architectural statement.

- e. Decorative name plates or lettering encompassing no more than eight (8) square feet in size are permitted on wall space to identify the lot.
  - i. Name plate or lettering shall not be internally lit
  - ii. Back lighting or external lighting is permitted.
- f. The placement of the wall within the buffer area is left to the discretion of the owner.
- g. At minimum one shrub shall be installed for every five (5) feet of masonry wall. At least fifty percent (50%) of shrubs must be evergreen. The layout and design of the shrubs is left to the discretion of the owner. The shrubs may be clustered or evenly spaced and or placed on either side of the wall.

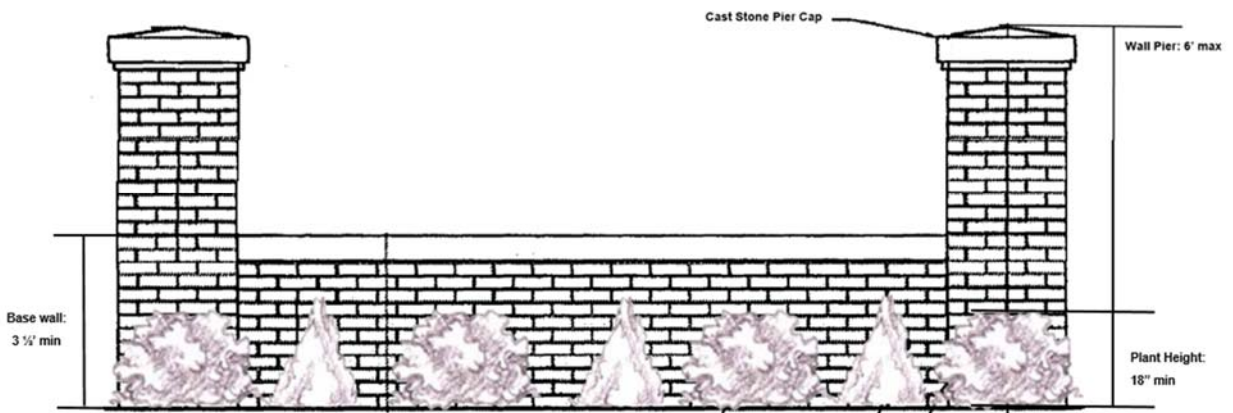


Figure A: Example of decorative wall and shrub line

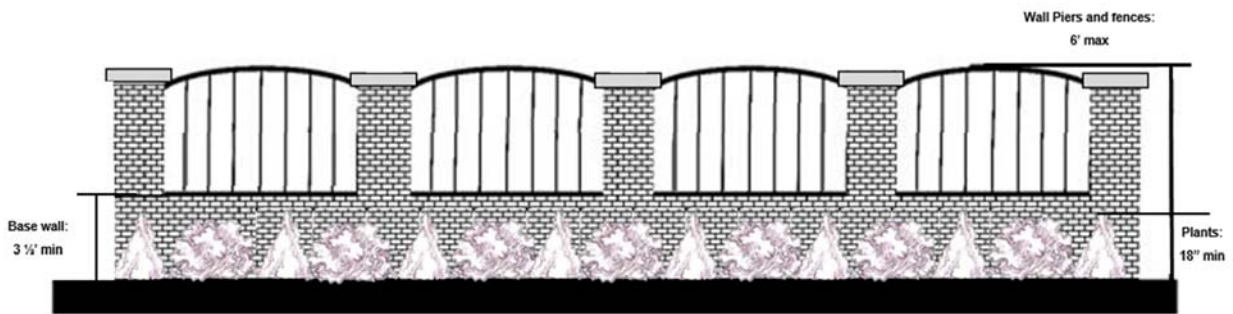
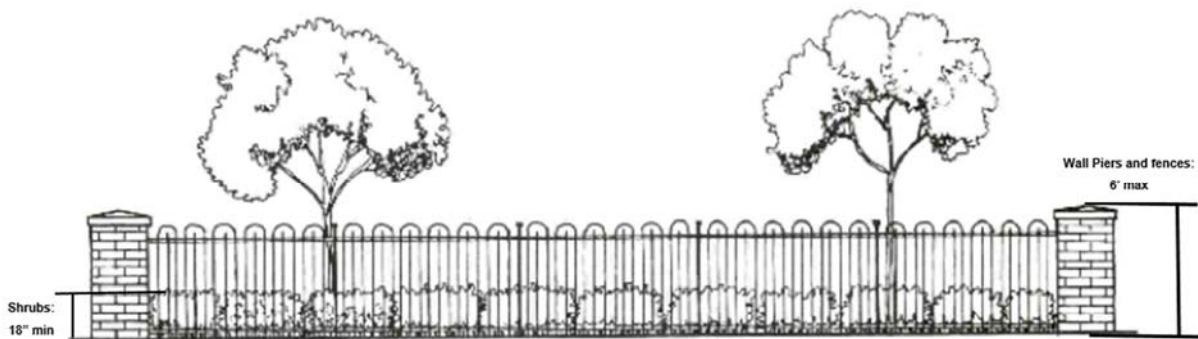


Figure B: A second example of decorative wall and shrub line

### 3. Fences

- a. For parking lots that are required to construct over one hundred (100) feet of masonry wall, masonry pillars with wrought iron or wrought iron like fencing and landscaping may be substituted for a complete masonry wall. For fence runs of one hundred to one hundred fifty (100-150) feet, pillars should be placed twenty (20) feet apart. For fence runs one hundred fifty to two hundred (150 – 200) feet, pillars should be placed thirty (30) feet apart. Fence runs over two hundred (200) feet or more, pillars should be spaced fifty (50) feet apart. Pillars must be evenly spaced along the frontage. See *Figure C*.
- b. Landscaping shall be placed between pillars and designed to provide 100% opacity up to three (3) feet in height within two (2) years of planting.



*Figure C: An example of decorative pillar/wrought iron fence combination and shrub/tree line*

4. Exceptions

- a. Parking lots with frontage on Main Street or Main Cross Street that are set back fifty (50) feet or more from the right of way are not required to construct a masonry wall or fence. However they are still required to meet the landscaping standards of a parking lot in C-3 that does not have frontage on Main Street or Main Cross Street. See Section B.
- b. Car dealerships are not required to screen parking lots that are for the display of vehicles for sale. Screening is still required for any parking lots that are used for purposes other than the display of vehicles for sale.

**B. PARKING LOTS WITHIN THE C-3 DISTRICT WITHOUT FRONTAGE ON MAIN STREET OR MAIN CROSS STREET**

Parking lots within the C-3 District without frontage on Main Street OR Main Cross Street shall have the following perimeter screenings:

1. Buffer

Parking lots with frontage on all other streets in C-3 shall have a minimum three (3) feet wide buffer area for a landscaping screen.

2. Screening

Parking lots shall be screened from streets using either plant materials or decorative walls. Parking lots directly adjacent to residential lots shall use opaque fencing or masonry walls for screening from the abutting residential use.

3. Shrubs

Shrubs shall be planted at a minimum ratio of one (1) shrub per five (5) lineal feet around the perimeter. Minimum size at planting shall be twenty-four (24) inches in height. A minimum of fifty percent (50%) of the shrubs shall be evergreen.

4. Walls

A masonry wall may be used in lieu of shrubs. See Chapter 1161.03 (fencing) for applicable requirements. Walls must be a minimum of three and a half feet in height.

## **1161.07 SCREENING STANDARDS**

### **1161.07.1 GENERAL SCREENING STANDARDS M-1, M-2, O-1, C-1, C-2, I-1, I-2**

**A. INTENT**

The intent of general screening standards is to soften the potential conflicts between uses in one zoning district from the uses in an adjacent zoning district by using distance, plantings, fences, walls, and mounds. The applicant should meet with the Planning Commission Staff to determine the extent of the buffering required between two zoning districts. It is the intent of this Chapter to screen the less intensive district from the effects of the more intensive district.

**B. APPLICABILITY**

Screening requirements only apply along the property lines (front, side, and rear property lines included) where incompatible zoning districts or uses meet. Buffer yards requirements supplement the required setbacks.



**C. ORDER OF RESPONSIBILITY FOR INSTALLATION**

**1. New Development – Higher Intensity**

New development zoned for higher intensity uses than adjacent land shall meet the screening requirements as a condition for approval.

**2. Expansion Re-Development – Higher Intensity**

Where a property is being expanded adjacent to another with a less intensive zoning district or use, the redevelopment must meet the current screening standards for the entire site. Any existing screening or vegetation will count towards the entire screening.

1. Buildings less than 50,000 gross square feet when expanding by 30% or more in size.

2. Buildings greater than 50,000 or greater gross square feet when expanding by 15% or more in size.

**D. EXISTING TREES**

Existing trees within the buffer yard can be applied toward the buffer yard requirements. In order for these trees to be credited, they must have a caliper of at least two (2) inches. However, the required ratio of evergreen and canopy trees must be met. Existing trees shall get a 1 for 1 credit.

**1161.07.2 LEVEL 1 SCREENING REQUIREMENTS M-1, M-2, ,O-1, C-1, ABUTTING R-1, R-2, R-3**

Level 1 screening is required where multifamily, nonresidential, institutional, office, or C-1 neighborhood commercial districts or uses abut a single-family use. Upon review of the site plan and in consideration of intensity of use and other site factors, Planning Commission will prescribe one of the three (3) different screening requirements which are outlined below:

**A. OPTION 1**

Three (3) canopy trees and three (3) evergreen trees per one hundred lineal feet (100') of contiguous boundary within the conflicting zoning district or use.

**B. OPTION 2**

Four (4) canopy trees, four (4) evergreen trees and 10 evergreen shrubs per one hundred lineal feet (100') of contiguous boundary with the conflicting zoning district or use.

**C. OPTION 3**

Five (5) canopy trees and five (5) evergreen trees. In addition, one of the following:

1. Twenty (20) evergreen shrubs per 100 feet.

2. Six foot (6') in height privacy fence made of wood.
3. Four foot (4') in height decorative masonry wall.

**1161.07.3 LEVEL 2 SCREENING REQUIREMENTS C-2 ABUTS R-1, R-2, R-3, M1, M2, OR MH; OR I-1, I-2 ABUTS C-1, C-2, C-3**

Level 2 screening is required where C-2 commercial district or use abut a single-family, multifamily, office, or institutional uses or districts. The screening is also required where industrial uses or districts abut commercial uses or districts. Upon review of the site plan and in consideration of intensity of use and other site factors, the City Planning Commission will be prescribed one of the three (3) different screening requirements which are outlined below.

**A. OPTION 1**

Four (4) canopy trees and four (4) evergreen trees per one hundred lineal feet (100') of contiguous boundary with the conflicting zoning district or use.

**B. OPTION 2**

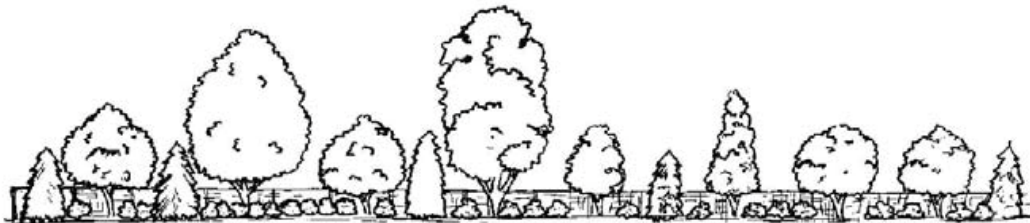
Five (5) canopy trees and five (5) evergreen trees and ten (10) evergreen shrubs per one hundred lineal feet (100') of contiguous boundary with the conflicting zoning district or use.

**C. OPTION 3**

Five (5) canopy trees and five (5) evergreen trees and twenty (20) evergreen shrubs per one hundred lineal feet (100') of contiguous boundary with the conflicting zoning district or use. In addition, a six-foot (6') in-height fence, masonry wall, or landscape mound shall be installed.

**1161.07.4 LEVEL 3 SCREENING REQUIREMENTS M-1, M-2, O-1 ABUT R-1, R-2, R-3, R-4, CD; OR I-1, & I-2**

LEVEL 3 SCREENING



## ABUT C-1, C-2, C-3

Level 3 screening is required where single-family, multifamily, or institutional uses or districts abut an industrial use or district. The following quantities are minimum requirements:

**A. OPTION 1**

Four (4) canopy trees and four (4) evergreen trees and either ten (10) evergreen shrubs or a six-foot (6') in-height landscaping mound, per one hundred lineal feet (100') of contiguous boundary with the conflicting zoning district or use.

**B. OPTION 2**

Five (5) canopy trees and (5) evergreen trees and ten (10) evergreen shrubs per one hundred lineal feet (100') of contiguous boundary with the conflicting zoning district or use. Additionally a six (6') foot fence or a five (5') to eight (8') foot in-height landscaping mound shall be installed.

**C. OPTION 3**

Five (6) canopy trees and (6) evergreen trees and twenty (20) evergreen shrubs per one hundred lineal feet (100') of contiguous boundary with the conflicting zoning district or use. Additionally, a six (6') foot fence or a five (5') to eight (8') foot in-height landscaping mound shall be installed.

**D. PLACEMENT**

All trees, shrubs, and screening shall be installed within the required setback.

**E. SECURITY FENCING**

Any security fencing necessary to the business or industry shall have a setback ten feet (10') from the property line.

## 1161.07.5 REFUSE & DUMPSTER ENCLOSURES

**A. DUMPSTER ENCLOSURES**

1. Screening

Dumpsters, compactors and similar containers shall be screened on all sides by a fence or wall.

2. Height

The height of the enclosure shall be six (6') feet tall (or higher if the height does not block the view of the dumpster, compactor, or similar container).

3. Required Yards

For lots with single frontage, dumpsters, compactors or similar containers shall not be located in any required front yard and must be at least ten (10) feet from all other lot

lines. For lots with multiple street frontage dumpsters, compactors, or similar containers cannot be in the required front yard.

## **1161.08 LANDSCAPING STANDARDS; INTERSTATE SCREENING**

### **1161.08.1 R-1, R-2, R-3, M-1, M-2, O-1, C-1, C-2, I-1, I-2**

Properties that abut an Interstate shall install a minimum of one (1) canopy deciduous or evergreen tree per sixty (60') feet of property that is contiguous to the roadway. If the abutting property has more than five (5') feet and less than seventy-five (75') feet contiguous to the roadway, then a minimum of one (1) tree shall be planted.

## **1161.09 LIGHTING ORDINANCE**

### **1161.09.1 PURPOSE**

The purpose of the Lighting Ordinance is to provide regulations for outdoor lighting that will:

1. Permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce.
2. Minimize adverse offsite impacts including light trespass, and obtrusive light.
3. Curtail light pollution and improve the nighttime environment for astronomy.
4. Help protect the natural environment from the adverse effects of night lighting derived from gas or electric sources.
5. Conserve energy and resources to the greatest extent possible.

### **1161.09.2 APPLICABILITY**

Except as described below, all outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

### **1161.09.3 EXCEPTIONS**

The following are not regulated by this Ordinance

1. Lighting within public rights-of-way or easements for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminarie is to illuminate areas outside the public right of way or easement.
2. Lighting for public monuments and statuary.
3. Lighting solely for signs. Sign lighting is regulated by Chapter 1161.12 Sign Standards.

4. Temporary lighting for theatrical, television, performance areas, hazards, and construction sites.
5. Underwater lighting in swimming pools and other water features
6. Temporary lighting and seasonal lighting provided that individual lamps are less than 10 watts and 70 lumens.
7. Lighting that is only used under emergency conditions.

#### **1161.09.4 LIGHTING STANDARDS, ALL ZONING DISTRICTS**

##### **A. GLARE REDUCTION**

All outdoor lighting in all Use Districts used to light the general area of a specific site or for external illumination of buildings or structures, shall be shielded and arranged to reduce glare and to reflect light away from all adjacent and neighboring persons, property or public roads and highways, and so as to not interfere with the vision of such persons or adjacent property.

##### **B. ADJACENT TO RESIDENTIAL ZONES**

For office, commercial, and industrial zones and any roadway adjacent to residential zones:

###### **1. Shielding**

No light fixture shall be placed in such a manner that its light emitting surface is directed at any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.

###### **2. Any luminaries on a pole, stand, or mounted on a building must have a shield, an adjustable reflector, and a non-protruding diffuser.**

###### **3. Maximum Intensity**

The level of lighting shall not exceed 0.5 foot candles at any residential property line or 1.0 foot candles at any non-residential property line.

###### **4. Recessed Diffusers Required**

Any canopy structure used at a business location must have recessed lights with diffusers which do not extend below the surface of the canopy.

###### **5. Enforcement:**

Measurements of light readings shall be taken vertically along any portion of a property line of the subject property with a light meter laid on the property line and facing the center of the property.

###### **6. Maximum Elevation:**

Parking lot pole lights shall not exceed twenty-five (25) feet in height.

### **1161.09.5 LIGHTING ZONES – RESERVED FOR ADOPTION**

*This Chapter is reserved for future use. The scope of this zoning code re-write is intended to address non-residential lighting glare and glow. In review of work by the Illuminating Engineering Society, outdoor residential lighting is as pervasive a problem to the night sky as are non-residential uses. Therefore, the City of Findlay should consider establishing lighting zones per the Illuminating Engineering Society's Recommended Model Lighting Ordinance (MLO). As written, this Ordinance aims to minimize the effects of unwanted backlight, uplift, and glow in the city caused by non-residential lighting. See the Definitions Chapter for more information on each.*

### **1161.09.6 LIGHTING CONTROL REQUIREMENTS**

#### **A. AUTOMATIC SWITCHING REQUIREMENTS**

Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system.

### **1161.09.7 HIGH INTENSITY AND SPECIAL PURPOSE LIGHTING**

The following lighting systems are prohibited from being installed or used except by special use permit:

1. Temporary lighting in which any single luminaire exceeds 20,000 lumens or the total lighting load exceeds 160,000 lumens.
2. Aerial Lasers.
3. Searchlights.
4. Other very intense lighting defined as having a light source exceeding 200,000 lumens or an intensity in any direction of more than 2,000,000 candelas.

### **1161.09.8 COMPLEX AND NON-CONFORMING USES**

1. Upon special permit issued by the City, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:
  - i. Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.
  - ii. Construction lighting.
  - iii. Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, etc.
  - iv. Parking structures.

- v. Urban parks
  - vi. Decorative and architectural lighting of bridges, public monuments, and public buildings.
2. To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:
    - i. Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the calculations required for the Performance Method.
    - ii. Employs lighting controls to reduce lighting at a Project Specific Curfew (“Curfew”) time to be established in the Permit.
    - iii. Complies with the Performance Method after Curfew.
  3. The Zoning Administrator shall review each such application. A permit may be granted if, upon review, the Administrator determines that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

**1161.09.9 EXISTING LIGHTING**

Lighting installed prior to the effective date of this ordinance shall comply with the following.

**A. AMORTIZATION**

On or before January 1, 2016, all outdoor lighting shall comply with this Code.

**B. NEW USES OR STRUCTURES, OR CHANGE OF USE**

Whenever there is a new use of a property (zoning change or variance) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences.

**C. ADDITIONS OR ALTERATIONS**

**1. Major Additions.**

If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this Chapter, the following are considered to be major additions:

- i. Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of

this Ordinance.

- ii. Single or cumulative additions, modification or replacement of 25 percent or more of installed outdoor lighting luminaires existing as of the effective date of this Ordinance.

**2. Minor Modifications, Additions, or New Lighting Fixtures - Non-residential and Multiple Dwellings**

- i. All additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this Ordinance shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.
- ii. Any new lighting shall meet the requirements of this Ordinance.

**D. RESUMPTION OF USE AFTER ABANDONMENT**

If a property with non-conforming lighting is abandoned for a period of six months or more, then all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs. Furthermore, zoning shall have the determination when to remove all outdoor lighting after six (6) months of abandonment.

**1161.10 OUTDOOR STORAGE STANDARDS**

**1161.10.1 OUTDOOR STORAGE; M-1, M-2, R-1, R-2, & R-3 & R-4 RESIDENTIAL DISTRICTS**

**A. Recreational Vehicles and trailers**

Storage or parking of recreational vehicles or any trailer is subject to the following conditions:

**1. Fixed Connections and Utilities**

Recreational equipment parked and stored shall not have fixed connections to electricity, water, or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.

**2. Rear or Side Yard Storage**

If camping or recreational equipment or any trailer is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot, unless otherwise provided. The setback requirement on the side or rear yard shall be a minimum of three (3') feet. Parking surfaces may be permeable.

**3. Terms for Appearance in District**

**a. Recreational Vehicles**

Subject to the provisions of this Chapter, camping and recreational vehicles may



be parked in the front yard not sooner than April 1 nor later than October 31 for not more than seventy-two (72) hours, but in no event shall the vehicle be parked, stored, or located on the premises for more than three (3) days out of a seven (7)-day period. For purposes of this Chapter, "day" shall mean any period of time, regardless of the duration, between 12:00 AM and 11:59 PM. For example, vehicles parked, stored, or located only three (3) hours one day, and four (4) hours the next, would constitute two (2) days. From November 1 to March 31, all recreational vehicles must be parked on a property as specified in Chapter 1161.10 Outdoor Storage Standards Recreational Vehicles.

b. Utility Trailers and Mobile Service Vehicles

- i. Utility trailers or mobile service vehicles must be parked or stored to the rear of the front building line of the lot.
- ii. Utility trailers and mobile service vehicles must be parked on a hard surface.
- iii. No utility trailers or mobile service vehicles can be parked at the property address if the vehicle is operated by an employee or contractor that does not reside at the residence.

c. Commercial vehicles

Commercial vehicles, such as box trucks and dual axle vehicles, are not permitted to be parked in the residential district.

E. FIREWOOD

Storage shall be prohibited from the required front yard and confined to the rear or side yard, or setback beyond the front building face.

**1161.10.2 OUTDOOR STORAGE O-1, C-1, C-2, C-3, I-1, & I-2 DISTRICTS**

See Conditional Use section 1161.15.

**1161.10.3 OUTDOOR DISPLAY OF MERCHANDISE O-1, C-1, C-2, C-3, I-1, & I-2 DISTRICTS**

Outdoor displays of, or merchandise for sale or otherwise shall be limited and shall adhere to the following requirements:

A. SITES UNDER 3 ACRES

Merchandise may not be located or displayed further than 10' beyond any front or side building

elevation. Where fueling station canopies are involved, the merchandise may be displayed around the supporting elements of the canopy and between the fuel pumps. However, the outer dimensions of the canopy shall not be considered a building line for the purposes of this section.

**B. SITES 3 ACRES AND LARGER**

Merchandise may not be located or displayed in any required setback. In cases such as large box retailers, the display of spring gardening supplies, for example, may be in parking lots provided such display does not reduce the required parking.

**C. SITE INTERFERENCE**

In no instance shall outdoor displays interfere with any required parking, circulation aisles, or fire lanes. Parking areas must be paved.

**D. VEHICLE SALES**

The outdoor display, storage and parking of vehicles for sale shall be allowed, provided that all preparation, repair and maintenance of the vehicles shall be enclosed. A ten-foot (10') setback must be maintained from any rights-of-way with the exception of those establishments within the C-3 District.

**E. OUTDOOR STORAGE**

Unless a site meets requirements in Chapter 1161.10.3 Outdoor Display of Merchandise, the outdoor display, storage or parking of goods, materials, or the wholesaling, warehousing or distribution operations for said goods and materials is not allowed.

**F. DISPLAY AREA REQUIREMENTS**

1. Surface

Display areas shall have hard, dust free surfaces and shall be maintained in good condition.

2. Orderly

Outdoor displays shall be arranged in an orderly manner. Examples include stacking, shelving, etc. A 'pile' of products is not considered an orderly manner.

**1161.10.3 OUTDOOR STORAGE; INDUSTRIAL I-1 & I-2 DISTRICTS**

**A. ENCLOSURE**

All storage of raw, processed, or finished materials shall be enclosed by a combination of landscaping, wall, fence, or mounding. See Conditional Use 1161.15.

**B. DISTANCING**

One shrub shall be installed for every ten feet (10') of fence and one tree shall be installed for every fifty feet (50') of fence

**1161.11 PARKING STANDARDS**

**1161.11.1 PARKING STANDARDS, GENERAL – ALL ZONING DISTRICTS**

The intent of this Parking Standards Chapter is to establish minimal parking standards to assure public health, safety and welfare; minimize risks to the natural environment; create an aesthetic standard; minimize conflicts; and promote vehicular and pedestrian safety along roadways by minimizing on-street parking.

**A. PAVING REQUIRED**

**Impervious Surface**

All parking required in this zoning ordinance shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Under no circumstances shall gravel, stone, rock, dirt, sand or grass be permitted as parking areas, unless otherwise provided.

**B. FRONT YARD RESIDENTIAL DISTRICTS/USES**

Driveways and the parking of motor vehicles is not permitted on lawns, gravel, or other pervious type surfaces.

**C. OFF-ALLEY ACCESS**

Drives and parking areas used to access accessory buildings or detached garages are not required to be paved if they are accessed from an alley. This is only applicable for single-family, duplexes, and triplexes.

**D. EXPANSION OF LEGALLY NONCONFORMING PARKING AREAS**

The expansion of any existing gravel, stone, or rock parking area is subject to planning commission review and any subsequent conditions or requirements set by the board.

**E. INGRESS/EGRESS PAVED**

All ingress and egress points onto a driveway or into a parking area shall be paved.

**F. PARKING SPACE DIMENSIONS**

**1. Minimum Area:**

Each parking space shall be a minimum of one hundred sixty-two (162) square feet in area.

**2. Minimum Width:**

Each parking space shall be a minimum of nine feet (9') wide.

3. Minimum Length:

Standard: Each parking space shall be a minimum of eighteen feet (18') long.

**G. PARKING AISLE WIDTHS**

Minimum parking aisle widths shall be as follows:

1. Ninety-degree (90°) angle space:

Twenty-four-foot (24') wide parking aisle for one-or two way traffic.

2. Sixty-degree (60°) angle space:

Eighteen-foot (18') wide parking aisle for one-way traffic.

3. Forty-five-degree (45°) angle space:

Fourteen-foot (14') wide parking aisle for one-way traffic.

4. Parallel

Twelve-foot (10') wide parking aisle for one-way traffic.

Twenty-four feet wide parking aisle for two-way traffic.

**H. ACCESS:**

Off-street parking spaces must be accessed from a public or private right-of-way or a platted access easement.

**I. DRIVING LANES**

Driving lanes in parking lots that provide access to parking aisles shall be clearly striped and shall be curbed.

**J. PARKING LOT LAYOUT**

Where a Development Plan is required, or when a re-configuration of an existing parking lot is proposed; the Planning Commission shall review the parking lot layout to ensure:

1. Vehicular Circulation

That vehicular circulation to and within the parking lot is managed in a manner that creates conditions favorable to health, safety, convenience, and harmonious development by confirming:

2. Access Points

That the design and location of proposed street and highway access points minimize safety hazards and congestion;

3. Capacity

That the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development;

4. Compatibility

That the entrances, streets, and internal traffic circulation facilities in the Development Plan are compatible with existing and planned streets and adjacent developments; and

5. Compliance with design and performance requirements of zoning code 1153 and 1161.

Example: existing lot with 90 degree parking proposes 45 degree parking, narrowing the aisles to increase number of available parking spaces. The new layout would be required to comply with landscaping, bumpouts, etc. per the new code requirements. Cross Reference City of Findlay Standards and Specifications for the Construction of Curb Cuts and Drive Approaches

**K. PARKING LOT STRIPING**

Parking spaces in parking lots shall be striped so as to clearly show each parking space. The stripes shall be maintained in clearly visible condition. Re-striping for maintenance purposes will not require a zoning permit. However, the circulation and number of spaces provided may not be changed without a site plan review and approval.

**L. NUMBER OF PARKING SPACES REQUIRED**

1. Per Zoning District Requirements:

Unless a specific use is identified in Chapter 1161.11.7, the number of required parking spaces shall be determined by the zoning district.

2. Excessive Parking:

A parking lot that exceeds the minimum parking space requirements by more than ten percent (10%) shall also:

a. Increase Bumpouts

The number of landscape bumpouts (in single-aisle parking lots) or landscape bump-outs and islands (in multiple-aisle parking lots) shall increase by the same percentage of the parking overage. Descriptions for bumpouts and islands can be found in Chapter 1161.06 Landscaping Standards (B) Interior Parking Lots- Landscaping Islands.

[Example: If the number of parking spaces is increased by thirty percent (30%), then the area of landscape islands and/or bumpouts shall be increased by thirty percent (30%)]

b. Installation

Each additional landscape island and/or bumpout shall be installed according to the requirements of Chapter 1161.06 Landscaping Standards Interior Parking Lots- Landscaping Islands & Bumpouts.

3. Fire Department:

Any parking space that is eliminated by the Fire Department for emergency access or parking shall not be counted toward the minimum required parking spaces and shall be relocated or accommodated for somewhere else on the site.

4. Storage:

Any parking space that is used for a cart corral or similar use shall not be counted toward the minimum number of required parking spaces.

M. SUBORDINATE ACCESSORY USE AREA:

Where a structure incorporates subordinate accessory use areas that will not be used simultaneous to the primary use areas, or where such accessory use areas serve those utilizing the primary use areas of the structure, the Planning Commission may determine that the parking requirement for the primary use areas of the structure is adequate.

**1161.11.2 PARKING R-1, R-2, R-3 SINGLE FAMILY & R-4 DUPLEX/TRIPLEX**

A. OFF-STREET PARKING SPACES

- 1. Two (2) per unit.

A minimum of two (2) off-street parking spaces are required per single family dwelling unit.

- 2. Covered

The parking spaces required may include spaces within car ports or garages.

- 3. Required parking is prohibited in the required front and side yards.

B. RESIDENTIAL USE INCLUDED

All residential uses located in other zoning districts shall adhere to this Chapter.

**1161.11.3 PARKING, M-1 & M-2 MULTI-FAMILY**

A. OFF-STREET PARKING SPACES

A minimum of two and one-half (2 ½) off-street parking spaces are required per dwelling unit.

B. SETBACKS

- 1. Parking lots may project into the minimum setbacks, but shall not project into or interfere with any screening requirements except as permitted in 1161.06 Landscaping Standards

A parking lot shall not be installed within five (5) feet of a side lot line or within ten (10) feet of a front or rear lot line.

C. VISITOR PARKING SPACES

Requirement

At least one (1) off-street space per two (2) units is required for visitor parking and shall be spread evenly throughout the development.

**D. EXCLUSION**

Visitor parking spaces cannot include spaces in car ports, garages, or spaces that may block a carport or garage.

**E. CROSS DISTRICT STANDARD - MULTI-FAMILY USE INCLUDED**

All multi-family uses located in other zoning districts shall adhere to this Chapter

**1161.11.4 PARKING STANDARDS; O-1, C-1, C-2, I-1, I-2**

The standards as set forth are by zoning district. However, the standards will be applied to respective uses situated in another district as well. For example, a use grandfathered in a residential district but belonging in a C-1 Commercial District shall meet the parking requirements as set forth in the C-1 District to offset any issues that may already be affecting the surrounding properties.

**A. PARKING LOT ENCROACHMENT**

Setbacks

1. Parking lots may project into the minimum setbacks, but shall not project into or interfere with any screening requirements except as permitted in 1161.06 Landscaping Standards
2. A parking lot shall not be installed within five (5) feet of a side lot line or within ten (10) feet of a front or rear lot line, except when the parking lot is used as a shared parking lot as outlined below in 1161.11.4 (E)(3): Shared Parking.

**B. ENTRANCE AND EXIT DRIVEWAY ENCROACHMENT**

Entrance and exit driveways may transect landscape easements and buffer yards only when crossing them.

**C. MANEUVERING**

Parking areas shall be designed to prevent vehicles from maneuvering in the public right-of-way.

**D. DRAINAGE**

Parking areas shall be constructed and maintained to allow proper drainage.

**E. PARKING LOT CONNECTIVITY**

It is the intent of this Chapter to reduce the number of access points adjacent to each other along major thoroughfares. The following shall be required upon review of plats and/or site plans and where it is determined there will be a need for more on-site circulation between several parcels. The Planning Commission shall require cross access easements to facilitate service connector roads to manage circulation, connect

parking lots, and encourage shared parking arrangements among property owners to reduce impervious pavement.

1. Cross-access Easements:

Where parking lots connect, or are laid out to be connected, a cross-access easement shall be established at the time of site plan review and/or the platting of land in accordance with procedures outlined in Chapter 1113.21 Conditions of Approval and as provided in the City of Findlay Subdivision Rules and Regulations.

The specifications for cross access easements are:

a. Minimum Width:

Cross-access easements shall not be less than twenty feet (20') in width.

b. Maximum Width:

Cross-access easements shall not exceed thirty feet (30') in width.

2. Service Connector Roads

Where there are more than two (2) parcels or anticipated growth adjacent on more than one (1) parcel

3. Shared Parking:

A group of adjacent properties may provide a shared parking area if all of the following criteria are met:

a. Minimum Number of Parking Spaces Required:

The shared lot shall provide at least eighty percent (80%) of the cumulative total of parking spaces required for each use.

4. Reciprocal Parking Agreement:

A written reciprocal parking agreement signed by all property owners involved is required and shall include provisions concerning at least the following items:

i. Maintenance

ii. Lawn/gardening care

iii. Snow removal

iv. Utility payments for any lighting or landscaping/irrigation costs

5. Ownership and liability

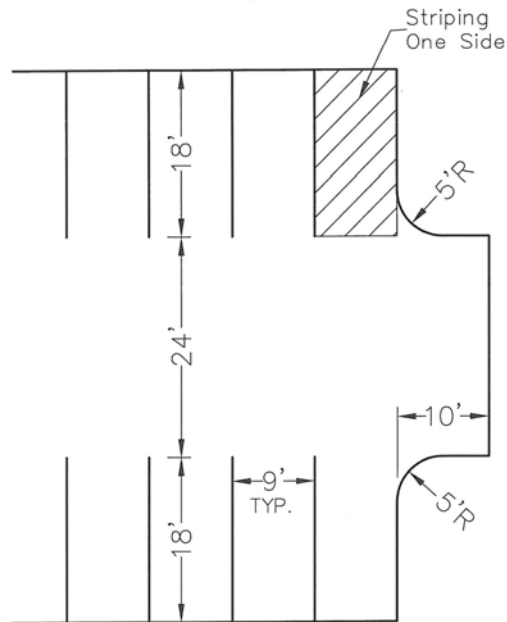


The agreement shall be viewed and approved by the City Attorney. It shall be recorded in the County Recorder's office. A copy of the recorded agreement shall also be submitted to and be kept in City Engineering Office.

6. Outlet Required:

All parking aisles shall have an outlet or turn-around. Dead-end parking aisles are prohibited. To avoid dead end parking, the final parking spot in the row is required to have a five foot turn radius into an empty parking stub that is ten feet (10') deep. See sketch

### Dead End Parking Turn Around Requirements



7. Cart Corrals:

Cart corrals are required for all retail businesses that have more than 30,000 square feet of retail space and that provide shopping carts to their customers. Any single cart corral shall not be any larger than ten feet (10') by thirty-six feet (36') in area.

8. Institutional Uses:

The portion of an institutional use of a parking lot used for bus circulation and staging is not required to install the landscape bumpouts and/or islands required in Chapter 1161.07 Screening .

9. Parking Access:

Parking spaces that may be blocked by other parking spaces or other obstacles will not be counted toward the required parking.

*Example: For a commercial use, parking spaces located within a garage will not be counted.*

10. Use Included

All office, commercial, and industrial uses located in other zoning districts shall adhere to this Chapter.

**1161.11.5 PARKING STANDARDS; REQUIRED NUMBER OF PARKING SPACES R-1, R-2, R-3, R-4, M-1, M-2, M-3, O-1, C-1, C-2, I-1, I-2**

**A. OFF-STREET PARKING REQUIREMENT**

To reduce traffic congestion and hazards along roadways and to provide orderly and accessible parking throughout the city, off-street parking shall be required in all zoning districts. The exception is C-3 Downtown Commercial District. The spaces required in the parking tables do not guarantee the quantity needed per use; only minimums are expressed.

**B. MINIMUM REQUIREMENTS**

The minimum number of parking spaces shall be determined by referencing Chapter 1161.11 Parking Standards. The parking is predominantly required by zoning district rather than by use. The exceptions are listed in Chapter 1161.11.7 Parking Requirements Per Specific Use.

**C. MULTIPLE ZONING DISTRICT DEVELOPMENTS**

In situations where a development has multiple zoning districts, such as the Planned Residential District or the Planned Mixed Use Development District, the total required spaces should be determined by adding up the spaces required for individual use for each classification.

**D. DESIGNATION OF PARKING**

Businesses that keep automobiles or other motor vehicles in stock on the subject property shall clearly differentiate between parking areas for such stock and parking for employees and customers. This can be accomplished through the use of either clearly posted signage or differentiation in parking lot striping. Areas for customer and employee parking shall not be used for the storage of automobiles or other motor vehicles for sale.

**1161.11.5.1 PARKING STANDARDS FOR THE C-3 DOWNTOWN COMMERCIAL DISTRICT**

**A. SCREENING**

Parking lots with frontage on Main Street or Main Cross Street are required to have a five foot (5') wide buffer that includes a low profile masonry wall or wall/fence combination. Surface parking lots with frontage on streets other than Main Street or Main Cross Street must include a landscape buffer. See Chapter 1161.4 Landscaping for C-3.

**B. ACCESS**

Parking lots with frontage on Main Street are required to have ingress/egress onto secondary streets or alleyways. Curb cuts onto Main Street are discouraged.

**1161.11.6 GENERAL PARKING REQUIREMENTS TABLE**

<b>Zoning District</b>	<b>Minimum Requirement</b>
<b>SINGLE FAMILY DISTRICTS – R-1, R-2, R-3</b>	2 SPACES PER UNIT
<b>MULTI-FAMILY DISTRICTS – R-4, M-1, M-2</b>	2.5 SPACES PER UNIT
<b>O-1 INSTITUTIONS AND OFFICES DISTRICT</b>	1 SPACE PER 300 SQ. FT.
<b>C-1 LOCAL COMMERCIAL</b>	1 SPACE PER 325 SQ. FT.
<b>C-2 GENERAL COMMERCIAL</b>	1 SPACE PER 375 SQ. FT.
<b>C-3 DOWNTOWN COMMERCIAL</b>	NO REQUIREMENT
<b>I-1, I-2 INDUSTRIAL DISTRICTS</b>	1.1 SPACES PER EMPLOYEE ON LARGEST SHIFT

## 1161.11.7 PARKING REQUIREMENTS PER SPECIFIC USE

RESIDENTIAL USES	PARKING REQUIREMENT	OTHER REQUIREMENTS/ NOTES
amenity area	1 space per employee on the largest shift	1 space per 300 sq. ft. of enclosed space; 1 space per 75 sq. ft. of water surface of competition pools; 1 space per 250 sq. ft. of water surface for non-competition pools
assisted living facility	1 space per employee on the largest shift	1 space per 3 rooms
assisted living home	1 space per employee on the largest shift	1 space per 3 rooms
bed and breakfast facility	as per single-family standard	1 space per rented room
child care institution/orphanage	1 space per employee on the largest shift	1 visitor space per 15 children
transitional housing facility	as per single-family standard	1 space per 4 persons living in facility
group home	1 space per employee on the largest shift	1 space per 6 persons living in facility
manufactured home park	2 spaces per unit	1 visitor space per 2 units
nursing and convalescent home	1 space per employee on the largest shift	1 space per 3 occupancy rooms
recreational facility	1 space per employee on the largest shift	1 space per 300 sq. ft. of enclosed space; 1 space per 75 sq. ft. of water surface of competition pools; 1 space per 250 sq. ft. of water surface for non-competition pools
retirement community	1 space per employee on the largest shift	1 space per non-assisted live-in room; 1 space per 3 assisted live-in rooms and/or nursing home rooms; and 1 visitor space per 8 rooms

RECREATIONAL USES	PARKING REQUIREMENT	OTHER REQUIREMENTS/ NOTES
skate park	1 space per 1000 sq. ft. of skating surface	
skating rink	1.5 spaces per 1000 sq. ft. GFA	
sport fields	20 spaces per field or court	
swimming pool, public	1 space per 200 sq. ft. of pool surface	
nature center	1 space per 350 square feet	
nature preserve	1 space per mile of trail or 1 space per 3 acres	
park, active	1 space per acre; 10 spaces per sport court or field; and 1 space per 200 sq. ft. of water surface of pools	
park, passive	1 space per 1 acre of land	
hotel/motel	1.1 spaces for each room plus 1 per employee at the peak shift	15 spaces for the first 1,000 square feet plus 1 per 100 square feet over 1,000 square feet of area used for a restaurant, bar, nightclub, or reception or banquet hall area
recreation center, public	1 space per 1,000 gross sq. ft. 1 space per 3,000 gross sq. ft.	For first 50,000 sq. ft. For area over 50,000 sq. ft.
UTILITIES & SERVICES	PARKING REQUIREMENT	OTHER REQUIREMENTS/ NOTES
communication facility, wireless	1 space per tower -	
water treatment plant	1 space per employee on the largest shift	2 spaces
above-ground utility facility		1 space per facility
airport, municipal	-	1 space per 2 emplaning passengers
bus station	-	8 spaces per bus bay

water treatment plant	1 space per employee on the	2 spaces
above-ground utility facility		1 space per facility
airport, municipal	-	1 space per 2 emplaning passengers
bus station	-	8 spaces per bus bay

INSTITUTIONAL USES NOTES	PARKING REQUIREMENT	OTHER REQUIREMENTS/
school (P-12)	1 space per teacher, staff, Zoning Administrator	3 spaces per elementary or junior high classroom; 1 space per 10 high school student enrollment capacity; and 1 space per 4 seats in the largest assembly space in the school (based on occupancy capacity)
school, trade or business	1 space per teacher, staff,	1 space per 3 students
school, university or college	-	1 space per 3 students
community center	-	1 space per 3 persons
crematory	1 space per employee on the largest shift	5 visitor spaces
drug or alcohol rehabilitation clinic	1 space per employee on the largest shift	2 spaces per 3 client capacity
electrical generation plant	1 space per employee on the largest shift	2 spaces
facility for developmentally disabled	1 space per employee on the largest shift	1 space per 3 client capacity
facility for mentally ill	1 space per employee on the largest shift	1 space per 3 client capacity
government office	-	1 space per 500 gross sq. ft. or 1 per 2 seats in the largest assembly space capacity, whichever results in the largest number

heliport, municipal	-	1 space per 2 emplaning passengers
hospital	-	2 spaces per 1 bed
jail	1 space per employee on the largest shift	1 visitor space per 8 cells
juvenile detention facility	1 space per employee on the largest shift	1 visitor space per 8 cells
library	-	1 space per 3 persons
light rail station	-	1.5 spaces per capacity of largest train
museum	-	1 space per 2.5 persons
place of worship	-	3 spaces per 7 seats
police, fire or rescue station	1 space per employee	-
post office	1 space per employee on the largest shift	1 space per 150 sq. ft. accessible to the public
prison (minimum security)	1 space per employee on the largest shift	1 visitor space per 15 cells
prison (maximum security)	1 space per employee on the largest shift	1 visitor space per 15 cells
recycling collection point	1 space per employee on the largest shift	1 space per collection bin
recycling sorting/distribution	1 space per employee on the largest shift	-
<b>OTHER USES</b>	<b>PARKING REQUIREMENT</b>	<b>OTHER REQUIREMENTS/ NOTES</b>
sexually oriented business, entertainment	1 space per 300 sq. ft.-	1 space per booth

## 1161.12 SIGN STANDARDS

All signs shall comply with the Corner Vision Clearance Standards as provided for in Chapter 1163.11 Corner Vision Clearance Standards

### 1161.12.1 PURPOSE

The purpose of this chapter is to encourage the effective use of signs as a means of communication in the city; to maintain the city's aesthetic environment by ensuring compatibility of signs with the area surrounding them; to



encourage the use of signs appropriate to residential and commercial activities; to ensure the safety of vehicular and pedestrian traffic; and to encourage economic development within the city.

### **1161.12.2 EXEMPT SIGNAGE: R-1, R-2, R-3, M-1, M-2, O-1, C-1, C-2, I-1, I-2**

The following types of signs are exempted from the permit requirements of this chapter; however, they are still subject to the General Requirements set forth in Chapter 1161.12.4 unless otherwise provided.

#### **A. PUBLIC SIGNS**

Signs of a noncommercial nature and in the public interest, erected by or on the order of an official of the city, county or state acting in the performance of his duty, such as safety signs, danger signs, trespassing signs, traffic signs, and memorial plaques.

#### **B. RESIDENTIAL NAMEPLATE**

A nameplate or wall sign which shall not exceed two (2) square feet on any dwelling.

#### **C. WALL SIGNS**

#### **D. SANDWICH BOARDS**

1. Permitted zoning districts
  - a. C-1
  - b. C-2
  - c. O-1
2. Sandwich boards can be eight square feet (8') maximum
3. Sandwich boards and "A" frames must be located within fifteen feet (15') of the primary building entranceway.
4. All sandwich boards and "A" frames must be removed at the end of the business day.

### **1161.12.3 PROHIBITED SIGNS**

#### **A. GENERAL**

All signs are prohibited unless they are expressly permitted.

#### **B. RIGHTS-OF WAY & UTILITIES**

Unless with Council approval, no sign shall be placed within the public right-of-way of any public street. Within the C-3 district, temporary signs are permitted in the right of way. Permanent signs within the C-3 district must be approved by City Council.

**C. OBSTRUCTION OF STRUCTURAL OPENINGS**

No sign shall obstruct any window, door, fire escape, stairway, or any opening intended to provide air, egress or ingress for any building or structure.

**1161.12.4 GENERAL REQUIREMENTS AND RESTRICTIONS: ALL ZONING DISTRICTS**

**COMPLIANCE WITH CODE REGULATIONS**

All signs shall comply with the general rules, regulations, and requirements governing their placement, type, number, and size as outlined and contained in the provisions of this chapter.

**1. OBSTRUCTION OF TRAFFIC SIGNS; MISLEADING OR CONFUSING SIGNS**

No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency lights shall be used in connection with any sign display, nor shall any sign make use of the words "Stop," "Look," "Danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic. No sign shall emit any form of sound or sounds.

**2. OBSTRUCTION OF VISIBILITY**

No sign or sign structure shall be located or constructed within ten feet (10') of any street right-of-way unless provided for otherwise in another Chapter of this Ordinance. No sign shall be located or constructed in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing. No sign shall be designed and placed so as to confuse traffic information for pedestrians or drivers of motor vehicles. The determination of the reasonableness of the location of a sign or sign structure taking into account the above shall be made by the Zoning Administrator whose decision shall be subject to appeal as provided herein to the Board of Zoning Appeals. See also Chapter 1163.11 Corner Vision Clearance Standards.

**1161.12.5 ILLUMINATED SIGNS**

**A. SHIELDING**

The light from an illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be reasonably objectionable as determined by the Zoning Administrator considering those affected nearby.

**B. EXPOSURE**

No exposed bulbs or fluorescent tubes, with the exception of neon lighting, shall be used on the

exterior surface of any sign so as to directly expose the face of the bulb, light or tube to any public street or adjacent property.

## **1611.12.6 PERMITS, APPLICATIONS AND FEES:**

### **A. PERMIT REQUIRED**

#### **1. All Sign Work**

No sign shall be erected, altered or relocated without a permit issued by the Zoning Administrator except as otherwise provided herein.

#### **2. Breach of Permit**

When a sign permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of said permit without prior approval of the Zoning Administrator.

### **B. PERMIT APPLICATIONS:**

To obtain a permit for the purpose of erecting, constructing, altering or relocating a sign under the provisions of this chapter, an application shall be submitted to the Zoning Administrator which shall set forth in writing a complete description of the proposed sign including:

#### **a. General Information**

The name and address of the contractor or person responsible for the placement of the sign.

#### **b. Site Plan**

Two detailed site plan drawings indicating the placement, location, landscaping, and address of the sign.

#### **c. Elevation**

Two scaled elevation drawings indicating the size of the sign and sign structure.

#### **d. Signature**

Signature of the owner/tenant/sign company securing permit attesting to awareness and intent to comply with permit specifications.

#### **e. Permit Duration**

Sign permit shall become null and void if the sign for which the permit was issued has not been completed and erected within a period of one year after the date of issuance of the permit.

### **C. FEES**

Fees for sign permits shall be fixed by ordinance by the City Council and amended from time to

time as necessary.

**D. EXCEPTIONS:**

The following operations shall not be considered as creating a sign, and, therefore, shall not require a sign permit:

**1. Replacing copy**

The changing of the advertising copy or message on approved billboards, sandwich boards, theater marquees and similar approved signs which are specifically designed for the use of replaceable copy.

**2. Maintenance**

Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a change is made to the supporting structure, cabinet, frame, or footing.

**1161.12.7 SIGN STANDARDS; R-1, R-2, R-3, R-4, M-1, M-2, & M-3 RESIDENTIAL DISTRICTS:**

No signs are permitted other than those specified as being exempt in Chapter 1161.12.2 or as temporary in 161.12.14 or as permanent as provided herein. Any non-residential use, as listed below, permitted in their residential districts shall be permitted one sign not to exceed 50 square feet in area with a maximum height of six (6) feet and a setback of ten (10) feet from all property lines. Exempt and temporary signage may not exceed fifty (50) square feet in area per sign face and may have a maximum of two (2) sign faces.

- A. **SCHOOLS (PUBLIC & PRIVATE)**
- B. **PLACES OF WORSHIP**
- C. **MUSEUMS**
- D. **COMMUNITY CENTERS (50)**
- E. **APARTMENT COMPLEXES**
- F. **GOVERNMENT**
- G. **EMERGENCY SERVICES**
- H. **FUNERAL HOMES**
- I. **PARK AND RECREATIONAL AREAS**
- J. **GOLF COURSES**

**1161.12.8 LOW PROFILE SIGNS; O-1, C-1, C-2, I-1, I-2, & PO DISTRICTS**

**A. QUANTITY**

One low-profile sign with two sign faces, as defined herein, is permitted for business identification purposes for each site not to exceed 200 square feet in area. Sites with less than 500 feet of

frontage and two or more frontages on public or private through streets may be permitted one additional low-profile sign not exceeding 32 square feet. Sites with more than 500 feet of frontage on the same public or private through street may have two low-profile signs on one frontage not exceeding 32 square feet each, provided that there is 250 feet of separation between signs. In no instance shall any one site contain more than three low-profile signs. One pylon sign may be used in lieu of a permitted additional low profile sign for sites with over 500 feet of frontage or 5 acres in size. Outlots are limited to one low profile sign. The PO District shall be limited to one low-profile sign not exceeding 100 square feet in area.

**B. DIMENSIONS**

A low-profile sign shall not exceed the following dimensions unless otherwise noted:

1. Height

The maximum height shall be eight feet including the sign's base.

2. Sign area

One-half (½) square foot per lineal foot of frontage, not exceed 200 square feet.

**C. LOCATION**

1. Rights-of-Way

Signs shall be located not closer than ten feet (10') from the street right-of-way and all property lines.

**D. ON-PREMISE**

Signs shall be located on the property for which it identifies or promotes

**E. OBSTRUCTION OF VISION**

Site Identification

Signs shall not block or interfere with site identification or traffic recognition.

**F. CORNER VISION CLEARANCE**

Permanent commercial and industrial low-profile signs shall not be placed so as to interfere with the corner vision clearance. (See Corner Vision Clearance Standards, Chapter 1163.11.)

**G. LANDSCAPING**

1. Footprint

A landscaping area shall be provided around the low-profile sign equal to the square footage of one sign face.

2. Type

The landscaping shall be at least 50% evergreen.

3. Plans

Landscaping plans shall be included with the permit application.

H. **DIRECTIONAL**

1. Private traffic directional

Signs directing traffic movement onto a property zoned M-1, M-2, C-1, C-2, C-3, O-I, I-1, I-2 or within a premise shall not exceed four square feet in area for each sign, with a maximum height of three feet (3'). Illumination of these signs shall be permitted in accordance with the provisions contained herein. Such signs placed within ten feet (10') of any rights-of-way shall be limited to two (2) square feet and a maximum height of two (2) feet.

2. Industrial directional

Signs directing traffic movement onto and within Industrial Zoning districts may measure five feet (5') in height, fifteen (15) square feet in area, and at least 25' off the right-of-way.

3. Institutional Directional/Way finding

Signs setting forth the name or any simple announcement/information for any medical facility, nursing home, financial institution, or public or private educational or religious institutions located entirely within the premises of that institution, up to an area of twenty-four (24) square feet and not illuminated. If ground mounted, the top shall be no more than six feet above ground level and no closer than ten feet (10') to any right-of-way.

I. **EXCLUSIONS**

Developments that have a low-profile sign are not permitted to have a pylon sign.

**1161.12.9 PYLON SIGNS: C-1, C-2, I-1 & I-2 DISTRICTS**

A. **QUANTITY**

One pylon sign as defined herein is permitted for business identification purposes. There shall not be more than one accessory sign per each site. The site must have public street frontage. Sites exceeding 1000' of uninterrupted road frontage on a single street in C-2, I-1 & I-2 Districts may be permitted additional signage. If the site has continuous, uninterrupted street frontage of 1000' or more, one additional freestanding sign shall be permitted per every 1000' of additional

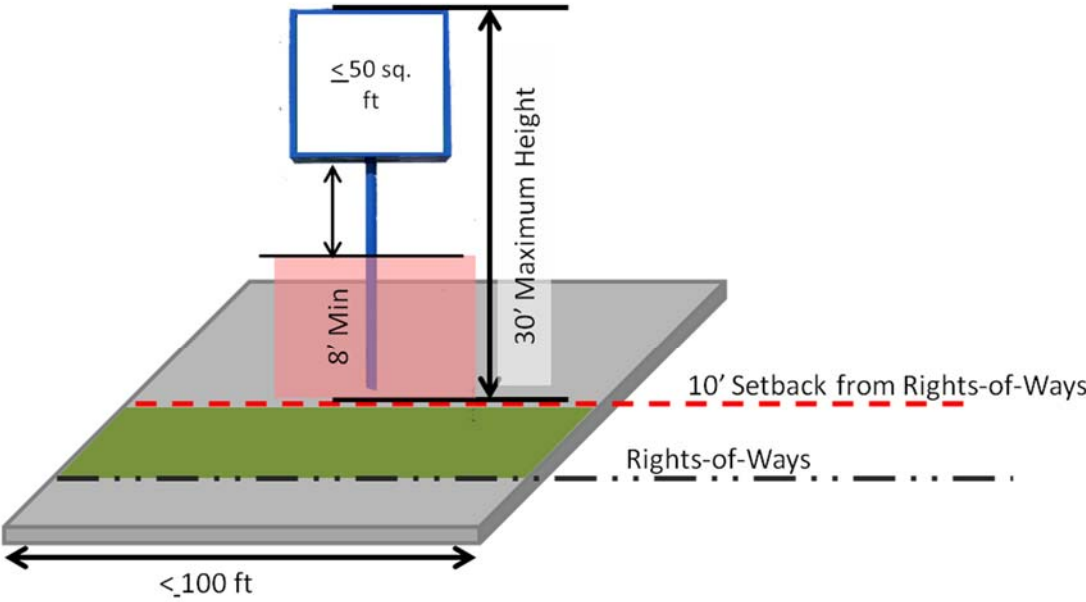
right-of-way frontage for sites five (5) acres or more. The additional signage shall only be permitted along the segment of the right-of-way frontage.

*Example 1: Where commercial uses are located on the same site with common features, such as Planned Shopping Centers, Planned Business Centers, Shopping Malls, Multi-tenant retail centers, etc., all such businesses shall be supported by only one free standing sign per site*

**B. LOCATION**

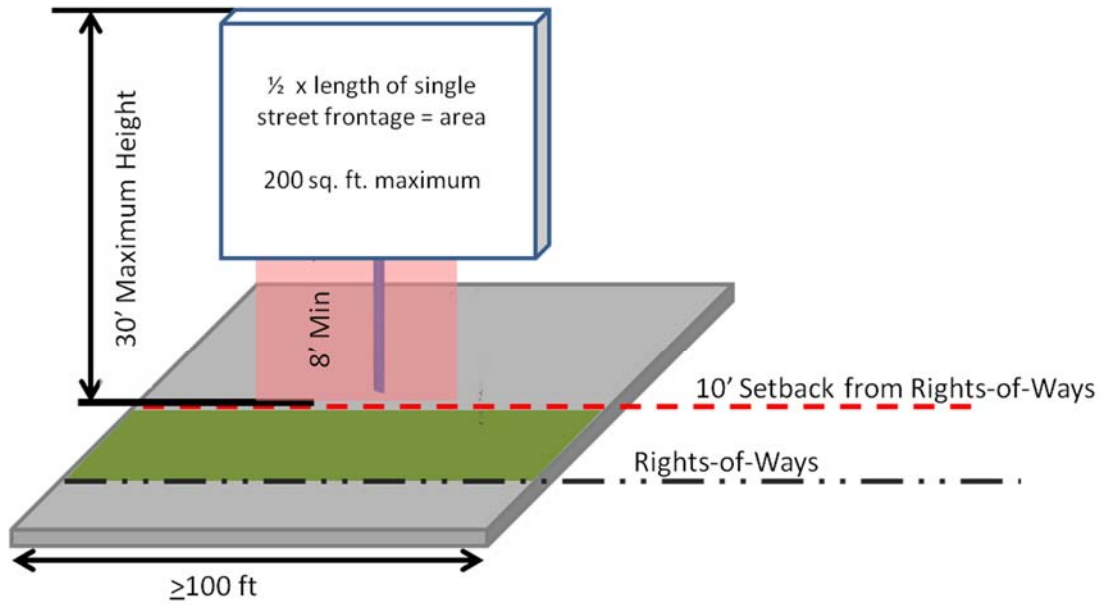
A pylon sign must be located so that no portion of the sign or pylon lies within ten feet (10') of the property line or the right-of-way of a public or private street.

**C. DIMENSIONS**



**PYLON SIGNS**  
C-1, C-2, I-1, I-2

1. Lots less than 100' of frontage  
Lots with less than 100 lineal feet of frontage shall be limited to a maximum sign area of 50 square feet.



**PYLON SIGNS – Lot Width 100' +**  
C-1, C-2, I-1, I-2

2. Lots with 100' of frontage or more

Lots with more than 100 lineal feet of frontage shall be calculated at a rate of one-half square feet of sign for each lineal foot of frontage.

**D. LIMITS**

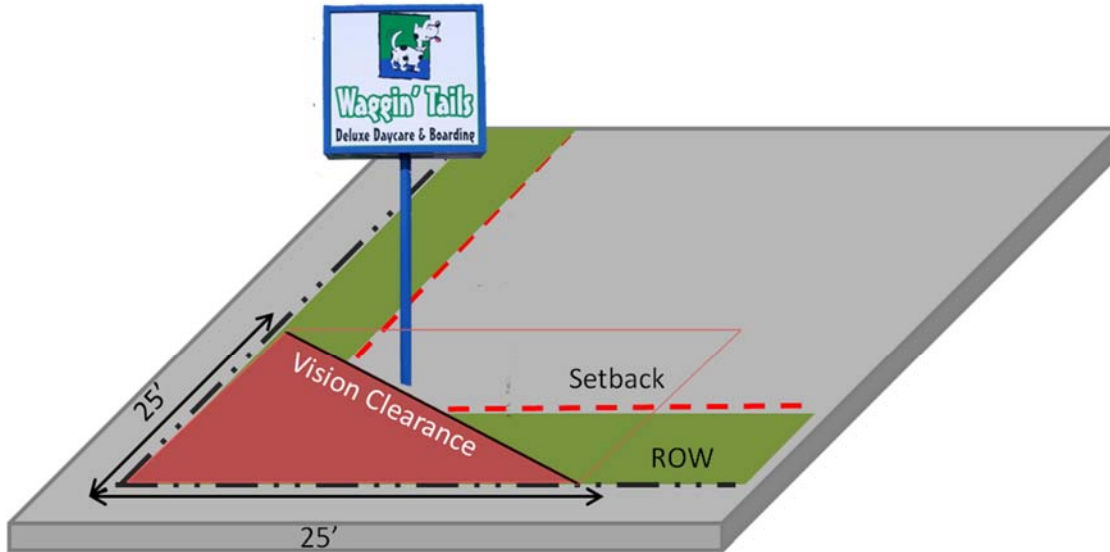
1. Sign Area

In no instance shall the area of a pylon sign exceed 200 square feet.

2. Sign Height

Signs shall not be higher than thirty feet (30') in height;





## CORNER VISION CLEARANCE Street - Street

### E. CORNER VISION & CLEARANCE

Signs shall not have the bottom or embellishment of a sign less than eight feet above established grade. Example of embellishment includes sign skirting. In lieu of meeting the eight foot above grade, then Chapter 1163.11 Corner Vision Clearance Standards shall apply.

### 1161.12.10 SIGNS IN DOWNTOWN DISTRICT (C-3)

The downtown is of unique character apart from the rest of the city. The buildings are taller and closer to each other; building fronts are typically on the front lot line, with business doors opening into the right of way; vehicular traffic volumes are higher than in other areas of the city, and drivers of all ability and ages are offered parking that is parallel between a curb line and moving traffic; and the numerous signalized intersections, parking options, pedestrians, and businesses create significantly more vehicular obstacles and turning movements per lineal foot than anywhere else in the community. As such, the placement of signage to support a thriving downtown is just as important to the community's safety as it is to identify business locations.

Downtown poses inherent constraints on signage design. The signs are: closer to the street; offer shorter

viewing distance/duration; more difficult to notice due to the proximity to the street and short building width, and the traffic speed relative to the more minimal street frontages mean that business owners will seek more unique signage than the typical pylon/box or monument style. The signage cannot impede the flow of pedestrian traffic, nor can it be placed at the curb line and impede driver visibility and maneuverability. Therefore, the following types of signage are permitted in C-3 Downtown Business District.

**A. WALL SIGNS: ALL WALL SIGNS SHALL BE PERMITTED EXCEPT:**

1. Box Signs
2. Interior illuminated panel signs or box signs with translucent acrylic faces

**B. PROJECTING SIGNS**

1. 6 feet from curbface from the leading edge of the sign.
2. 10' clearance shall be provided between the baseline of any sign and the sidewalk.  
No sign shall flash or blink. External illumination is preferred.

**C. LOW PROFILE & PYLON SIGNS**

1. Pylon signs are not recommended in the downtown district because they are oriented to vehicular traffic.
2. When buildings are set back on a lot in the downtown, a ground sign may be appropriate (although not preferred) when all of the following conditions are met:
  - a. Other alternative types of signs do not provide adequate identification
  - b. Scale and location of ground sign complements buildings in adjacent properties
  - c. Integration into site landscaping so as not to create a site or visual obstruction.

**D. SANDWICH BOARD SIGNS**

The following rules and regulations pertain to sandwich boards and "A" Frames:

**1. Size**

The maximum allowable size of the sandwich board sign is eight (8) square feet when close together for storage.

**2. Location**

The sandwich boards must be located in front of the business that it is advertising. It may not impede in the required 4 foot pathway between the curb and the Allowable Business Area, if such exists. It is preferred that the sandwich board either be

placed in line with the permanent street furniture (benches, light poles, trash receptacles) or adjacent to the business entryway.

**3. Duration**

Sandwich board signs must be taken inside at the close of business.

**4. Number**

One sandwich board is allowed per store front.

**1161.12.11 INTERSTATE HIGH-RISE SIGNS (C-1, C-2, PMUD, I-1, I-2)**

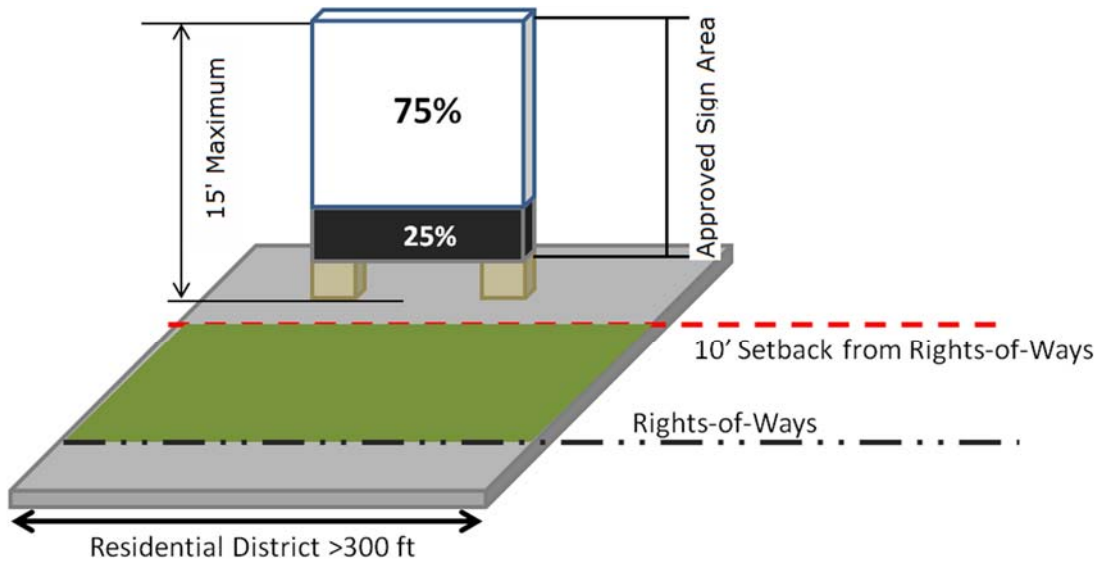
One Interstate High-Rise Sign is permitted per site. The sign must be within 1,500 feet of Interstate 75 (I-75) rights-of-way. Interstate High Rise Signs are limited to 90' height and setbacks that measure at least one-half (1/2) the height of the sign. The sign shall not exceed 300' square feet in area and not have more than four (4) additional panels not exceeding 75 square feet each. To advertise additional tenants within the center see Chapter 1161.12.12 for Electronic Message Center requirements pertaining to Interstate High-Rise Signs.

**1161.12.12 ELECTRONIC MESSAGE CENTERS – C1, C-2, I-1, I-2**

The following requirements shall prevail over Electronic Message Centers, as defined:

**A. LOCATION**

1. Shall only be placed on conforming accessory signs, or on Interstate High-Rise Signs, where permitted and as defined.
2. Shall not be permitted on any wall or fence.



## ELECTRONIC MESSAGE BOARD

C-1, C-2, I-1, I-2 & University Overlay

3. If an Electronic Message Center is erected as part of any freestanding conforming accessory sign, the overall height of the sign structure shall not exceed fifteen feet (15'). Clearance requirements on corner lots shall still apply.
4. Interstate High Rise Signs are exempt from 1161.12.12 (a) (3) and are subject to requirements set forth in 1161.12.10 Interstate High Rise Signs.
5. Electronic Message Centers shall be at least 300 feet from any residential district.
6. Electronic Message Centers shall only be permitted in the C1-Local Business, C2-General Business, or University Overlay Districts, I1- Light Industrial and I2 General Industrial and shall not be permitted in any other zoning district, or overlay district.

### B. SIZE

Electronic Message Centers shall not exceed twenty-five percent (25%) of the total approved sign area.

### **1161.12.13 ROOF SIGNS – C-1, C-2, I-1, I-2**

For the purposes of this Ordinance, roof signs shall be considered as attached signs when determining the allowable square foot area and total square foot area of all permitted signs.

1. Height

Roof signs cannot exceed the maximum building height allowable per district.

2. Erection

Requirements for erection of a roof sign are as follows:

- a. No roof sign greater than 20 square feet shall be placed within five (5) feet of the roof edge; however, if the sign is less than twenty (20) square feet, it shall not be erected with the face thereof nearer than one (1) foot to the outside wall toward which the sign faces.
- b. Roof signs can be maximum of 100 square feet in size.

### **1161.12.14 SUBDIVISION ENTRYWAY SIGNAGE**

Entrances to residential, commercial or industrial subdivisions may be identified by monument signage. Such signage shall not encroach into the requirements per Chapter 1163.11 Corner Vision Clearance Standards. The sign area shall not exceed seventy (70) square feet in sign area. Signage shall be allowed on both sides of the major entry ways into the subdivision, each being no larger than seventy (70) square feet in sign area.

### **1161.12.15 TEMPORARY SIGNS – NO PERMIT REQUIRED; ALL ZONING DISTRICTS**

Unless otherwise specified in this Ordinance, temporary signs identified herein shall be permitted anywhere within the city and are not required to have a permit. Temporary signs for commercial uses and in commercial zoning districts shall not be permitted within ten feet (10') of any street right-of-way. No temporary sign shall be placed so as to interfere with the corner vision clearance and must be placed on private property. All signs are subject to two (2) conditions set forth in 'A' below.

**A. CONDITIONS FOR TEMPORARY SIGNS NOT REQUIRING SIGN PERMITS**

1. Corner Clearance

Temporary signs shall not be placed so as to interfere with the corner vision clearance and may not be located within center medians.

2. Private Property

Signs shall not be displayed in Rights of Ways, on utility poles, bridges, or other publicly owned and maintained land unless approved by City Council or otherwise provided.

**B. CONSTRUCTION SIGNS**

One construction sign shall be permitted which may include the future tenant, architect, engineer, contractor, lending institution and other individuals or firms involved with the construction of a specific building or project. Sign must be on the active construction site. The following guidelines shall apply:

1. Permitted Zoning Districts

Construction signs are permitted in all districts

2. Maximum Size

Maximum size of 64 square feet per sign face

3. Maximum Height

Not to exceed 10 feet in height from grade

4. Location

a. Setback

The minimum setback shall be no less than five feet from the property line

b. On-premise

Construction signs shall be located on the site of the construction activity which it identifies

5. Removal

Construction signs shall be promptly removed within 10 days of the conclusion of the construction activity.

**C. YARD SALE SIGNS**

1. Quantity

One yard or garage sale sign will be permitted for each property having a garage sale

2. Size

Signs shall not exceed eight square feet in size

3. Location

a. Prohibited

1) Signs shall not be displayed in Rights of Way, on utility poles, or other publicly owned and maintained land.

2) Private property of others

- 3) Signs shall be on-premise unless owners of other private parcels agree to sign placement on their property

Example: corner lot owners

4. Duration

Signs must be removed after one week of placement, or immediately after the sale ends, whichever is earlier.

**D. REAL ESTATE SIGNS IN RESIDENTIAL DISTRICTS**

On-premise real estate signs advertising the sale, rental or lease of property shall be permitted without a sign permit as follows:

1. Quantity

One sign per street frontage

2. Size

- a. Area shall not exceed eight square feet in size.
- b. Height shall not exceed four feet in height.

3. Location

Real estate signs shall only be located on the property which is to be sold, leased or rented.

4. Duration

Signs shall be removed within 14 days after the sale, lease or rental of the property.

**E. REAL ESTATE SIGNS IN ALL OTHER DISTRICTS**

On-premise real estate signs within commercial and industrial districts shall be permitted without a sign permit so as to advertise the sale, rental or lease of commercial property as follows:

1. Quantity

One Sign per street frontage

2. Size

- a. Area shall not exceed 32 square feet in size
- b. Height shall not exceed six feet in height.

3. Location

- a. On-Site
- b. Shall be located on the property which is to be sold, leased or rented.

4. Vision Clearance

Shall not be placed so as to interfere with the corner vision clearance.

5. Duration

Shall be removed within fourteen (14) days after the closing of the sale of the property.

**F. SAIL SIGN BANNERS & INFLATABLE SIGNS**

Sail sign banners and inflatable signs are permitted subject to the following:

1. Permitted Zoning Districts

- a. M-2 Multi-Family Residential
- b. O-1 Offices & Institutions
- c. C-1 Local Commercial
- d. C-2 General Commercial
- e. C-3 Downtown Commercial
- f. I-1 Light Industrial
- g. I-2 General Industrial

2. Location

a. Setback

The minimum setback shall be no less than five feet from the property line

b. On-premise

Shall be located on the site where the activity or items for purchase are located

**G. POLITICAL SIGNS**

Political campaign signs announcing candidates seeking public offices and other data pertinent thereto

1. Quantity

There is no limit to the number of political signs a private property may have.

2. Size:

Signs are limited to a total area of 32 square feet per sign (one side) and a maximum height of eight (8) feet in size.

3. Location:

- a. Must be placed on private property



b. Are not permitted in any public rights-of-way, such as tree lawns or at street intersections

4. Prohibited

No signs shall be attached to utility poles, fences, trees, or any public or private sign structure.

H. **REPAIR-REMODEL CONTRACTOR SIGNS:**

1. Quantity

One sign is permitted which identifies the contractor repairing or remodeling a structure.

2. Size

Maximum of eight (8) square feet, only during time of such repair or remodeling. No sign permit is required.

**1161.12.16 TEMPORARY SIGNS – PERMIT REQUIRED**

The following temporary signs may be permitted within the city and are required to have a permit.

A. **TEMPORARY SUBDIVISION SIGNS**

Temporary subdivision signs are allowed by permit after a subdivision has received preliminary plat approval from the Planning Commission. The signs may only be used for subdivision identification and marketing purposes.

1. Quantity

Subdivisions with more than one entrance from a public street may erect one temporary subdivision sign at each major entrance thereto.

2. Size

a. Height

The maximum height of a temporary subdivision sign shall be ten (10) feet.

b. Area

The maximum size of a temporary subdivision sign shall be sixty four (64) square feet.

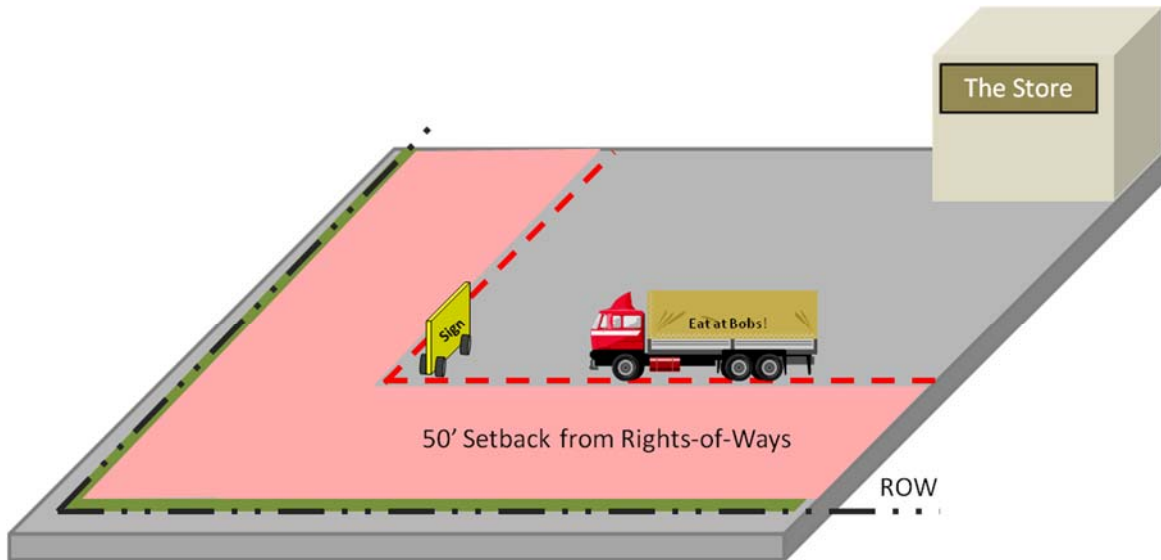
3. Duration

Permits are valid for two (2) years. Extensions may be granted at one-year intervals.

**B. PORTABLE SIGNS**

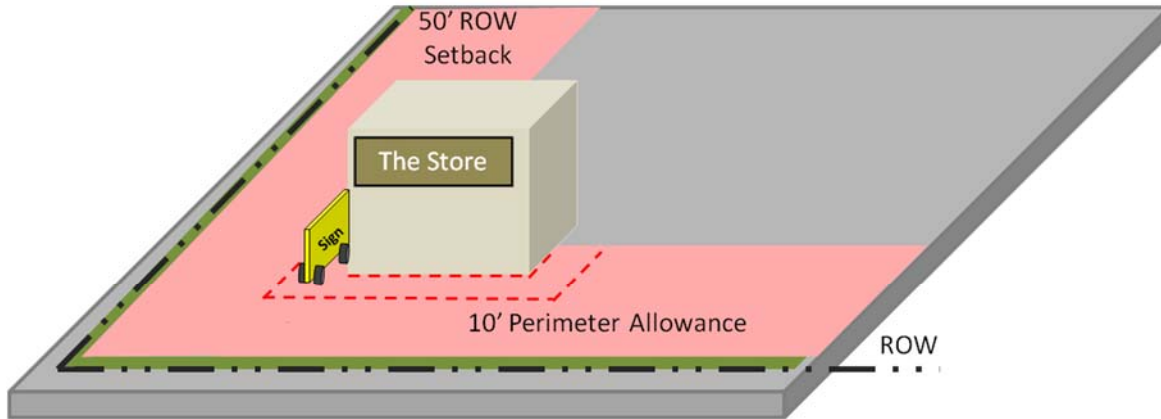
Portable signs with message boards advertising special products or prizes or otherwise promoting business, industry or individuals are not permitted, except as follows:

1. Must not be closer than 50' to any rights of way, or;



**PORTABLE SIGNS**

2. Must be within 10' of the primary building for which the advertisement is associated.
3. Must have only a fixed message.



### PORTABLE SIGNS

Within 10' of building if existing encroachment

## 1161.12.17 OFF PREMISE SIGNS – PERMIT REQUIRED

This section identifies two types of Off Premise Signs. Static signs, typically papered with a single image and rented over a period of time, shall be referred to as 'Billboards.' The other type is referred to as Digital Boards, which are Light Emitting Diodes able to display multiple images. Both types are freestanding non-accessory signs offered as advertisements rather than used for site identification. In no instance shall an Off Premise Sign be permitted for use as any other type of sign, including on-premise identification. Off-premise signs are permitted in the following districts: C-1 Local Business District; C-2 General Business District; C-3 Downtown Business District; I-1 Light Industrial District, and; I-2 General Industrial District.

#### A. NON-DIGITAL BILLBOARDS

1. Maximum size and faces  
Shall not exceed 300 square feet per sign face nor contain more than four sign faces on any single structure.
2. Setbacks
  - a. Front Yard – Twenty-five feet (25')
  - b. Side Yard – Ten feet (10')
  - c. Rear Yard – Thirty feet (30')

3. Prohibited Districts

Are prohibited in any PMUD Planned Mixed Use Development, or PRD Planned Residential Development.

4. Required distance between billboard signs

Locations for off premise signs shall be spaced no closer than 500 feet apart on either side of a street right of way.

5. Distance from residential districts

Off-premise signs shall not be placed within 300' of a residential zoning district; provided, however that distance may be reduced to 125' for off-premise signs that are non-illuminated and do not exceed 30' in height.

6. Thoroughfare exemption

The distance standard shall not apply to a residential district on the opposite site of a major thoroughfare.

7. Maximum height

The maximum height shall be 40 feet (40')

8. Maintenance

Off-premise signs must be maintained properly.

9. Conversion to Digital Billboard

- a. If converting one non-digital billboard into one digital billboard, the distance between that billboard and another digital billboard must be 1000' on the same side of the roadway and 500' from another non-digital billboard on the same side of the roadway.
- b. If converting 2 or more non-digital billboards into one digital billboard, the distance from another billboards may be within 500' on the same side of the roadway.

**B. DIGITAL BILLBOARDS**

1. Animation

May not display images that include animated, flashing, scrolling, intermittent or full-motion video elements.

2. Fixed Message

Each message or copy shall remain fixed for at least eight (8) seconds and the transition between images must be accomplished in no more than two (2) seconds.

3. Maximum Height

The maximum height shall be forty feet (40') subject to the following exception in Chapter 1161.12.18 (B) (5) Proximity to Residential Areas.

4. Setbacks

- a. Front Yard – Twenty-five feet (25')
- b. Side Yard – Ten feet (10')
- c. Rear Yard – Thirty feet (30')

5. Proximity to Residential Districts and Uses

Digital Billboards shall not be placed within 300' of a residential zoning district with the following exception; Digital Billboards may be as close as 125 feet so long as the direction angle for a Digital Billboard sign face must be 300' from a residential district. Digital Billboards may be illuminated to a maximum level of 0.3 foot-candles as measured at vertical distance of 250 feet or to the Residential District or use during nighttime hours, or 0.24 foot candles as measured at a vertical distance of 250 feet or to the Residential district or use during day time hours.

Dual Digital Billboards may exist where they share the same structure and are placed back-to-back or at an angle that is away from residential districts. In no instance shall a dual Digital Billboard be designed with a back-to-back placement that measures greater than 90 degrees from the back and facing a roadway.

6. Size

Digital Billboards shall be no larger than one 300 square foot single faced panel. A single Billboard can be affixed to the back side of a Digital Billboard provided it does not exceed the dimensions of the Digital Billboard, Dual Digital Billboard

7. Distance between Digital Billboards

- a. Digital Billboard or non-digital billboards shall not be placed within 1,000 feet of another Digital Billboard or non-digital billboard on either side of a roadway.
- b. Digital billboards shall not be placed within 500 feet of another non-digital billboard on either side of a roadway.

8. Sign Default Message

Such advertising devices shall contain a default design that will freeze the device in one position if a malfunction occurs.

9. Conforming Signs

Digital Billboards may only be utilized on new signs or existing signs that are able to conform with the requirements as set forth in this Chapter for off-premise signs.

10. Interference with Public Safety

Digital Billboards giving public information such as, but not limited to, time, date, temperature, weather, or other similar information, and commercial Digital Billboards which function in the same manner as multiple message signs are permitted, provided such signs do not interfere with traffic safety and do not resemble or simulate traffic control or safety devices or signs.

11. Public Safety

No off-premise sign shall be located within forty feet (40') of a traffic signal so that when illuminated it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

12. Maintenance

Digital Billboards must be maintained properly.

**1161.12.18 AWNINGS AND BANNERS**

**A. AWNINGS**

1. Height of Awnings

No person shall suspend or maintain over any public street, alley, sidewalk or public way within the corporate limits of the City any awning or any attachments or appendages at a height of less than six feet eight inches above the sidewalk or ground level, except that any rigid, permanently attached awning shall not be suspended or maintained less than seven feet six inches above the sidewalk or ground level. No awning projecting from a building or

structure shall project beyond a point within three feet of a line drawn perpendicularly upward from the curb line.

2. Maintenance of Canopies, Marquees, and Awnings

Canopies, marquees and awnings shall be maintained and kept in good order.

**B. TEMPORARY BANNERS OVER PUBLIC RIGHT-OF-WAY**

The Safety-Service Director is authorized to grant permission to religious, charitable and nonprofit organizations to hang banners across Main Street within the City subject to the following terms, conditions and requirements (see 909.03 City General Offenses Code):

1. Location

Banners must be placed beyond ten feet (10') of the setback. The placement of banners shall be at a location approved by the Department of Engineering.

2. Duration

Banners may be hung for a duration of a thirty (30) day limit. Prior permission shall be secured from the public utility owning the poles to which the banner is to be attached. Banners that need to hung for greater than thirty (30) days must seek re-approval.

3. Examples

The following are all examples of banners:

- a. Stick signs
- b. Signs on private light poles and posts
- c. Signs on fences

**C. PENALTIES**

Whoever violates any provision of this Sec. 1163.16 is guilty of a misdemeanor of the fourth degree. See Chapter CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES.

**1161.12.19 OTHER SIGNS**

**A. NON-CONFORMING SIGNS**

Any sign lawfully existing on the effective date of this Chapter which does not conform to all the standards and regulations of the current Ordinance shall be deemed to be nonconforming. It is the intent of this Ordinance to amortize nonconforming signs as they are replaced for any reason. Only the replacement of sign face panels shall be permitted. The following rules govern non-conforming signs during the period in which they exist prior to their replacement;

1. Irreplaceable

A nonconforming sign shall not be replaced by another nonconforming sign for any reason, including but not limited to fire, accidents, or weather related incidents.

2. Re-facing Permitted

The substitution or interchanging of faces on nonconforming signs shall be permitted

3. Structural Modification Prohibited

No change is permitted in the basic structural supports or members, footing, cabinetry or anchoring of a nonconforming sign.

**B. ILLEGAL SIGNS**

Any sign which is contrary to the requirements of this chapter, and which is not a nonconforming sign, shall be deemed to be an illegal sign. Signs which were illegally erected, established, or maintained with respect to applicable requirements of this chapter shall be removed or brought into compliance with these regulations.

1. Identification

The Zoning Administrator shall determine whether an illegal sign constitutes a public nuisance or not. Those determined to be a public nuisance and/or endanger the public safety, such as a sign which has been abandoned, is illegal, is dangerous, or is materially, electrically, or structurally defective shall be cause for immediate removal without prior notification to the property-owner. For all other illegal signs, see step 2.

2. Issue Violation

To cause removal of any illegal sign on private property, the Zoning Administrator shall first prepare and serve upon the owner of the sign or property a notice which describes the sign and specifies the violation involved.

3. Period for Removal

The period for removal of illegal signs shall be determined by the Zoning Administrator, but generally shall be:

a. Temporary signs

One (1) day

b. Permanent signs



Thirty (30) days or less if the situation is deemed warranted by the Zoning Administrator due to the situation or urgency.

4. Encroachment

Upon finding a sign or any portion thereof in the public right-of-way, the Zoning Administrator shall immediately cause for removal of the sign unless otherwise permitted in this Ordinance.

5. Fees

City Council may establish a fee to store all seized signage. The sign may be stored for a period of up to two (2) months from the date in which it was confiscated. After a period of two months the sign will be discarded.

**D. ABANDONED SIGNS & REMOVAL**

1. Cause for Removal

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.

2. Removal Period

30 Days - Owners of abandoned signs have thirty days to remove the violation after the Zoning Administrator issues a written citation indicating a sign has been abandoned.

3. Citation

If the owner or lessee fails to remove the violation, the Zoning Administrator shall give notice to remove it.

4. Removal at Owner's Cost

Upon failure to comply with this notice, the Zoning Administrator or his duly authorized representative may remove the sign at the cost of the owner.

5. Exception

Where a successor to a defunct business agrees to maintain the sign structure as provided in this chapter, this removal requirement shall not apply.

**1161.12.20 INTERPRETATION**

Where there is any ambiguity or dispute concerning the interpretation of this chapter, the decision of the Zoning Administrator shall prevail subject to appeal as provided herein.

**1161.12.21 PENALTIES**

Failure to adhere to the requirements in this chapter shall be deemed a violation of this Ordinance and shall subject

the property owner to enforcement and penalty under Chapter 1199.

### **1161.12.23 RIGHT OF APPEAL**

Any person aggrieved by any decision or order of the Zoning Administrator may appeal to the Board of Zoning Appeals. The Zoning Administrator shall take no further action on the matter pending the Board's decision, except for unsafe signs which present an immediate and serious danger to the public, as provided elsewhere in this chapter.

## **1161.13 COMMUNICATION STRUCTURES**

### **1161.13. 1 COMMUNICATION STRUCTURES - PURPOSE**

The purpose of this Chapter is to provide for sensible and reasonable land use standards to allow for the provision of adequate and reliable public and private communication service; to maximize the use of any communication transmission towers in order to reduce the total number of towers needed to serve the communications needs of the area; and whereas; to minimize the adverse, undesirable visual effects of such communication towers; and to provide for the reasonable location of such towers in the City of Findlay.

### **1161.13.2 COMMUNICATION STRUCTURES – PROHIBITED; R-1, R-2, R-3, R-4, M1, M-2, & M-3**

With the exception of HAM radio antenna, television antenna, and satellite dish, all other communication facilities are restricted from residential zoning districts.-Television antennas and HAM radio antenna must be in the side and rear yard with a property line setback equal to one half (1/2) the height of the antenna. The maximum height of HAM radio antenna and television antenna is forty feet (40').

### **1161.13. 3 COMMUNICATION STRUCTURES – SETBACKS; O-1, C-1, C-2, C-3, I-1, & I-2**

#### **A. PROPERTY LINES**

All communication structures shall be set back from any property line a distance equal to at least eighty percent (80%) of the height of the tower; and

#### **B. RESIDENTIAL STRUCTURES**

A communication tower may not be placed closer than five hundred (500) feet to any residential structure.

### **1161.13. 4 COMMUNICATION STRUCTURES – REQUIRED FRONT YARD PROHIBITION**

Communication structures are generally not permitted in required front yards, except where evidence provided by the petitioner demonstrates that placement in a required front yard would provide the best camouflage for the tower.

### **1161.13. 5 COMMUNICATION STRUCTURES – MINIMUM NUMBER OF CO-LOCATION SITES:**

Minimum number of additional antenna sites to be provided on an eighty-foot (80') tower is two (2).

#### **1161.13.6 COMMUNICATION STRUCTURES – DESIGN REQUIREMENT:**

All communication towers shall be a monopole design.

#### **1161.13.7 COMMUNICATION STRUCTURES – BUFFER REQUIREMENTS**

The location of the tower and equipment buildings shall comply with all local, State and Federal natural resource protection standards. The following buffer planting shall be located around the outermost perimeter or security fence of a communication facility:

**A. FENCE OR WALL**

An eight-foot (8') high wood fence or brick masonry wall shall completely surround the entire communications facility, excluding guy wires.

**B. EVERGREEN SCREEN**

A live evergreen screen consisting of a hedge, planted five (5) feet on center maximum, or a row of evergreen trees planted a maximum of ten (10) feet on center shall be planted outside the fence around the entire communication facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting shall be no less than five (5) feet;

**C. EXISTING VEGETATION**

Trees and shrubs shall be preserved to the maximum extent possible on the entire site. Evergreen vegetation outside the fence or wall may be counted toward the evergreen screen.

#### **1161.13.8 COMMUNICATION STRUCTURES – ACCESS TO SITE/STRUCTURE**

Proposed communication towers and antennas shall meet the following access requirements:

**A. VEHICULAR ACCESS**

Vehicular access to the tower and equipment building shall be provided along any existing driveways, whenever feasible, and;

**B. AUTOMATION**

The communication structure shall be fully automated and unattended on a daily basis, and may be visited only for periodic maintenance, emergencies, installations or equipment removal.

#### **1161.13.9 COMMUNICATION STRUCTURES – DESIGN REQUIREMENTS**

Proposed communication structures, towers, and antennas shall meet the following design requirements:

**A. OBSCURITY**

Communication towers and antennas shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration

(FAA).

**B. COMPATIBILITY**

The entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment such as wood, brick, or stucco is required for associated support structures, which shall be designed to match the architectural exterior of residential or commercial structures within the neighborhood or area. Only if the facility will be one hundred percent (100%) screened during all seasons with an eight-foot (8') tall wood privacy fence and evergreen screen will other materials be approved.

**C. LIGHTING**

Only lighting that is for safety or security reasons, or required by the FAA or other federal or state authority is permitted. All required lighting shall be oriented inward so as not to project onto surrounding residential properties.

**1161.13.10 COMMUNICATION STRUCTURES – CO-LOCATION REQUIREMENTS**

It is required that communication towers and their telecommunication companies mutually cooperate with respect to siting communication towers in Findlay. It is not desirable to have more towers than necessary to serve the city's single market area. Therefore, the following standards are to be agreed upon at the time of permit issuance:

**A. CONSTRUCTION FOR MULTIPLE USERS**

Any proposed communication tower shall be designed, and engineered structurally, electrically and in all other respects, to accommodate the number of additional users as required in this Zoning Ordinance.

**B. ANTICIPATING FUTURE NEEDS**

**1. Additional Infrastructure**

The site of the initial communication tower and communication facility shall be of sufficient area to allow for the location of one (1) additional communication tower and associated communication facility.

**2. Future Rearrangement**

Communication towers shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon the tower and to accept cellular communication equipment and antennas mounted at varying heights.

**1161.13.11 COMMUNICATION STRUCTURES – SITING REQUIREMENTS**

A proposal for a new communication tower shall not be approved unless the petitioner submits verification that the

communication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower, building, or other structure due to two (2) or more of the following reasons:

**A. STRUCTURAL CAPACITY**

The planned communication equipment would exceed the structural capacity of the existing or approved towers, buildings, or structures as documented by a qualified and licensed professional engineer; and the existing or approved towers, buildings or structures cannot be reinforced, modified, or replaced to accommodate the planned communication equipment at a reasonable cost.

**B. COMMUNICATION INTERFERENCE**

The planned communication equipment would cause interference impacting the usability of other existing communication equipment at the site if placed on existing structures. Supporting documentation, prepared by a qualified and licensed professional engineer, must be provided that indicates that the interference cannot be prevented at a reasonable cost.

**C. DESIGN REQUIREMENTS**

The existing or approved towers, buildings, or structures within the search radius cannot accommodate the planned communication equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

**D. REASON(S) UNFORESEEN IN THIS ORDINANCE**

Other unforeseen reasons that make it unfeasible or impossible to locate the planned communication equipment upon an existing or approved tower, building, or structure.

**E. IMPASSE**

The petitioner has been unable to enter a commonly reasonable lease term with the owners of existing towers, buildings, or structures. Evidence of such must be presented to the Zoning Administrator.

**F. NO ACCOMMODATION**

Additional land area is not available at the base of existing towers, buildings, or structures to accommodate the proposed communication facility.

**1161.13.12 COMMUNICATION STRUCTURES – CONSTRUCTION REQUIREMENTS**

All antennas, communication towers, accessory structures and any other wiring constructed within the City of Findlay’s jurisdiction shall comply with the following requirements and all applicable provisions of this Zoning Ordinance and the Building Code of the State of Ohio, Federal Communications Commission (FCC) and the Federal

Aviation Administration when applicable.

### **1161.13.13 COMMUNICATION STRUCTURES – EXISTING STRUCTURES**

Existing antennas, communication towers and communication equipment may continue in use for the purpose now used and as now existing, but may not be replaced or significantly structurally altered without complying in all respects to the requirements set out in this Zoning Ordinance.

### **1161.13.14 COMMUNICATION STRUCTURES – REMOVAL OF ABANDONED TOWERS**

#### **A. CAUSE FOR REMOVAL**

A tower shall be removed by the owner(s) of the tower and/or land, their lessee's and/or assigns of the land upon which the tower is located when unused or left abandoned for six (6) months

#### **B. REMOVAL PERIOD - 30 DAYS**

Owners of abandoned towers and/or owners of the land upon which the towers are placed shall have thirty days for removal after the Zoning Administrator has cited in writing determining a sign has been abandoned.

#### **C. CITATION**

If the land owner and/or tower owner fails to remove it, the Zoning Administrator shall give notice to remove it.

#### **D. REMOVAL AT OWNERS COST**

Any communication tower shall be removed by the owner at his/her expense. Should the owner fail to remove the communication tower after thirty (30) days from the date a Notice of Violation is issued, the City may remove the communication tower and bill the land owner and/or tower owner for the costs of removal and cleanup of the site. Upon failure to comply with this notice, the Zoning Administrator or his duly authorized representative may remove the tower at the cost of the land owner.

## **1161.14 ALTERNATIVE ENERGY**

### **1161.14. 1 SMALL WIND TURBINES - INTENT**

It is the purpose of this regulation to promote the safe, effective, and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity. (Add Definition in Back)

### **1161.14. 2 SMALL WIND TURBINES PERMITTED – ALL ZONING DISTRICTS**

Small wind energy systems shall be a permitted use in all zoning districts subject to certain requirements as set forth in this Chapter.

**1161.14.3 SMALL WIND TURBINES - REQUIRED YARDS**

**1. MINIMUM SETBACK FROM THE PROPERTY LINE**

All turbine towers shall be set back from any property line a distance equal to at least eighty percent (80%) of the height of the tower

**2. PROXIMITY TO RESIDENTIAL STRUCTURES**

Small wind energy systems shall not be placed closer to any residential structure than the height of the tower, or 25' whichever is greater. Roof mounting is permitted.

**3. FRONT YARD PROHIBITION**

Small wind energy systems are not permitted in required front yards.

**4. SETBACK**

No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries.

**1161.14.4 SMALL WIND TURBINES – TOWER HEIGHT BY ZONING DISTRICT**

DISTRICT

I-1, I-2

MAXIMUM HEIGHT

No limit

**A. SMALL WIND TURBINES – NOISE RESTRICTION – ALL DISTRICTS**

For wind speeds in the range of 0-25 mph, small wind turbines shall not cause a sound pressure level in excess of 60 dB(A), or in excess of 5dB(a) above the background noise, whichever is greater, as measured at the closest neighboring inhabited dwelling. This level, however, may be exceeded during short term events such as utility outages and severe wind storms.

### 1161.14. 6 SMALL WIND TURBINES – APPROVED TURBINES – ALL DISTRICTS

Only wind turbines that have been certified by the Small Wind Certification Council will be permitted in Findlay. In early 2010 the Small Wind Certification Council (SWCC), an independent certification body, will begin certifying small wind turbines that meet or exceed the performance, durability, and safety requirements of the Small Wind Turbine Performance and Safety Standard. This certification will provide a common North American standard for reporting turbine energy and sound performance, and help small wind technology gain mainstream acceptance.

The SWCC will issue certified turbines with easy-to-understand labels for SWCC Rated Annual Energy Output, SWCC Rated Power, and SWCC Rated Sound Level. The label will also confirm the turbine meets durability and safety requirements. SWCC’s web directory will include Power Curves, Annual Energy Performance Curves, and measured sound pressure levels for each model certified. For more information see the SWCC Web site at [www.smallwindcertification.org](http://www.smallwindcertification.org).

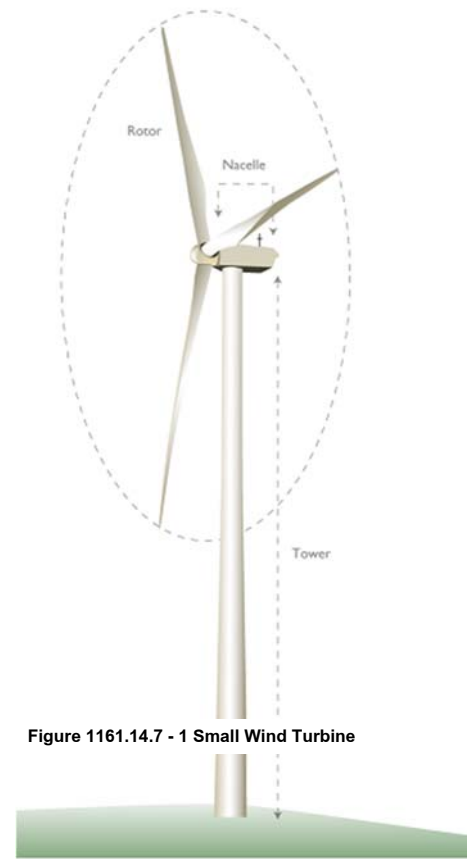


Figure 1161.14.7 - 1 Small Wind Turbine

### 1161.14.7 SMALL WIND TURBINES - COMPLIANCE WITH UNIFORM BUILDING CODE

Zoning Permit applications for small wind turbines shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is typically supplied by the manufacturer. Original drawings are not required.

### 1161.14. 8 SMALL WIND TURBINES - COMPLIANCE WITH FAA REGULATIONS

Small wind turbines must comply with applicable FAA regulations, including any necessary approvals for installations close to the airport.

### 1161.14. 9 SMALL WIND TURBINES - UTILITY NOTIFICATION

Zoning permit applications for small wind turbines will not be considered without evidence that the utility company has been informed of the applicant’s intent to install an interconnected customer-owned generator. If the generator is not proposed to tie into the electrical grid, the applicant must submit an affidavit with the application which states the intent to erect a free-standing, off –grid system.



## **1161.14.10 OTHER**

Signs are not permitted on towers other than those related to safety.

## **1161.14.11 SOLAR POWER - PHOTOVOLTAIC (PV)**

Accessory Solar Energy Systems are smaller systems that are commonly found as an accessory use to a residential or commercial use. Their purpose is mainly to add electricity to the site, but often generate extra for re-sale to the electric grid on which the site is located.

Principal Solar Energy Systems are larger, more commercialized industry of Photovoltaic installations. These large solar energy production facilities exist primarily for the production of electricity for the resale onto the electric grid.

### **A. PERMITTED ZONING DISTRICTS**

1. Accessory Solar Energy Systems – All districts
2. Principal Solar Energy Systems – I1, I2

### **B. ACCESSORY SOLAR ENERGY SYSTEMS**

#### 1. Design and Installation

##### a. Code Compliance

The Solar Energy System shall comply with all applicable Ohio building and construction codes.

##### b. Conformance with Industry Standards

The design and installation of accessory solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Ohio Building Code and with all other applicable fire and life safety requirements.

##### c. Manufacturer Specs

The manufacturer specifications shall be submitted as part of the application.

### **C. SITE REQUIREMENTS**

#### 1. Buried Lines

All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit.

2. Building Mounted

Whenever practical, all accessory solar energy systems shall be attached to a building, or located on an impervious surface. If not designed to be attached to the building, the applicant shall demonstrate by credible evidence that such systems cannot feasibly be attached to a building due to structural limitations of the building.

3. Glare Control

Accessory solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.

4. Yard Requirements

No portion of an accessory solar energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any property.

5. Height Restrictions

Active solar energy systems must meet the following requirements:

a. Building- or roof- mounted

Solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for the height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices

b. Ground- or pole-mounted solar energy systems

Shall not exceed the minimum accessory structure height within the underlying district.

6. Setback

Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

a. Roof-mounted

In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

b. Ground-mounted

Ground mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

**D. PLAN APPROVAL REQUIRED**

All solar energy systems shall require administrative plan approval by the City of Findlay Zoning Officer.

**E. PLAN APPLICATIONS**

Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines. Applicants must use an installer who is on the Ohio Public Utilities Commission approved list.

1. Pitched Roof Mounted Solar Energy Systems

For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

2. Flat Roof Mounted Solar Energy Systems

For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

a. Plan Approvals

Applications that meet the design requirements of this ordinance, and do not require a conditional use permit, shall be granted administrative approval by the zoning official and shall not require Planning Commission

review. Plan approval does not indicate compliance with the Ohio Building Code or Electric Code.

b. Utility Notification

The owner of the small solar energy system shall provide written authorization that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

**F. PRINCIPAL SOLAR ENERGY SYSTEMS**

1. Design and Installation:

a. Underground Utilities

All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

b. Avoid Reflective Glare

All Large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.

**G. SITE DESIGN**

1. Signage

A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

2. Proximity to airports

The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.

3. Building Mounted

Whenever practical, all principal solar energy systems should be attached to a building; or if ground mounted and/or freestanding, the applicant shall demonstrate by credible evidence that

- a. the area proposed for the principal solar energy system does not predominantly consist of Class I, II and/or III soils, as identified in the soil survey, and is generally unsuitable for agricultural purposes: and 2) such facilities cannot feasibly be attached to a building due to structural limitations of the building.

- b. All mechanical equipment of principal solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the landscaping provisions of the municipal subdivision and land development ordinance.

4. Use of Public Roads

The applicant has secured, or can secure, all necessary approvals from the local government or the State Highway Division of access points for project roads and parking areas at the project site.

a. Liability Insurance

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate.

b. Decommissioning

The applicant agrees to the following as conditions of the land use permit:

- i. If the applicant ceases operation of the energy project or begins, but does not complete, construction of the project, the applicant shall restore the site according to a plan approved by the City Planning Commission.
- ii. The Large Solar Energy Production Facility owner is required to notify the City of Findlay immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. The owner shall then have twelve (12) months in which to dismantle and remove the Large Solar Energy Production Facility from the property.
- iii. At the time of issuance of the permit for the construction of the Large Solar Energy Production Facility, the owner shall provide financial security in form and amount acceptable to the City of Findlay to secure the expense of dismantling and removing said structures.

## 1161.15 CONDITIONAL USE REQUIREMENTS

In addition to other requirements found in this Ordinance, some special conditions may be imposed. Conditional Uses, not specified herein, shall be regulated at the City Planning Commission's discretion. Uses may be permitted or denied depending upon how well they can address the following conditions:

### A. COMMUNITY NON-COMMERCIAL RECREATIONAL & COMMUNITY RECREATIONAL FACILITY

Buildings located within 100 feet of a residential district or use shall incorporate a minimum of level 1 screening. This distance shall be measured from the building to the residential property line. A higher level of screening may be prescribed by the City Planning Commission depending on the intensity of use.

### B. BARS, NIGHT CLUBS, TAVERNS

1. Not to exceed 2,500 gross square feet
2. Outdoor patios and smoking areas

Not permitted on elevations facing residentially zoned districts, except when a 75' setback can be maintained between the district boundary and the outdoor patio edge.

3. Screening

- a. Additional screening and/or distance may be imposed to consider requests from establishments not able to meet proper setback or frontage requirements.
- b. Level 3 Screening when adjacent to residential zoned districts.

### C. HOME OCCUPATIONS

Home Occupations are allowable in all residential zoning districts subject to the following conditions:

1. Restricted to Occupants

No employees shall travel to the home for work related purposes.

2. No Signage

3. Limited Activity

Home Occupations are to be conducted entirely within the home. This does not include the garage. Uses expressly prohibited as a home occupation include any type of welding, minor automotive repair, major automotive repair, etc.

4. Alterations

There shall not be any additional or separate exterior entrances to the dwelling unit

specifically used for the purpose of conducting business or to accommodate the home occupation.

5. Nuisance Determination

Any activity or use determined to be a nuisance shall prevail over the owner's use as a home occupation. A nuisance can be evaluated based on the following:

- a. Traffic volume in excess of typically accepted standards for residential uses.
- b. Frequency of complaints from neighbors
- c. A police report citing a civil dispute resulting from or involving the home occupation
- d. A determination of illegal use by the Zoning Administrator

**D. DOMESTIC VIOLENCE SHELTERS**

Based on their services, domestic violence shelters are exempt from the public review and notification procedures. Their location is permitted in all zoning districts subject to the following:

1. Proof of Status

The shelter must be run by a legitimate and non-profit organization. Articles of Incorporation and a tax identification number must be submitted confidentially to the mayor's office as a condition for location approval.

2. Location must be approved administratively by the Mayor, Police Chief, and Zoning Administrator.

3. No further review requirements are necessary.

**E. GROUP HOMES AND TRANSIENT HOUSING**

1. Owned by a Not-for-Profit Organization

The operation must be run by a legitimate and non-profit organization.

2. Proof of Status

A copy of the organization's Articles of Incorporation, tax identification number, and license required by the State of Ohio must be submitted in order to receive site approval.

3. On-site Management Required

Each location must have a full-time person living on-site to manage the operation.

4. Zoning Requirements

Group homes and transient housing must comply with all zoning requirements per the district in which it is located. In addition:

- a. Group homes: Each person living in the home must have his/her own bedroom.
- b. Transient housing: Each person living in the home must have his/her own living unit per the zoning district requirements.

5. Group Home Exception

The maximum number of unrelated individuals may exceed three in the single family residential districts on condition that the number of bedrooms is equal to the number of individuals living at the residence. This number does not include the required 24-hour staff person

6. Floor plans must be submitted as part of the review and approval process.

***Example 1: If a home is proposed for use as a transient home in the R-1 Single Family Residential District, then it must have 1,600 sq. ft (single story) or 1,800 sq. ft (two story) living area. Only one family or 3 unrelated individuals may live in the home in addition to the staff person required.***

***Example 2: If a four (4) bedroom home is proposed for use as a group home in the R-3 Single Family Residential District, the maximum occupancy is four (4) individuals each having his/her own bedroom. See above 'Group Home Exception.'***

F. BED AND BREAKFAST

1. Proof of Status

The business must provide a tax i.d. number and/or proof of incorporation so as to distinguish it from other non-commercial types of housing.

2. On-Site Management Required

Each location must have a full-time person living onsite to manage the operation.

3. Zoning Requirements

Each location must comply with all zoning requirements per the district in which it is located.

4. Bed & Breakfast Exceptions

- a. Living Units



Living units are defined below and may differ from the minimum living unit requirement per the zoning district.

- i. A bedroom available for rent constitutes a 'living unit.'
- ii. A suite available for rent constitutes a 'living unit.'

b. Occupancy

The maximum number of unrelated individuals may exceed three in the single family residential districts on condition they are not greater than the number of living units as defined in 4(a) above. This does not include the required 24-hour staff person.

5. Floor plans must be submitted as part of the review and approval process.

**Example 1:** If a home is proposed for use as a bed and breakfast in the R-2 Single Family Residential District, then it must have 1,300 sq. ft. (single story) or 1,500 sq. ft (two story) living area.

**G. DRIVE THRU LANES & PICK UP WINDOWS**

1. Traffic circulation:

- a. Pedestrian crossings shall be available.
- b. Pedestrian crossings shall be clearly marked/enhanced where lanes bisect the building and required parking.

2. Lane Separation

Parking lot circulation aisles must be separate from the drive-thru lane so as not to block vehicles parked in the lot.

3. Stacking

a. Fast Food

Drive-thru lane must provide for eight (8) stacked cars from point of ordering to the access point, measured to the right-of-way line.

b. Pick up Window

Pick up windows must provide for five (5) stacked cars from window to the access point, measured to the right-of-way line.

4. Ingress/egress

a. New Development

Ingress/egress must be 250' from a signalized intersection

b. Existing Development

Ingress/egress must be located at the farthest point on the lot from the signal.

c. Screening

Per Chapter 1161.07 Screening Standards

**H. CAR WASH**

1. Noise Level

Not to exceed 60 decibel at property line in C-1 and C-2 districts

2. Vacuum Cleaners

Vacuum cleaners over the 60 decibel limit shall be permitted only in locations with industrial district zoning classification unless next to a residential use or zoning, then the requirement remains 60 decibels at the property line

3. Hours of operation:

a. Unattended - 7:00 a.m. – 11:00 p.m.

b. Attended – 24hr

4. Screening

Per Chapter 1161.07 Screening Standards Level 2

**I. GAS STATIONS**

1. Tank Access

Access to sub-surface gas tanks shall be oriented toward the street and away from residential districts.

2. Screening

Per Chapter 1161.07 Screening Standards, Level 2

**J. FUNERAL SERVICES**

1. Stacking

It is not permitted to use major or minor thoroughfares, nor arterial, primary or secondary streets for procession readiness and vehicle stacking.

2. Crematoriums (Human or Animal)

Crematoriums shall be located no closer than one hundred feet (100') to any residential use or zoning district as measured from the building housing the crematorium to the property line of a residential zone or use.

**K. CEMETERIES**

1. Access

Cemeteries must be accessed from a major or secondary thoroughfare.

2. Setback

A ten-foot (10') side and rear yard setback is required when cemeteries abut any residential zoning district.

**L. NURSING/CONVALESCENT HOMES**

1. Access

These homes must be accessed from a major or minor thoroughfare, or be part of a larger development such as a Planned Residential District (PRD) or Planned Mixed Use Development (PMUD).

2. Minimum Lot Size Ratios

Ratios may be reduced if open space is accessible and useable to the residents based on one of the following criteria:

- a. The facility is part of a Planned Residential District (PRD) or Planned Mixed Used Development (PMUD) that has an open space component including a walking path or trail throughout the development.
- b. The facility is adjacent and connected to a public open space area or pathway.

**M. OUTDOOR STORAGE REQUIREMENTS**

1. O-1, C-1, C-2, and C-3 Standards

- a. Outdoor storage is not permitted in the required front yard.
- b. All stored items must be located on a hard, dust free surface and shall be maintained in good condition.
- c. Outdoor storage areas must meet level 1, 2, or 3 screening requirements as prescribed by City Planning Commission or the Zoning Administrator.
- d. Required parking must be maintained.

2. I-1 and I-2 Standards

- a. Outdoor storage, display, or sale of materials, equipment or vehicles shall be prohibited in Front Yard Setback
- b. Outdoor storage areas may utilize permeable surfaces if the area is enclosed and screened.
- c. Screening standards per Chapter 1161.07 Screening Standards, Level 2 or 3.

**N. DRIVE-THRU BEVERAGE STORES**

1. Traffic Circulation

Traffic must flow from rear of property forward through the building.

2. Single Bay

Buildings are limited to one (1) lane/bay.

3. Screening

Side and Rear Yards must be employ Level 2 Screening per Chapter 1161.07 Screening Standards

4. Stacking

Must have stacking space for five (5) car lengths from the point of sale to the right-of-way.

**O. MINOR AUTOMOBILE SERVICE AND REPAIR**

1. Stacking

- a. No stacking/storage in front yard
- b. Vehicles must be stored in orderly fashion, such as striped parking bays.

2. Indoor

All work must be conducted indoors

3. Hours of operation

6:00 a.m. – 11:00 p.m.

4. Screening Standards when adjacent to residential use or zoning

See Chapter 1161.07 Screening Standards

**P. MAJOR AUTOMOBILE SERVICE AND REPAIR**

1. On-Site Storage

All vehicles must be parked or stored on a hard dust free surface.

2. Must be located three hundred feet (300') from lot line of residential zone or use.

3. All automotive repairs and activities must be performed in an enclosed building.
4. No vehicle may be stored on site for more than thirty (30) days.

**Q. PARKING GARAGE**

If there is a controlled entry gate to facility, then provision shall be made to allow for three cars to be stacked between gate and rights-of way.

**R. OUTDOOR DRIVE-IN MOVIE THEATERS**

1. Outdoor movie theaters possess unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in "I-1" and "I-2" Districts only. Outdoor movie theaters shall further be subject to the following conditions:
  2. Site Approval  
The proposed internal design shall receive approval from the Zoning Administrator and the City Engineer as to adequacy of drainage, lighting, and other technical aspects.
  3. Access  
Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.
  4. Vehicular Stacking  
The facility entrance shall provide room for a minimum of ten (10) vehicles for off-street stacking space.
  5. Viewshed  
The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares.
  6. Lighting  
All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises or the outdoor theater site. See Chapter 1161.09 Lighting ordinance)

**S. EMERGENCY MEDICAL SERVICES**

Private emergency service companies shall be considered a C-2 General Business for evaluating site screening requirements per Chapter 1161.07 Screening Standards.

**T. MIXED OFFICE/RESIDENTIAL USE**

1. C-1, C-2, and O-1 Districts
  - a. Primary use is office or commercial
  - b. Residential must be on second floor or higher
  - c. Maximum two units or the residential square footage may not exceed 50% of the building square footage dedicated to office or commercial, whichever is greater.
2. C-3 District
  - a. Buildings with frontage located on Main Street or Main Cross Street, may only have residential uses on the second story or higher.
  - b. Residential in all other areas zoned C-3 shall be evaluated for appropriateness at the discretion of the City Planning Commission.
  - c. The preservation of the downtown business core shall take precedent over residential use.

**U. RV SALES**

1. Display or storage of recreational vehicles is not permitted in the required front yard.
2. All vehicles must be located on a paved surface.
3. Outdoor storage areas must meet level 1, 2, or 3 screening requirements as prescribed by City Planning Commission.
4. The required number of parking spaces must be maintained.

**V. BEE KEEPING**

1. Required Set Back

All hives must be located at least 50 feet from any property line.
2. Required Lot Size
  - a. Beehives shall not be permitted on lots less than 7,500 square feet.
  - b. No more than four hives shall be kept on lots between 7,500 and 15,000 square feet.
  - c. Additional hives may be added on lots greater than 15,000 square feet, at the rate of one additional hive per 5,000 square feet.
3. All colonies must be registered with the Ohio Department of Agriculture pursuant to ORC 909.02 and/or all applicable state and other governmental agencies. The required number of parking spaces must be maintained.

**W. FITNESS CENTER**

Subject to City Planning Commission review.

**X. SCHOOLS- PUBLIC/PRIVATE**

1. Must be a bona-fide educational institution recognized by the Ohio Department of Education.
2. Traffic circulation and student pick-up and drop-off points must be arranged to minimize daily vehicular flow.

**Y. BARROW PITS**

Subject to City Planning Commission review.

**1161.16 COMMON OPEN SPACE REQUIREMENTS**

The common open space shall be subject to the following additional criteria:

**A. DESIGN FACTORS**

The location, shape, size and character of common open space areas shall be conducive to residents of the Planned Residential Development (PRD) and Planned Mixed Use Development (PMUD) districts in relation to the location, number, and types of buildings it is intended to serve. All common open space areas shall be highly accessible to all residents or users of the planned development.

**B. OWNERSHIP**

**1. Public Authority**

The proposed common open space may be conveyed to a public authority that will agree to maintain the common open space and any buildings, structures, or improvements contained therein. Public utility or other similar easements and rights-of-way for watercourses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or for other similar purpose and approved by the authority to which the land is dedicated.

**2. Homeowners' Association**

Ownership of the proposed common open space may be conveyed to an owners' association or similar organization formed for the maintenance of the planned development. The common open space must be conveyed with covenants approved by the Planning Commission. Such covenants shall restrict the common open space to the uses specified in the Development Plan and provide for the maintenance of common open space in a manner that protects its

continuing use for its intended purpose. Membership in the owners' association shall, by deed restriction, be mandatory for any owner within the planned development.

3. Fiduciary

If the proposed common open space is not conveyed to a public authority or to an owners' association it must be deeded to a fiduciary which, for a fee, acts as a trustee for the benefit of all owners and occupants of the planned development. The trustee shall provide legal easements across the open space and respect the rights of all owners and occupants of the planned development to use the space and facilities. The trustee shall be provided the right to charge and lien each property of its proportionate share of costs for the maintenance and upkeep of the common space and facilities.

### 1161.99 PENALTIES

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty as set forth in Chapter 1199.



## CHAPTER 1162 NONCONFORMITY

### CHAPTER CONTENTS

1162.01	Intent	1162.06	Nonconforming Uses of Structures
1162.02	Pre-Existing Conditions	1162.08	Change in Tenancy
1162.03	Nonconforming Lots	1162.09	Re-establishment of a non-conforming use
1162.04	Nonconforming Uses of Land	1162.99	Penalties
1162.05	Nonconforming Structures		

### 1162.01 INTENT

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed.

### 1162.02 PRE-EXISTING CONDITIONS

#### A. "GRANDFATHER" CLAUSE

It is recognized that there exist within the Districts established by this Ordinance and its amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

#### B. NON-PRECEDENT

Such uses are declared by this Ordinance to be incompatible with permitted uses in the Districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District and shall be brought into conformity with this Ordinance as soon as practicable.

#### C. CONTAINMENT

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment of a building or premises or additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the District involved.

#### D. PROJECTS AT TIME OF CODE ADOPTION

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building for which a zoning permit was lawfully

acquired prior to the effective date of adoption or amendment of this Ordinance. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastening each in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work (demolition and construction) shall be diligently carried on until completion of the building involved.

### **1162.03 NONCONFORMING LOTS**

In any District, notwithstanding limitations imposed by other provisions of this Ordinance, principal and accessory buildings may be erected on any lot of record which exists at the effective date of this Ordinance's adoption or subsequent. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in this District. However, the yard dimensions and other requirements not involving area or width (or both), of the lot shall conform to the regulations for the District in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Zoning Appeals.

### **1162.04 NONCONFORMING USES OF LAND**

Where a lawful use of land exists at the effective date of adoption or amendment of this Ordinance, that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

**A. PROPORTION OF NONCONFORMITY**

No such nonconforming use shall be enlarged or increased after the effective date of adoption or amendment of this Ordinance, except that the Planning Commission, after written notice to abutting and adjacent property owners, may conditionally approve or deny an extension, or enlargement of a nonconformity as a recommendation to City Council.

**B. LOCATION OF NONCONFORMITY**

No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except that the Planning Commission, after written notice to abutting and adjacent property owners, may conditionally approve or deny the relocation of a nonconforming use as a recommendation to City Council.

**C. EXTINCTION OF NONCONFORMITY**

If such nonconforming use of land ceases for any reason for a period of more than two (2) years, the nonconformity is thereafter considered extinct and any subsequent use of such land shall conform to the regulations specified by this Ordinance for the District in which such land is located.

## 1162.05 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

**A. PROPORTION OF NONCONFORMITY**

A non-conforming structure may be enlarged or altered provided the new construction complies with the requirements of this Ordinance.

*Example: new work may not increase the non-conformity, such as encroachment into the setbacks.*

**B. NON-REPLACEMENT OF NONCONFORMITY**

Should such structure be destroyed by any means to an extent of more than seventy-five percent (75%) of its actual cash value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance. Cash value may be determined by an appraisal or the Hancock County Auditor's value.

**C. LOCATION OF NONCONFORMITY**

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved. This does not preclude the elevation of structures to comply with the flood damage reduction ordinance. Portions of non-conforming buildings such as porches, attached garages or other appurtenances may be replaced so long as the replacement does not increase the degree of nonconformity of the structure.

**D. ADDITIONS TO NON-CONFORMING STRUCTURES**

Additions to non-conforming structures must meet the applicable setbacks with the following exception: Infill construction as noted below will be permitted.



YES



NO

**E. HISTORICALLY SIGNIFICANT STRUCTURES**

Residential or commercial structures dating prior to 1955 that are considered contributing to the historic character of the surrounding area may be re-established or continued. The owners must document the eligibility of the structure using the U.S. Department of Interior Standards and Guidelines and receive a Certificate of Appropriateness from the appropriate body in order to be eligible for this exclusion. See Chapter 1114.04 of this Ordinance for additional information.

**1162.06 NONCONFORMING USES OF STRUCTURES**

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be permitted in the District under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

**A. PROPORTION OF NONCONFORMITY**

The City Planning Commission may conditionally approve or deny the expansion, enlargement, or relocation of any nonconforming use of any structure or land, or combination thereof as a recommendation to City Council, after giving written notice to abutting and adjacent property owners. One, 2, or 3 family uses, devoted to a use not permitted by this Ordinance in the District in which it is located, may be enlarged, extended, constructed, reconstructed, moved, or structurally altered by approval of the Zoning Administrator.

**B. CONFINEMENT**

Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building, except that the Planning Commission, after written notice to abutting and adjacent property owners, may conditionally approve or deny such an extension as a recommendation to City Council.

**C. DEVELOPMENT STANDARDS**

R-1, R-2, R-3, or R-4 district shall prevail as applicable for any expansion or deconstruction of non-conforming single family dwelling.

**D. EQUAL OR LESSER NONCONFORMITY**

Any nonconforming use of a structure may be changed to another nonconforming use of the same or a more restricted classification as identified using the North American Industry

Classification System (NAICS).

**E. EXTINCTION OF NON-CONFORMING USE**

**1. Replaced by Conforming Use**

Once a nonconforming structure is used for a permitted use it shall thereafter conform to the regulations for the District in which the structure is located, and the nonconforming use may not thereafter be resumed.

**2. Discontinued Use**

When a nonconforming use of a structure is discontinued or ceases to exist for any reason for two (2) years, the structure shall not thereafter be used except in conformance with the regulations of the District in which it is located. Structures occupied by seasonal uses, such as Christmas tree and produce stands, shall be exempt from this provision.

**3. Demolition/Destruction**

Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land except when the use is re-established within two (2) years of the removal and demolition and can be built to applicable zoning standards.

**1162.07 USES UNDER EXCEPTION PROVISIONS, NOT NONCONFORMING USES**

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use in such District.

**1162.08 CHANGE IN TENANCY**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures or of structures and land in combination without the loss of non-conforming status.

**1162.09 RE-ESTABLISHMENT OF A NON-CONFORMING USE**

There may exist a need to reestablish a non-conforming use for a particular structure, lot, or both for some unforeseen reason. This may be done by petition to Findlay City Council. The request shall be in the form of an application and shall be reviewed by the City Planning Commission, City Council's Planning and Zoning Committee, and subsequently approved or denied by action of Findlay City Council.

**1162.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty as set forth in Chapter 1199.

## CHAPTER 1163 PERFORMANCE REQUIREMENTS

CHAPTER CONTENTS			
1163.01	Nuisance	1163.09	Entranceway enhancements
1163.02	Drainage	1163.10	Subdivision Rules and Requirements
1163.03	Storm Water Discharge Control Plan	1163.11	Corner Vision Clearance Standards
1163.04	Wetlands Determination	1163.12	Swimming Pools
1163.05	Traffic Impact Study	1163.13	Demolition Requirements
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1163.07	Temporary Use of Building, Structure or Land	1163.15	Enforcement Provisions
1163.08	Temporary uses – construction	1163.99	Penalties

The following performance requirements and/or exceptions shall govern all uses in all Districts created by this Ordinance.

### 1163.01 NUISANCE

#### A. PROHIBITION

No land, building, or structure in any District shall be used or occupied in any manner in violation of the use district within which they are located, or create any dangerous, injurious, unsightly, hazardous, noxious, unhealthy, noisy, malodorous, or otherwise objectionable element or condition which is detrimental to the health, safety, comfort, or welfare of the neighboring area or the inhabitants of the City.

#### B. ABATEMENT

Such uses of lands, buildings, or structures in the manner aforesaid are hereby declared to be a public nuisance per se, and may be abated by order of any Court of competent jurisdiction.

### 1163.02 DRAINAGE

#### A. CITY PLANNING COMMISSION REVIEW AND APPROVAL

##### 1. Topographical Plan

Applications for development requiring City Planning Commission review and approval shall include for review and approval a topographical plan indicating proposed control practices that will reduce pollutants from storm water runoff, both during development activity and upon completion. See Chapter 1113.28 Site Plans Review.

The topographical plan may be reviewed by the City Engineer concurrently with review and approval of the application for site plan approval, or may be a condition of approval prior to the issuance of permits.

**B. APPROVED PLANS**

When a topographical plan has been approved for a site or parcel, no further submittal or approval of a topographical plan for the same development activity on the same site or parcel shall be required.

**C. ENFORCEMENT**

The City of Findlay Engineering Department has the authority to ensure erosion, sedimentation, and storm water management controls which have been installed and maintained according to the approved plan.

### **1163.03 STORM WATER DISCHARGE CONTROL PLAN**

The objectives and requirements of storm water discharge control are found in Chapter 931 of the Streets, Utilities and Public Services Code.

### **1163.04 WETLANDS DETERMINATION**

**A. DELINEATION**

The presence of a wetland, and delineation of its boundaries, shall ordinarily be determined by the applicant through the performance of a field survey in accordance with the procedures set forth in the currently used 1987 Wetland Delineation Manual of the U.S. Army Corps of Engineers. Actual site conditions may demonstrate the presence of a wetland, not shown on the maps, which may require the applicant to comply with Chapter 404 of the Federal Clean Water Act.

**B. APPLICANT ASSUMES COMPLIANCE**

The City shall assume no liability for the failure of an applicant to comply with Chapter 404 of the Federal Clean Water Act or other applicable laws.

### **1163.05 TRAFFIC IMPACT STUDY**

This Chapter reserved for future use.

### **1163.06 GAS AND OIL WELLS**

Gas and oil wells and attendant storage areas permitted by this Ordinance shall be located a minimum of two hundred (200) feet from any property or right-of-way line. The site shall be maintained in good condition, and structures shall harmonize, insofar as possible, with the character of the structures in the District in which they are located.

## 1163.07 TEMPORARY USE OF BUILDING, STRUCTURE OR LAND

### A. USES

An existing structure, building, job trailer, or land may be used for a purpose which does not conform to this Ordinance such as tent meetings, circuses, tent sales, temporary storage, etc.

### B. DURATION

A period not to exceed two (2) weeks in any calendar year.

### C. PERMIT REQUIRED

Permits for such temporary uses may be issued for a one (1) week period, and must be renewed for their continued uses.

### D. CONDITIONS FOR ISSUING PERMIT

Such permits shall be issued only if the Zoning Administrator determines:

#### 1. Non-Injurious

That such use will not injure or annoy neighboring property owners or users

#### 2. Temporary

That such uses will be discontinued and all equipment or property in connection therewith removed immediately upon the expiration of the permit.

## 1163.08 TEMPORARY USES – CONSTRUCTION

Soil shredding, batch plants, logging, and other resource preparation or harvesting shall be permitted per the following:

### A. SITE

#### 1. On Site

Processing must occur on the construction site.

#### 2. Original to Site

Only materials original to the site may be processed

### B. DURATION

The length of processing time shall be the duration of the project unless the City Planning Commission sets a shorter time period. In no instance shall the processing continue for more than two (2) years without approval from the City Planning Commission.

## 1163.09 ENTRANCEWAY ENHANCEMENTS

In all Districts, entranceway structures including, but not limited to: walls, columns and gates marking entrance to



single-family subdivisions or multiple family housing projects may be permitted and may be located in a required yard, except as provided in Chapter 1163.11 Corner Vision Clearance Standards. Upon receiving an application for constructing an entranceway structure, the Zoning Administrator shall issue a permit if the proposed structure complies with all applicable standards and regulations. New accesses require City Planning Commission review and approval. Accesses proposed onto county or township roads must also adhere to the Hancock County Access Management Regulations.

### **1163.10 SUBDIVISION RULES AND REQUIREMENTS**

No lot of record shall be created for use by this Ordinance unless it expressly provided for and in conformance with the requirements set forth in the City of Findlay's Subdivision Rules and Procedures.

### **1163.11 CORNER VISION CLEARANCE STANDARDS**

**A. TRIANGULAR CLEAR AREA:**

A triangular clear area shall be maintained at every corner of an intersection free from any kind of obstruction to vision above the heights of two (2) feet above the established street grade. This includes fencing and landscaping.

**B. SIGHT TRIANGLE LEG LENGTHS:**

1. Street-Street Intersections:

Sight triangle leg lengths shall be twenty-five (25) feet measured from the projected intersection of the right-of-way lines.

**C. STRUCTURES:**

No primary or accessory structures, fences or signs are allowed to be placed or to project into the vision clearance triangle.

**D. LANDSCAPING**

Ground cover, annuals, perennials, and similar vegetation may be planted within the vision clearance triangle when the plants do not exceed three (3) feet in height at maturity. Maintaining these heights of vegetation shall be the responsibility of the owner.

### **1163.12 SWIMMING POOLS**

Private pools shall be permitted as an Accessory Use in the rear yard only, in all Districts except Business or Industrial Districts.

**A. GENERAL**

1. Front yard Prohibition

No swimming pool shall be located less than the required front yard setback from any front lot line.

2. Setbacks

There shall be a minimum distance of not less than five (5) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall.

3. Temporary Pools

Inflatable/standing side pools are considered temporary. As such these pools are exempt from the zoning ordinance. A removable ladder is required.

**B. IN-GROUND SWIMMING POOLS**

1. Fencing

Access to all in-ground pools shall be restricted on all sides by an approved fence. The minimum height requirements for fences vary by type of pool and are as follows:

a. Family Pool

Three feet –six inches tall (42")

b. Private/Public Pools

Depth no less than six feet (6')

2. Access

Access to all swimming pools shall be through a controlled gate or other structure. The height of the gate shall match the requirement for the fencing. All gates shall be of a self-close type with a latch not readily available to children, which is able to be securely locked.

**C. ABOVE GROUND POOLS WITH PERMANENT/RIGID WALLS**

Above ground pools are exempt from fencing requirements but not the access requirement. See Chapter 1163.12 (B) (2).

*Example 1: an above ground pool has a deck next to it with stairs leading up to the top. The stairs must be secured via a gate that is **self-closing** and latching.*

*Example 2: an above ground pool has a ladder to get into the pool. Remove the ladder when not in use.*

**D. APPROVED FENCE REQUIRED**

An approved fence shall be constructed so that horizontal members are on the pool side of the enclosure and vertical members are not more than three and one half inches (3 1/2") apart. A building or existing wall may be used as part of such enclosure; however, all gates or door

openings shall meet the requirements set forth in 1163.12 Swimming Pools. (See City of Findlay Codified Ordinances 1365.04).

### **1163.13 DEMOLITION REQUIREMENTS**

**A. PERMIT REQUIRED FOR:**

1. Demolition of a primary or secondary structure
2. Demolition of any structure with a foundation

**B. CONDITIONS FOR PERMIT ISSUANCE:**

1. Occupancy permit is revoked for the property.
2. No remaining accessory structure is permitted to be used for any purpose if the primary structure has been demolished or lost due to a natural catastrophe. A demolition permit must be obtained within one year unless a zoning permit is issued for a new primary structure in that same time period.
3. Shut off of all utilities shall be coordinated with appropriate agency.

### **1163.14 JUNKYARDS**

**A. JUNKYARDS IN OPERATION; FENCE REQUIRED.**

No junkyard shall be operated or maintained adjacent to any improved public street or avenue of the City, or adjacent to any dwelling house occupied as such, until there is constructed and maintained a building or a tight board fence not less than eight feet in height, or other approved fence, between such street or avenue or such dwelling house, and that portion of the yard on which junk and refuse is stored or kept.

**B. REQUIREMENTS FOR NEW JUNKYARDS.**

1. No junkyard shall be created or erected within 100 feet of any street or avenue in the City or within 200 feet of any dwelling occupied as such without obtaining the written consent of the owner of such neighboring dwelling. In the event such written consent is obtained, there shall be constructed and maintained a building or a tight board fence not less than eight feet high between the property line of such consenting owner and the space in the open area of which junk and refuse is stored or proposed to be stored.
2. The building or fence as provided in this Chapter and in Chapter 753.02 shall be kept in good repair, and (if wood) shall be painted and kept painted in accordance with regulations of the Service Director of the City.

**C. JUNKYARD LICENSE; APPLICATION; FEE.**

1. No junkyard shall be erected, created, maintained or operated in the City without having obtained a license from the Mayor.
2. Each applicant for such license shall file with the Mayor a statement, verified by oath, giving the location of his place of business, the area in square feet to be occupied by the business, and the nature of the business, including a statement that he intends to comply with all the requirements of Chapters of the Ohio Revised code (O.R.C.) 753.01 to 753.05 and shall annually thereafter, thirty days preceding the expiration of his license, file a like statement verified by oath.
3. The fee to be paid annually for such license shall be set by City Council based on the following:
  - a. An amount for the first 10,000 square feet
  - b. Incremental amount for each additional 10,000 square feet, or fraction thereof.
4. All licenses shall be valid for one year from the date of issuance, and shall not be renewed until the annual statement required herein has been made, and it has been shown to the satisfaction of the Mayor that the applicant has complied with all of the regulations and stipulations contained in Chapter 1163.14.

**D. CLEAN AND SANITARY CONDITION.**

All junkyards operated and maintained in the City shall be kept in a clean and sanitary condition, and shall be subject at all times to the supervision and orders of the Service-Safety Director and Board of Health, and smoke or offensive odors shall not be permitted or allowed to escape in such manner or in such quantities as to cause or have a natural tendency to cause injury, detriment or annoyance to any person or to the public, or to endanger the comfort, repose, health or safety of any person or the public, or in such manner as to cause or have the natural tendency to cause injury or detriment to business or property.

**E. PENALTIES.**

Whoever violates any provision of Sec. 1163.14 is guilty of a misdemeanor of the third degree. Each day's violation shall constitute a separate offense. See CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES.

### **1163.15 ENFORCEMENT PROVISIONS**

The Zoning Administrator shall refer any proposed use which is likely to violate performance requirements to the City Planning Commission for review. The City Planning Commission, prior to the issuance of a Zoning Certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements, including drainage, are to be controlled so as to conform with performance requirements herein set forth. See CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES.

### **1163.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty as set forth in Chapter 1199.

## CHAPTER 1164 ADULT ENTERTAINMENT ESTABLISHMENTS/ADULT

### CHAPTER CONTENT

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1164.03	Permitted Districts/Conditional Use	1164.12	Appeals
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1164.09	Adult Entertainment Definitions		

### 1164.01 PURPOSE

Based upon various studies done on the effects of adult entertainment establishments on the quality of community life, the recognition of The United States Supreme Court and the courts of Ohio that a local government's regulation of the location of adult entertainment establishments in order to preserve the quality of urban and rural life constitutes a substantial government interest, and based upon the successful enactment and enforcement of similar ordinances throughout this state and other states, the Findlay City Council hereby finds that the enactment of a zoning provision to regulate the location of adult entertainment establishments is a substantial government interest for the City of Findlay in preserving the quality of urban and rural life and that it is in the interest of the health, safety, morals, and general welfare of the citizens of Findlay, Ohio, that adult entertainment uses are regulated pursuant to the standards herein.

### 1164.02 MITIGATING SECONDARY EFFECTS

This Chapter is intended to provide for the proper location of adult entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks and other commercial uses, and the quality of urban and rural life. Proper separation of adult entertainment uses prevents the creation of "skid-row" areas in the City of Findlay that results from the concentration of these uses and their patrons. It is the intent of this Chapter to limit the secondary effects of adult entertainment uses. The standards in this Chapter are intended to ensure that residential and agricultural districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of adult entertainment uses. The location of residential and agricultural districts, religious uses, educational uses, parks and other commercial uses within viable, unblighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public.

### **1164.03 PERMITTED DISTRICTS/CONDITIONAL USE**

Adult Entertainment Establishments and Adult Entertainment Uses possess unique characteristics requiring particular consideration as to their proper location in relation to proximately established or intended uses, or to the planned development of the community. Therefore, after verification by the Zoning Inspector that they have met the requirements listed herein, they may be permitted as conditional uses in I-1 Light Industrial Districts and I-2 General Industrial Districts upon a majority vote of the City Council, after public hearing, and after recommendations have been received from the City Plan Commission pursuant to Chapter 1113.16 Order of Business and Chapter 1113.20 Planning Commission Action of the City of Findlay Zoning Ordinance and from the Hancock Regional Planning Commission.

### **1164.04 LOCATION REQUIREMENTS**

Adult entertainment establishments, where otherwise permitted in a use district, are subject to the following location restrictions:

#### **1164.04.1 LOCATION REQUIREMENTS; RESIDENTIAL USES**

No adult entertainment establishment shall be located within 1,000 feet of a residential district (including R-1, R-2, R-3) or districts and all areas which are designated "residential," "residence," "family," or "multiple-family" by any local comprehensive plan or zoning ordinance or ordinance). However, an adult entertainment establishment may be permitted to locate within 1,000 feet of a residentially zoned district or use upon presentation to the Planning Commission of a validated petition requesting such waiver, signed by in excess of 50% of those persons owning residential land or business establishments within 1,000 feet of the proposed location. The Planning Commission shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this Chapter as well as reasonable fees necessary for administratively processing the petition. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Planning Commission, that the circulator personally witnessed the signatures on the petition, and that the same were affixed to the petition by the person whose name appeared thereon. The Planning Commission shall not consider the waiver of location requirements set forth in this Chapter until the above described petition shall have been filed and verified.

#### **1164.04.2 LOCATION REQUIREMENTS - OTHER ADULT USES**

No adult entertainment establishment shall be located within 2,000 feet of another existing adult entertainment establishment, unless the Planning Commission makes the following findings:

1. Public Interest/Injury

That the proposed use / establishment will not be contrary to the public interest or injurious to nearby properties.

2. Blighting

That the proposed use / establishment will not enlarge or encourage the development of a blighting influence.

3. Neighborhood Conservation

That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.

4. Adherence to Ordinance

That all applicable regulations of this Chapter will be observed.

**1164.04.3 LOCATION REQUIREMENTS – CHURCHES/CEMETERIES**

No adult entertainment establishment shall be located within 1,000 feet of a church, place of worship, or public cemetery.

**1164.04.4 LOCATION REQUIREMENTS - SCHOOLS**

No adult entertainment establishment shall be located within 1,000 feet of an educational institution.

**1164.04.5 LOCATION REQUIREMENTS – RECREATION AREAS**

No adult entertainment use shall be established within 1,000 feet of a public park, playground or other use established for the activities of minors.

**1164.05 MEASURE OF DISTANCE**

The distances set forth in this Chapter shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed adult entertainment establishment to the nearest point on the property line of the relevant church or place of worship, public cemetery, educational institution, agricultural or residential district, public park, playground or other use established specifically for the activities of minors. For the purpose of measuring the distance between adult entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing adult entertainment establishment and the nearest point on the exterior wall or bay of another adult entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects. No adult entertainment use may be physically altered or expanded when such alteration, addition, or subsequent structure would violate the location restrictions of this ordinance as measured above.



## 1164.06 NO VARIANCE

Notwithstanding the provisions of Chapter 1115.04 Variance, as to adult entertainment uses, there shall be no variance to the location standards except as specifically provided for in Chapter 1164.08 Nonconformity of this Chapter.

## 1164.07 SUBSEQUENT DEVELOPMENT WITHIN LOCATION STANDARDS

The subsequent approval of a development order for a church or place of worship, educational institution, public park or residential district within the distances outlined in this Chapter shall not change the status of the existing conforming adult entertainment establishment to that of a nonconforming use.

## 1164.08 NONCONFORMITY

### 1164.08.1 ESTABLISHMENT OF NONCONFORMITY

Any adult entertainment establishment/adult entertainment use shall be deemed a nonconforming use and the standards of this Chapter shall not apply if the adult entertainment establishment / adult entertainment use, on the effective date of August 31, 1998, was in operation as an adult entertainment establishment/adult entertainment use and held out in the neighborhood and community as an adult entertainment establishment/adult entertainment use. Any establishment seeking to establish nonconforming status as an adult entertainment establishment under the terms of this Code, shall submit an application to be declared a nonconforming use to the Planning Commission no later than six (6) months from the adoption of this Ordinance. Failure to so submit an application for nonconforming use shall result in the denial of nonconforming status.

### 1164.08.2 STANDARDS FOR NONCONFORMANCE

A nonconforming adult establishment/adult entertainment use located within the distances set forth in this Chapter shall be subject to the following supplementary standard, in addition to CHAPTER 1162 NONCONFORMITY, and including Chapter 1162.03 Nonconforming Lots, Chapter 1162.04 Nonconforming Uses of Land, Chapter 1162.05 Nonconforming Structures, Chapter 1162.06 Nonconforming Uses of Structures and shall not increase the gross floor area or square footage of the structure by more than ten (10) percent over a fifteen (15) year period, beginning on the effective date of this ordinance.

## 1164.09 ADULT ENTERTAINMENT DEFINITIONS

For the purpose of this article, certain terms and words are hereby defined

**“Adult Arcade”** means any place or establishment operated for commercial gain which invites or permits the public to view adult material. For purposes of this Code, Adult Arcade is included within the definition of Adult Theater.

**“Adult Bookstore/Adult Video Store”** means an establishment which sells or offers adult material for sale, rent

for commercial gain; unless the establishment demonstrates either:

1. The adult material is accessible only by employees and the gross income from the sale or rental of adult material comprises less than forty (40) percent of the gross income from the sale or rental of goods or services at the establishment; or
2. The individual items of adult material offered for sale or rental comprise less than ten (10) percent of the individual items, as stock-in-trade, publicly displayed in the establishment and which is not accessible to minors.

**“Adult Booth”** means a small enclosed or partitioned area inside an adult entertainment establishment which is:

1. Designed or used for the viewing of adult material by one (1) or more persons; and
  2. Is accessible to any person, regardless of whether a fee is charged for access.
- The term “adult booth” includes but is not limited to a “peep show” booth, or other booth used to view “adult material.”

**“Adult Dancing Establishment”** means an establishment, where employees display or expose specified anatomical areas to others, regardless of whether the employees actually engage in dancing.

**“Adult Entertainment Establishment / Adult Entertainment Use”** means any adult arcade, adult theater, adult bookstore / video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical areas for viewing by patrons, including but not limited to: massage establishments, tanning salons, sexually oriented escort services, modeling studios, or lingerie studios, whether or not licensed pursuant to Chapters 503, 715, or 4713 of the Ohio Revised Code. Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.

**“Adult Material”** means any one or more of the following, regardless of whether it is new or used:

1. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; including but not limited to or

2. Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.

**“Adult Motel”** means a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;” and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.

**“Adult Theater”** means an establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof, or an open-air area used for viewing of adult material. “Adult motels,” “adult arcade,” “adult booth,” and “adult motion picture theater” are included within the definition of “adult theater.” An establishment which has “adult booths” is considered to be an “adult theater.”

**“Adult Video Store”** - see “Adult Bookstore.”

**“Commercial Gain”** means operated for pecuniary gain. For the purpose of this Chapter, operation for commercial or pecuniary gain shall not depend on actual profit or loss.

**“Commercial Establishment”** means any business, location, or place which conducts or allows to be conducted on its premises any activity for commercial gain.

**“Educational Institution”** means a premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes and/or courses of study required for accreditation. The term “educational institution” includes a premises or site upon which there may be a day care center, nursery school; kindergarten, elementary school, junior high school, senior high school; professional institution or an institution of higher education including a community college, junior college, or four year college or university; libraries, art galleries and museums open to the public; or any special institution of learning. However, the term “educational institution” does not include a premises or site upon which there is a vocational institution operated for commercial gain.

**“Establishment”** means the site or premises on which the Adult Entertainment Establishment is located, including the interior of the establishment, or portion thereof, upon which certain activities or operations are being conducted

for commercial gain.

**“Operator”** means any person who engages or participates in any activity which is necessary to or which facilitates the operation of an adult entertainment establishment, including but not limited to the licensee, manager, owner, doorman, bouncer, bartender, dancer, disc jockey, sales clerk, ticket taker, movie projectionist, or supervisor.

**“Residential”** means all areas which are residential by nature or designated “residential,” “residence,” “family,” or “multiple-family” by any local comprehensive plan or zoning ordinance or ordinance.

**“Specified Anatomical Areas” means:**

1. Less than completely and opaquely covered:
  - (i) Human genitals or pubic region
  - (ii) Buttock
  - (iii) Female breast below a point immediately above the top of the areola
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**“Specified Sexual Activities” means:**

1. human genitals in a state of sexual stimulation, arousal or tumescence; or,
2. acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
3. fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
4. excretory functions as part of or in connection with any of the activities set forth in subsection (a) and (b).

## **1164.10 OPERATING PROVISIONS**

No adult entertainment establishment shall be permitted to operate without first having obtained the approvals required herein.

## **1164.11 ENFORCEMENT**

As provided in Ohio Revised Code §713.13, the City Council, as well as any other appropriate parties, shall have the right to seek injunction for the violation of, or the imminent threat of the violation of the provisions of this Zoning ordinance. This action shall be in addition to any fines or criminal prosecutions pursuant to CHAPTER 1199

VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES of this Zoning Ordinance, and applicable state statute. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

### **1164.12 APPEALS**

Any aggrieved party which, after complete application/request and exhaustion of all administrative remedies has been made hereunder, is denied permission to operate an adult entertainment establishment, may appeal said denial to the Hancock County Court of Common Pleas. An appeal to the Common Pleas Court must be filed within thirty (30) days of the mailing of the City's written notice of denial to the address accompanying the application/request hereunder. All appeals shall follow the procedures outlined in this Zoning Ordinance and the Ohio Revised Code.

### **1164.13 REGULATION OF OBSCENITY SUBJECT TO STATE LAW**

It is not the intent of this Chapter to legislate with respect to matters of obscenity. These matters are regulated and preempted by state law.

### **1164.14 REGULATION OF MASSAGE ESTABLISHMENTS SUBJECT TO STATE LAW**

It is not the intent of this Chapter to legislate, limit or conflict with respect to matters of licensed massage establishments which are regulated by state agency and by state law.

### **1164.15 SEVERANCE CLAUSE**

Pursuant to the provisions of Chapter 1171 of this City of Findlay Zoning Ordinance all Chapters and/or any amendments to this code are severable.

### **1164.99 PENALTIES**

A violation of any provision of this chapter shall be deemed a violation of this Ordinance and subject the violator to enforcement and penalty as set forth in Chapter 1199.

## CHAPTER 1165 ADMINISTRATION

### CHAPTER CONTENTS

1165.01	Enforcement	1165.07	Certificate of Zoning Compliance
1165.02	Zoning Permits	1165.08	Falsification
1165.03	Permit Required Prior to Performing Work	1165.09	Accessory Structures
1165.04	Maintaining Records	1165.10	Zoning Administrator
1165.05	Conditions Under Which Zoning Permits are Required	1165.11	Duties of Zoning Administrator
1165.06	Zoning Permits and Certificates	1165.99	Penalties

### 1165.01 ENFORCEMENT

#### A. ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, or a duly authorized agent of his Department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

#### B. COMMUNITY-WIDE ENFORCEMENT

It shall also be the duty of all officials and employees of the City to assist the Zoning Administrator by reporting to him new construction, reconstruction, land uses, or possible violations.

### 1165.02 ZONING PERMITS

No Zoning Permit shall be issued for the erection, alteration, repair or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.

### 1165.03 PERMIT REQUIRED PRIOR TO PERFORMING WORK

No building, structure, or land or part thereof, shall be hereafter erected, altered, moved, replaced, repaired, or have any changes of use unless a Zoning Permit shall have been first issued for such work.

### 1165.04 MAINTAINING RECORDS

A record of all Zoning Permits, Certificates of Zoning Compliance, Site Plans, Variances and any/all other records referred to under this ordinance shall be kept on file in the Zoning Office. Copies shall be provided per the public records policy/procedures of the Zoning Office.

### 1165.05 CONDITIONS UNDER WHICH ZONING PERMITS ARE REQUIRED

A Zoning Permit shall be required for any of the following prior to the start of construction as defined:

1. Start of Construction

For the purposes of this Ordinance, start of construction shall be defined as the introduction of any new building materials on site and placed in a position of support, either permanent or temporary, secured or unsecured.

*Example 1: A property owner starts a fencing project in his rear yard. He digs the hole for the posts and has the posts delivered in the back yard. The start of construction begins when the first post is set into a hole. At this time a zoning permit is required. The rationale is that the hole position can be changed easily, but the posts cannot. The permitting process requires a plot plan so that the site can be reviewed by the Zoning Administrator for placement.*

2. Construction or Alteration

Construction or alteration of any building or structure, including accessory buildings or structures and temporary or permanent signs.

3. Occupancy & Usage

Occupancy and use of vacant land involving alteration, excavation and construction, the platting and/or subdividing of land involving private or public roadways, and/or the installation of public utilities and drainage improvement thereon except agricultural field drainage.

4. Any change in use.

## 1165.06 ZONING PERMITS AND CERTIFICATES

A. **ZONING & COMPLIANCE CERTIFICATES**

Application for Zoning and Compliance Certificates shall be made in writing to the Zoning Administrator. Such Certificates shall be issued provided it is found that the buildings, structures, land and use thereof, comply with all provisions of this Ordinance.

B. **ZONING PERMITS**

Applications for Zoning Permits shall be made to the Zoning Administrator in writing. Such Permits shall be issued within ten (10) working days after receipt of all required application materials, and provided it is found that the buildings, structures, land or parts thereof, or the use thereof, comply with all provisions of this Ordinance.

C. **EXPIRATION**

All Zoning and Compliance Permits shall expire at the end of one (1) year after issuance. Permits may be extended at the discretion of the Zoning Administrator due to seasonal constraints or unforeseen delays.

**D. IMMUNITY**

In no instance shall the Zoning Administrator or City of Findlay be liable or responsible for the placement of any building, or structure contrary to the provisions of this ordinance. The City of Findlay is not subject to the provisions of this ordinance.

### **1165.07 CERTIFICATE OF ZONING COMPLIANCE**

No building, structure, land or part thereof, which is hereafter erected, altered, or changed in use, shall be occupied or used unless and until a Certificate of Zoning Compliance shall have been issued for such building, structure or land. An Occupancy Certificate shall be required for any of the following:

**A. CONSTRUCTION/ALTERATION**

Construction or alteration of any buildings or structures, including accessory buildings or structures.

**B. CHANGE IN USE**

Change in the use of existing buildings, structures, or accessory buildings or structures, to a use or uses, of a different classification.

**C. OCCUPANCY**

Occupancy and use of vacant land.

**D. LAND USE CHANGE**

Change in the use of land to a use of a different classification.

**E. NON-CONFORMITY**

Any change in a non-conforming use.

### **1165.08 FALSIFICATION**

No person shall knowingly make a false statement with regard to any matter in this zoning ordinance. Various applications, review requirements, and information made necessary are instruments of this zoning ordinance. As such, they are also covered by the Falsification policies located in Findlay Municipal Code Chapter 525.02 Falsification.

### **1165.09 ACCESSORY STRUCTURES**

Buildings or structures accessory to any primary structure shall require separate Zoning Permits, except when they are required as a condition for approving another request or review.

Example- fence required in rear yard for approval with pool.

### **1165.10 ZONING ADMINISTRATOR**

A Zoning Administrator shall be appointed by the Mayor to enforce this Ordinance.



## **1165.11 DUTIES OF ZONING ADMINISTRATOR**

### **A. POWERS & DUTIES**

The Zoning Administrator shall have the power to grant Zoning Permits and issue Certificates of Zoning Compliance and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to deny or approve any plans or issue any Certificates for any excavation, construction or use, buildings, structures, or land, until he has inspected such plans and uses. For approval, they shall conform with this Ordinance.

### **B. DEVIATION FROM ORDINANCE**

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance, nor to vary the terms of this Ordinance in carrying out his/her duties as Zoning Administrator.

### **C. FIELD INSPECTION**

It shall be the duty of the Zoning Administrator to issue a Permit, provided he/she is satisfied that the structure, building, or premises, and the use thereof, conforms with all requirements of this Ordinance.

### **D. EXTRANEIOUS CONDITIONS**

The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant, despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said Permit

### **E. GOOD STANDING CLAUSE**

Applications for any permit, review or other action as provided for in this Zoning Ordinance may be denied due to the applicant's lack of good standing with the City of Findlay. Good standing means there are no pending citations, violations, delinquencies, or matters pending before the municipal court against the applicant. All city services and agencies are within the scope of the Good Standing Clause, including but not limited to Zoning, Engineering, Water & Utility Billing, Income Tax Department, Police Department, Neighborhood Enhancement & Abatement Team (NEAT), etc. The Zoning Administrator shall not refuse to issue a Permit when issues are not related to the public, such as disputes stemming from interpretations of covenants or private agreements between land owners.

**F. VIOLATION OF A STOP WORK ORDER**

Any person who continues work after a stop work order has been issued shall be subject to the penalties specified in Chapter 1199.

**1165.99 PENALTIES**

No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement, previously made, when any of the following applies:

1. Statement is made In any official proceeding
2. Statement is made with purpose to incriminate another.
3. Statement is made with purpose to mislead a public official in performing the official's public duties
4. The statement is in writing on or in connection with a report or return that is required or authorized by law.

## CHAPTER 1166 PROPERTY SKETCH PLAN REQUIREMENTS

The Zoning Administrator shall require that all applications for Zoning Permits shall be accompanied by plans and specifications, including a Property Sketch Plan, drawn to scale, showing the following:

**A. LOT**

The actual shape, location, and dimensions of the lot.

**1. Physical Improvements**

The shape, size, and location of all buildings, or other structures to be erected, altered or moved, and of any building or other structures already on the lot.

**2. Uses**

The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

**B. OTHER**

Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

**C. SURVEY**

Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey; the location of survey pin markers; a mortgage location certificate; or other official document indicating the physical location of the property line.

## CHAPTER 1167 FOOTER LOCATION INSPECTIONS

So that property owners may be protected from potential errors in the location of buildings, the Zoning Administrator or his representative shall inspect the excavation for structural footers before any concrete is installed. It shall be the responsibility of the property owner to notify the Zoning Administrator at least twenty-four (24) hours prior to pouring concrete, and to provide appropriate evidence of the location of lot lines. If an inspection has not been made within twenty-four (24) hours of the Zoning Administrator's notice from the property owner, pouring of concrete may commence.

## CHAPTER 1168 FINAL INSPECTIONS

The holders of every Zoning Permit and Compliance Certificate for the construction, erection, alteration, repair or moving of any building, structure, land or part thereof, shall notify the Zoning Administrator for final inspection immediately upon the completion of the work authorized by such Permit.

## CHAPTER 1169 FEES

### CHAPTER CONTENTS

1169.01	Schedule of Fees	1169.02	Triple Fee
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### 1169.01 SCHEDULE OF FEES

The City Council may from time to time prescribe and amend by ordinance, a reasonable Schedule of Fees to be charged applicants for inspection, issuance of Zoning Permits, Flood Development Permits, etc. and other matters pertaining to the administration and enforcement of this Code. No fee shall be required for any Compliance Certificate.

### 1169.02 TRIPLE FEE

When any work requiring a zoning permit is begun on any building, structure or premises or part thereof, fails to apply for an appropriate zoning permit, the fee for such zoning permit shall be triple that as established by Findlay City Council. This fee is not in lieu of any other fine or penalty, set forth in Chapter 1199, which may result in not obtaining the permit prior to commencing work.

## CHAPTER 1171 INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance or any amendment thereto, they shall be held to be minimum requirements for the promotion of public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and is not to conflict with any of the provisions of this Ordinance, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other ordinances or agreements, the provisions of this Ordinance shall control.

## CHAPTER 1172 AMENDMENTS AND CHANGES

### CHAPTER CONTENTS

1172.01	General	1172.03	Application Fees
1172.02	Applications for Amendments and Changes		

### 1172.01 GENERAL

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to the procedures provided by law, may amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof. Amendments initiated by the Planning Commission shall be accompanied by its motion pertaining to such proposed amendment.

### 1172.02 APPLICATIONS FOR AMENDMENTS AND CHANGES

Applications by owners or lessees for amendments or changes to the regulations, district boundaries or classifications of property shall be submitted to the Commission, at its public office, upon such forms and accompanied by such data and information as may be prescribed for that purpose by the Commission. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be re-classified, attesting to the truth and correctness of all facts and information presented with the application.

Any person or persons desiring a change in the zoning classification of property shall file, with the application for such change, a statement giving the names and addresses of the owners of all properties contiguous to and directly across the street from any part of the property for which a change in zoning classification is requested.

### 1172.03 APPLICATION FEES

At the time that an application for a change of Zoning Districts is filed with the Commission, as provided herein, there shall be deposited with the Engineering department, a fee to cover investigation, legal notices, and other expenses incidental to the determination of such matter. The City Council may from time to time prescribe and amend by ordinance a reasonable Schedule of Fees to be charged to Applicant for Zoning District changes.



## CHAPTER 1173 SEVERANCE CLAUSE

Chapters of this Ordinance or any amendment thereto shall be deemed to be severable and should any Chapter, paragraph, or provision be declared by the Courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

## CHAPTER 1174 DEFINITIONS

For the purpose of this Ordinance certain terms and words are hereby defined.

**ACCESS MANAGEMENT REGULATIONS** – Hancock County Access Management Regulations adopted in 2006 and any subsequent amendments exist for the purposes of promoting traffic safety and efficiency, maintaining proper traffic capacity and traffic flow, reducing vehicular collision frequency, and improving the design and location of access connections to county and township roads.

**ACCESSORY USE, OR ACCESSORY:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use. The following are typical accessory uses permitted in associated districts:

- A. Swimming pools, tennis courts or other recreational facilities for the use of the occupants of a residence, or their guests.
- B. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- C. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable District regulations.
- D. Storage of goods used in or produced by industrial uses or related activities, unless such a storage is excluded in the applicable District regulations.
- E. Accessory off-street parking spaces, open or enclosed.
- F. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- G. Accessory off-street loading.
- H. Accessory signs, subject to the sign regulations for the District in which the zoning lot is located.

**ADJACENT:** Lying near or close to; neighboring. Adjacent means that objects or parcels of land are not widely separated, though perhaps they are not actually touching. For public notification purposes parcels separated by streets, alleys, rivers, streams, ditches, railways or similar features shall be considered as adjacent to any subject parcel under review for planning and zoning purposes.

**ADULT ENTERTAINMENT ESTABLISHMENT / ADULT ENTERTAINMENT USES:** Whether or not licensed pursuant to Ohio Revised Code Chapters 503 (Massage Establishments), 715 (715.61 Regulating and Licensing of Certain Operations, including massage and therapy), or 4713 (Cosmetology Licensing). Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with an educational curriculum or program. Means any adult arcade, adult theater, adult bookstore/video store, adult motel, adult novelty store, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments or parlors, sexually oriented escort services, modeling studios, or lingerie studios.

**ALCOHOL ESTABLISHMENT:** Businesses primarily dealing with sales of controlled liquors and licensed by the State of Ohio.

**ALLEY:** A service roadway not exceeding twenty feet (20') right of way width and providing a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS:** Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building or structure, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered," or "reconstructed," including the re-facing or repainting of signs.

**AMUSEMENT/ ENTERTAINMENT USES:** Commercial recreation such as community centers, youth centers, athletic clubs, bowling alleys, etc. and identified by the NAICS with as 624110, 713940, or 713990. Also included are theaters as defined in NAICS as 711110.

**ANIMAL CARE FACILITIES:** Structures, buildings, or enclosures used for medical treatment, care and temporary housing of animals, receiving treatment with temporary housing being limited to 48 hours. Uses include, but are not limited to, veterinary clinics and animal hospitals.

**APARTMENT:** See Dwelling Unit

**APARTMENT HOTEL:** A building or portion thereof designed for or containing both individual guest rooms or suites of rooms, and dwelling units.

**APARTMENT HOUSE:** See Dwelling Unit, Multiple.

**APPLICANT:** The land owner or his authorized representative, who submits a request for any development, variance, change, review, or other procedure as authorized in this Ordinance.

**APPLICATION:** Written request required by this Ordinance, either provided by the City or as described otherwise, for any development, variance, change, review, or other procedure as required in this Ordinance.

**ARTIFICIAL POND OR LAKE:** Any excavation or construction upon land resulting in the open retention and/or storage of a body of water and/or other liquids either above or below ground level, but not including common watering troughs, cisterns, and other small related structures, or swimming pools.

**ASSISTED LIVING FACILITY:** Residences for persons incapable of or in need of supervision for medical care, personal care, or self-administered medication. Such facilities may provide other services such as recreational activities, financial services, transportation and property maintenance.

**AUCTION MARKET:** A building, structure, or site whose primary use is for selling of goods, merchandise, and land etc. by a bidding process.

**AUTOMOBILE REPAIR, MAJOR:** The general repair, rebuilding or reconditioning of motor vehicles; engine rebuilding; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

**AUTOMOBILE REPAIR, MINOR:** The general repair of motor vehicles including minor tune-up, change of oil and filter, repair of flat tire, brake part replacement, lubrication or other similar operations.

**AUTOMOBILE SERVICE STATION:** Any building, structure, or land used for the disbursing, sale, or offer for sale, at retail, minor accessories, including the lubrication of automobiles and the replacement, or installation of minor parts and accessories, but not including major repair work, such as motor replacement, and body and fender repair, or both.

**AUTOMOTIVE SALES AND SERVICE:** The sale or rental of new or used motor vehicles; the furnishing of minor services incidental thereto.

**AVERAGE FRONT YARD SETBACK:** The average depth of the front yards of abutting primary Structures on both sides may be used to determine the front yard setback.

**BALCONY:** A horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

**BAR:** A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor.

**BORROW PIT:** An area excavated or to be excavated from which soil and unconsolidated materials are removed or extracted below the grade level of the property, which existed before any overbuilding of the site occurred, for any purpose including but not limited to: for sale, exchange, or for use, as fill for any activities, including but not limited to landscaping, building construction, levees, dams,

highway construction or maintenance, or low lying areas, whether on-site or off-site.

**BASE FLOOD ELEVATION:** (See City of Findlay Flood Damage Reduction Ordinance Chapter 1351)

**BASEMENT:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

**BILLBOARD OR POSTER PANELS:** Any sign or advertising structure used to advertise goods, products, services or facilities which are located off-site from where the sign is installed and maintained.

**BOARDING HOUSE:** A building other than a motel or hotel with three (3) or more guest rooms used as permanent (more than four (4) weeks) lodging for compensation.

**BOARDING OF LIVESTOCK AND DOMESTICATED ANIMALS:** Stabling, housing and feeding of animals for compensation or for use in a commercial activity, exhibit or for other commercial purposes. Boarding uses or activities include, but are not limited to, kennels, riding stables, or animal exhibits which are used for commercial purposes.

**BOARD OF ZONING APPEALS:** A five (5) member body responsible for hearing appeals from individuals who are requesting exceptions or variances for City Ordinances in regard to land use and building requirements or from individuals who are questioning the appropriateness of orders made by City Officials.

**BODY CLINIC:** Any business that offers tattoo services, body piercing, or similar decorative alterations to the human body. Ear piercing is not included in this definition.

**BREW PUB:** A restaurant-brewery that sells 25% or more of its beer on site. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brew pubs often sell beer "to go" and/or distribute to off-site accounts. If a brewpub sells more than 75 percent of its beer off-site, see "Microbrewery."

**BROWNFIELD:** Abandoned, idled, or underutilized industrial and commercial facilities or sites where expansion or redevelopment is complicated by real or perceived environmental contamination.

**BUILDING:** Any structure, either temporary or permanent, that has a roof supported by columns or walls, and is intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. For the purpose of this Ordinance, a mobile home shall be considered a building. Storage containers, box truck components, semitrailers, or anything once used to transport goods are not classified as buildings.

**BUILDING FOOTPRINT:** The area encompassed by a building's outer wall or support at grade level.

**BUILDING HEIGHT:** For Primary Buildings and Accessory Buildings, the height shall be measured from the established grade to the highest point of the building.

**BUILDING LINE, FRONT OF BUILDING:** The line where the face of the building meets the ground, including sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps or structures protected by the Americans with Disabilities Act.

**BUILDING, PRINCIPAL:** A building in which the primary use is conducted.

**CAMPER:** Any vehicle so designed, constructed, reconstructed, or added to by means of accessories, in such manner as will permit the use and occupancy thereof, when stationary for human habitation as a temporary shelter, including but not limited to tent-type fold-out camping trailers, travel trailers, motor homes and truck campers.

**CEMETERY/MEMORIAL GARDENS:** Land used or intended to be used for the burial of the human or animal dead, including associated buildings such as chapels, mausoleums, crematories, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**CERTIFICATE OF ELEVATION:** The actual elevation in relation to mean sea level of the lowest floor elevation, including basement, of all new or substantially improved structures.

**CERTIFICATE OF ZONING COMPLIANCE:** A document issued by the Zoning Administrator authorizing the use and/or occupation of new residential buildings where found consistent with the zoning district where it is located and as provided in this Ordinance.

**CERTIFICATE, CHANGE OF USE:** When the use of any land, building or structure is to be changed, a permit shall be issued by the Zoning Administrator authorizing such use and /or occupation of buildings, structures or land.

**CHILD DAY CARE CENTER::** An establishment providing for the care, supervision, and protection of children as defined in the O.R.C. Type A day-care allows seven to twelve (7 – 12) children to be supervised in the home. Type B is six children or fewer.

**CHURCH:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

**CLUB:** A building or portion thereof or premises owned or operated by a corporation, association, membership, person or persons for a social, educational or recreational purpose, but not primarily for profit or for rendering a service which is carried on as a business.

**COMMISSION:** The City of Findlay Planning Commission

**COMMERCIAL ENTERTAINMENT FACILITIES:** Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, night clubs, and similar entertainment activities.

**COMMERCIAL VEHICLE:** For the purpose of this zoning ordinance, commercial vehicles include those defined by the Ohio Revised Code as “Commercial car” or “truck”, when either means any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor (O.R.C. 4501.01 (j)). This definition does not include trailers, which are defined separately herein.

**COMMUNICATION STRUCTURES:** Establishments furnishing point-to-point communication services, whether by wire or wireless means, either aurally, visually, or by radio frequency, including radio and television broadcasting stations and the exchange or recording of messages.

**COMMUNITY CENTER:** A building to be used as a place of meeting, recreation, or social activity and not operated for profit

**CONDITIONAL USE:** A use which is subject to conditional approval by the City Planning Commission. A conditional use may be granted by the Commission only when there is a specific provision for such special exception made in this ordinance. A conditional use is not considered to be a nonconforming use. Conditions for approval may include but are not limited to: traffic circulation, access, lighting, service hours of operation, noise limitations, and building placements, etc.

**COVENANT:** A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

**CONVALESCENT OR NURSING HOME:** A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care.

**COUNTY:** Hancock County, Ohio.

**CUL-DE-SAC:** A short street having one (1) end open to traffic and being terminated by a vehicle turn-around and measuring no longer than 600’ (See City Subdivision Regulations).

**DECK:** An unroofed platform greater than 6” in height and is either freestanding or attached to a building, that is supported by pillars or posts.

**DENSITY:** A unit of measurement representing the number of dwelling units per acre of land.

**DENSITY, GROSS** - the number of dwelling units per acre of total land to be developed including rights-of-way.

**DENSITY, NET** - the number of dwelling units per acre excluding rights-of-way.

**DETENTION POND:** A facility for the temporary storage of stormwater runoff. *See 'Retention Pond' for definition and for the difference between 'detention' and 'retention' ponds.*

**DETRIMENTAL EFFECT:** harm or damage caused as a result of a use, or uses related to the operation and or location of such use, on the adjacent property or greater area, depending on the intensity of the use.

**DISPLAY:** An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service.

**DISTRICT:** A portion of the City of Findlay within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**DOMESTICATED ANIMAL:** Any member of a species of animal that has been bred to a degree resulting in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that make them different from non-domesticated animals of their kind. This definition does not include wildlife or an exotic animal.

**DORMITORY:** A building or structure containing a series of sleeping rooms and containing many beds used for the housing of students or similar persons; generally connected with a college, school, training facilities or similar organization or institution. Some may have related cooking facilities.

**DRIVE-IN COMMERCIAL USES:** Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

**DRIVE THRU:** Typically a commercial use that has a lane dedicated for vehicles to approach up to the side of a building where they can access services via a window. The lane may have amenities such as menu boards, speakers, screens, advertisements, and lighting. The lanes are typically circular and external of the building, aside from a portico (such as a bank drive thru). Drive thru's are reviewed by the City Planning Commission (see CHAPTER 1113 PLANNING COMMISSION RULES AND PROCEDURES).

**DWELLING:** Any building or portion thereof which is designed for or used exclusively for residential purposes containing one (1) or more dwelling units.

**DWELLING UNIT:** A group of rooms located within a building and forming a single unit for occupancy with facilities intended to be used for living, sleeping, cooking, bathroom, and eating purposes.

**DWELLING, SINGLE-FAMILY:** A detached building containing one (1) dwelling unit and designed for or occupied by one (1) family.



**DWELLING, TWO-FAMILY:** A detached or semi-detached building containing two (2) dwelling units and designed for or occupied by two (2) families living independently of each other.

**DWELLING, MULTIPLE-FAMILY:** A building or portion thereof containing three (3) or more dwelling units and designed for or occupied by three (3) or more families living independently of each other.

**EASEMENT:** A grant by the property owner of the use of a part of the property by the public, a corporation or persons for specific purposes.

**ELECTRONIC MESSAGE CENTER:** A sign that displays multiple messages with lighting, including LED, that flashes, blinks, scrolls, or animates. This definition does not include digital billboards.

**EMERGENCY SERVICES:** An organization that responds to and deals with emergencies (i.e., ambulance, EMTs, etc.)

**ERECTED:** Built, constructed, altered, reconstructed, moved, moved upon and/or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution, collection, and communication systems.

**EXCEPTION:** A use permitted only after review of an application by the Board of Zoning Appeals, City of Findlay City Council, or a modification in the standards of this Ordinance specifically permitted after review by the Board of Zoning Appeals, such review being necessary because the provisions of this Ordinance covering conditions precedent or subsequent are not precise enough to all applications without interpretation and such review and exception is provided for by this Ordinance. An exception is not a variance.

**EXOTIC ANIMAL:** Any member of a species of animal, reptile, or bird, warm or cold blooded, that is not indigenous to the environment and/or is not classified or considered as wildlife, livestock, or a domesticated animal.

**FACILITY:** A business or institution under a roof structure.

**FAMILY:** One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or foster children, and any domestic employees thereof together with not more than three (3) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit where each "family" member will be expected to join the others in a common duty of operating and maintaining the home and their persons, as distinguished from persons occupying a boarding house, lodging house, or hotel herein defined.

**FAMILY MEDICAL HOSPITALITY CENTER:** A non-profit facility where families and patients may lodge overnight while receiving treatment at a medical facility. The facility exists for the sole use by and service to the needs of the patient and his/her family.

**FAST FOOD RESTAURANT:** Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

**FENCE:** A structure made of any material or combination thereof and constructed to be a barrier and erected in order to enclose, screen, or separate areas.

**FINAL PLAT:** A map or drawing of a tract or parcel of land that has been approved by the City Planning Commission. A plat is an instrument used for recording parcels with the County Recorder's office per Findlay's Subdivision Rules and Regulations.

**FINANCIAL INSTITUTION:** A building or structure, or part thereof devoted to the institution of lending, borrowing, issuing, or safeguarding money.

**FITNESS CENTER:** A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

**FIXED MESSAGE SIGN:** As an element of an accessory sign that displays a fixed message for a minimum fifteen (15) minutes at a time.

**FLOODWAY:** (See City of Findlay Flood Damage Reduction Ordinance Chapter 1351)

**FLOOR AREA, GENERAL:** Building footprint of the building or structure, but not including any area within the building utilized for the required off-street parking spaces.

**FLOOR AREA, GROSS:** The sum of the square footage of all of the floors of a structure or building above grade.

**FLOOR AREA, USABLE (For the purposes of computing parking):** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**FOOT-CANDLE:** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

**FRONTAGE:** All the property on one (1) side of a street measured along the line of the street.

**FRONT YARD SETBACKS:** See SETBACKS.

**FUELING STATION:** A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories.

**FUNERAL SERVICES:** Services customarily provided by a funeral service practitioner including, but not limited to, care and preparation of human remains for final disposition, professional services relating to a funeral or an alternative to a funeral, transportation of human remains, limousine services, use of facilities or equipment for viewing human remains, visitation, memorial services or services that are used in connection with a funeral or alternative to a funeral, coordinating or conducting funeral rites or ceremonies, and other services provided in connection with a funeral, alternative to a funeral or final disposition of human remains.

**GARAGE:** A structure or portion thereof which is used for the storage of motor vehicles.

1. **GARAGE, PRIVATE:** A building, either attached or detached, designed to store motor vehicles and other household appurtenances used solely for the purposes of providing transportation to and maintenance of the building and grounds.
2. **GARAGE, PARKING:** Also known as a parking structure, is a building or structure consisting of more than one level and used to store motor vehicles typically for short term, daily periods of time. The garage may be public or private, free or for a fee measured hourly, daily, weekly, etc.

**GOLF COURSE:** A tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining and snack bars, pro shop and practice facilities.

**GOVERNMENT USE:** Federal/State owned property not subject to this Ordinance. Government uses include land.

**GRADE, ESTABLISHED:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings or structures. The building grade shall be the level of the ground adjacent to the exterior foundation walls of the building or structure, if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building. For fences, if the grade adjacent to panel.

**HALFWAY HOUSE:** See Transitional Housing

**HANCOCK COUNTY THOROUGHFARE PLAN:** A plan adopted by the Hancock County Commissioners that includes a functional classification system of roadways that designates the roles and hierarchy of each route within the Hancock County transportation network combined with recommendations for future development in the right-of-way for transportation needs.

**HAZARDOUS WASTE:** Any waste or combination of waste in solid, liquid, or semi-solid or contained gaseous form, which falls within

the definition of Hazardous Waste under O.R.C. 3734.01 (j).

**HEALTH CARE CLINICS:** A health care facility which provides for diagnosis and treatment services on an emergency or outpatient basis with no provisions for residential care.

**HEALTH CARE OFFICES:** A facility in which health care services are provided. For this definition, health care services include, but are not limited to, general medical, dentistry, optometry, and chiropractic services.

**HEALTH CLUB:** An establishment that provides facilities for aerobic exercises, running and jobbing, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms and lockers.

**HIGHWAY: LIMITED ACCESS, ARTERIAL, MAJOR, SECONDARY, COUNTY AND TOWNSHIP:** An officially designated federal, state, county (or) township road designated as such on the official Thoroughfare Plan of Hancock County.

**HOME BUSINESS:** Any occupational activity carried on exclusively by a member of an immediate family residing on the premises and conducted entirely on the premises. No commodity shall be sold on the premises nor mechanical equipment used in the fabrication or alteration of products, tools, gear, etc. from which external effects of which may adversely affect adjacent property. Home businesses shall be clearly incidental and secondary to the use of the premises for dwelling purposes, and shall not change the structural character thereof.

**HOME OCCUPATION:** Any use conducted entirely within a dwelling and participated in solely by members of the family residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, and provided.

**HOSPICE FACILITY:** A facility that provides palliative care and attends to the emotional, spiritual, social, and financial needs of terminally ill patients at a residential facility.

**HOSPITAL:** An institution that provides medical, surgical, or psychiatric care and treatment for the sick or injured in both an outpatient and inpatient capacity. This definition, as used in the Ordinance, does not include the care or treatment of animals.

**HOTEL:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made through an inside lobby, hall or office.

**INCOMPATIBLE ZONING DISTRICT:** A condition where one zoning district abutting another of a different classification and allowing uses whereas to create conditions adverse to the less intensive use category. An example would be a residential district adjacent to an industrial district.

**INDIVIDUALIZED TEXTILES:** Services provided by a resident homeowner such as dressmaking, tailoring, or alterations to clothing brought to the location.

**INDUSTRIALIZED UNIT:** A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured or mobile home as defined in this ordinance. For the purpose of this ordinance, an industrialized unit is a dwelling. See State Bill 142.

**INDUSTRIAL MANUFACTURING:** The processing, fabricating, assembling, wholesaling, cleaning, testing, packaging, repairing of goods when totally enclosed within a building.

**INDUSTRIAL, LIGHT:** Industrial uses that meet the performance standards, bulk controls, and other requirements contained in this ordinance.

**INFILL:** The process of utilizing or redeveloping vacant or underutilized land in a developed area under the same or similar development standards that define a subdivision or locality.

**INOPERABLE VEHICLE:** (see general offenses code) Inoperable vehicle means any motor vehicles which meets one of the following requirements:

1. It does not display a valid license plate, or;
2. Is either wrecked, partially wrecked, dismantled, partially dismantled, discarded condition, or is incapable of being driven, or;
3. It is wrecked, partially wrecked, dismantled, partially dismantled, discarded, or is incapable of being driven and has remained in such condition for a continuous period of at least 14 days.

**INSTITUTION:** Buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.

**JUNKYARD:** An area where waste, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, sorted or handled including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

**KENNEL:** An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

**KENNEL, PRIVATE:** The keeping, breeding, raising, showing, or training of four or more dogs over six months of age for the personal enjoyment of the owner or occupant of the property.

**KIOSK:** A free standing structure upon which information and/or posters, notices, and announcements are posted.

**LABORATORY, MEDICAL:** A building, structure or part thereof used for conducting scientific experiments, analysis of tissue, and blood examinations, or similar activities.

**LANDFILL:** A site for the disposal of solid wastes (as defined in Ohio Revised Code Chapter 3734.01) in a manner that minimizes environmental hazards by compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.

**LANDSCAPE:** (1) An expanse of scenery; (2) lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

**LAND USE PLAN:** The long-range plan for the desirable use of land in the City of Findlay as adopted by the City Planning Commission. The purpose of such Plan, being among other purposes, is to serve as a guide for zoning designations and the progressive change of the community. The City of Findlay's Comprehensive Land Use Plan was adopted in 2007.

**LARGE-SCALE RETAIL PROJECT:** Development of one or more retail establishments on a single site with common parking facilities with an aggregate floor area of 50,000 square feet or greater.

**LAND BANK:** Government acquired land held for future use.

**LAND USE:** A description of how land is occupied or used.

**LAUNDROMAT:** An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public.

**LESS NON-CONFORMING:** Describes an improvement to a property that is non-conforming, but the improvement somehow reduces the degree of non-conformity, or it describes a use that is still non-conforming, however is less intensive per the North American Industry Classification System (NAICS).

**LETTER OF SUBMITTAL:** Transmittal from applicant or representative that accompanies an application with a brief explanation about the project.

**LINGERIE STUDIO:** Place of business for the purpose of selling lingerie products and where the customer views the apparel on live

models.

**LIVESTOCK:** Any animal generally used for food or in the production of food or other agricultural purposes, including but not limited to cattle, sheep, goats, rabbits, poultry, and swine.

**LIVING AREA:** The area of a residential unit excluding garage, basement, or other areas that is typically unimproved with plumbing and ventilation.

**LOADING SPACE:** A space within the main building or on the same lot therewith, providing for the temporary standing, for loading or unloading of trucks, and having a minimum dimension of twelve (12) by forty (40) feet and a vertical clearance of at least fourteen (14) feet.

**LODGING HOUSE:** A dwelling containing not more than one living unit, where lodging with or without meals is provided for compensation to one or more persons but not more than thirty persons at one time.

**LOT:** A parcel of land occupied, or intended to be occupied, by a principal building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

**LOT AREA:** The total horizontal area within the boundary lines of a lot, computed exclusive of any portion of the right-of-way of any public thoroughfare.

**LOT, COVERAGE:** The part or percent of the lot dimensions occupied by roofed structures.

**LOT DEPTH:** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

**LOT, DEVELOPABLE:** Parcels or sites free of constraints to development such as, but not limited to, wetlands, steep slopes, water bodies, unstable soils, easements, floodplain, and legal impediments and that have frontage on or access to an improved roadway and can be served by public or private utilities and facilities such as sewer, water, electricity, and gas.

**LOT FRONTAGE:**

1. Triple Frontage Lot: A lot abutting street right-of-way along three (3) sides. This lot shall be permitted a fifteen foot (15') street side yard setback along the right-of-way having the greatest length.
2. Reverse Frontage Lot: A lot abutting a major/secondary thoroughfare and a minor street. The property must be accessed from the minor street as prescribed by the City of Findlay Subdivision Regulations.

**LOT, INTERIOR:** Any lot, other than a corner or through lot. Lot lines abut one another rather than street frontage or rights-of-ways.

**LOT LINES:** The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, a front lot line is that line separating said lot from the street right-of-way. In the case of a through lot, or reverse frontage lot, if the property has triple access from the right-of-way, then the front lot line setback must be maintained.
2. **Rear Lot Line:** That lot line which is opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line.

**LOT OF RECORD:** Any lot which individually or as a part of a subdivision has been recorded in the Office of the Hancock County Recorder.

**LOT, THROUGH:** Any lot of which two (2) nonadjacent sides abut upon two (2) streets regardless of whether the streets are parallel. In the case of a row of such lots, all yards of said lots adjacent to the streets shall be considered frontage, and front yard setbacks shall be provided for each street.

**LOT WIDTH:** The width of a lot at the right-of-way line measured at right angles to its depth.

**MAJOR AUTOMOBILE REPAIR:** (see AUTOMOBILE REPAIR, MAJOR)

**MANUFACTURED HOME:** A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the Federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a label or tag permanently affixed to it certifying compliance with all applicable Federal construction and safety standards.

**MANUFACTURED HOME PARK:** Any lot, parcel or tract of land designed exclusively for manufactured homes or mobile homes used for human habitation, where such homes are parked, either free of charge or for revenue purposes, which include any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such Manufactured Home Park; and falling within the definition of a "Manufactured Home Park" in O.R.C. 3733.01.

**MANUFACTURING, HEAVY:** The manufacturing of products from raw or unprocessed materials, where the finished product may be combustible or explosive. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment, which cannot be integrated into the building design, or engaging in large-scale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious adjacent land uses, or



requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. This use shall include any packaging of the product being manufactured on-site. Examples include but are not limited to the production of the following: large-scale food and beverage operations, lumber, milling, and planing facilities; aggregate, concrete, and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical blending, mixing, or production, and plastic processing and production.

**MANUFACTURING, INDUSTRIAL GENERAL:** Any manufacturing or industrial process including food processing which by the nature of the materials, equipment and process utilized are not objectionable by reason of odor, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter, or water-carried waste.

**MANUFACTURING, LIGHT:** The manufacture, predominately from prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.

**MANUFACTURING, OTHER ANIMAL FOOD:** NAICS Classification Code 311119, this U.S. industry comprises establishments primarily engaged in manufacturing animal food (except dog and cat) from ingredients, such as grains, oilseed mill products, and meat products.

**MASSAGE THERAPY:** The business of providing massage services operated by a duly licensed medical doctor, osteopath, chiropractor, nurse, physical therapist or licensed massage therapist treating patients in a duly licensed facility and/or location.

**MEZZANINE:** A low-ceilinged story between two main stories in a building, sometimes in the form of a balcony projecting partly over the main floor.

**MICROBREWERY:** A brewery that produces less than 2,000 barrels of beer per year with 75% or more of its beer sold off site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer).

**MINING:** All or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.

**MINIMUM REQUIREMENTS:** The threshold establishing the least number or amount of factors, elements, etc. via measurable or designed criteria. More requirements can exist but not less than the minimum.

**MINI-WAREHOUSE:** A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

**MINOR AUTOMOBILE REPAIR (See “AUTOMOBILE REPAIR, MINOR)**

**MINOR STREET:** Refer to the City of Findlay Subdivision Regulations, Chapter 1111.02 (b) Type of Streets wherein the following types of streets are considered 'Minor' for this zoning ordinance: Industrial service streets; multiple-family residential streets (where platted); minor (single-family residential) streets; and residential and industrial cul-de-sac streets.

**MIXED-USE DEVELOPMENT:** The development of a neighborhood, tract of land, building, or structure with a variety of complimentary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public space, and recreation, in a compact urban form. This ordinance allows for mixed uses in structures in the downtown commercial district; it allows for mixed zoning classifications and uses with the PRD (Planned Residential District) and the PMUD (Planned Mixed Use District).

**MOBILE HOME:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three-hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more Chapters, is not titled as real estate, and does not qualify as a manufactured home or as an industrialized unit as defined in O.R.C. 3781.06.

**MOBILE HOME PARK:** A site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured houses.

**MOBILE SERVICE VEHICLES:** Is either a motorized vehicle or a trailer pulled by a motorized vehicle that is typically licensed and registered as a commercial vehicle and is used to provide a service or product from site to site. This includes, but is not limited to a food truck/trailer, repair vehicle, construction/equipment vehicle, landscape service vehicle/equipment, and other vehicles or trailers providing similar services and/or products.

**MOBILE SERVICES:** Any business that provides services off premise using a vehicle licensed by the Ohio Bureau of Motor Vehicles, or another states equivalent. Examples include windshield repair, dog grooming, oil change, vehicle maintenance, carpet cleaning, etc. Trailers used in connection with mobile services are subject to regulations for trailers. (See trailer definition.)

**MODULAR HOME:** See Industrialized Unit.

**MORTUARY:** A building, or structure, or part thereof designed for the temporary reception, care, and preparation of the bodies of the dead, before burial.

**MOTEL:** A building in which lodging, or boarding and lodging, is provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made from outside the building, directly into each room, without having to go thru a lobby or office.

**MOTOR VEHICLE SALES AND RENTAL:** The sale or rental of new and used motor vehicles, motorcycles, recreational vehicles, trailers, or travel trailers, including accessory services.

**NAICS CODE:** See “North American Industry Classification System”

**NIGHT CLUB:** A facility which is open to the general public for entertainment and socializing. Alcohol is typically sold on the premises; however, it is not required in order to be considered a night club.

**NON-CONFORMING USES:** The use of land, or a building, or a portion thereof, which does not conform with the use regulations of the District in which it is situated at the effective date of this Ordinance, or amendment thereof.

**NON-CONFORMING STRUCTURE:** A building or structure, or portion thereof, lawfully existing at the effective date of this Ordinance or amendments thereto, and that does not conform to the provisions of the Ordinance in the District in which it is located.

**NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS):** The standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. It can be found on-line at <http://www.census.gov/eos/www/naics/>

**NUISANCE:** Anything that annoys or disturbs the use or enjoyment of property; or the use of one’s own property in a way that annoys or disturbs others’ use or enjoyment of property.

**NUISANCE PER SE:** A nuisance existing regardless of location or circumstances of use.

**NURSERY, RETAIL:** The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.

**NURSERY, WHOLESALE:** The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers to landscapers, developers, builders, and retail nurseries.

**NURSERY SCHOOL:** The use of land, building, structure, or part thereof, where children of pre-school age (two (2) to five (5) years old), regularly meet for training and supervised play.

**NURSING HOME:** A residential care facility providing nursing care on a 24-hour basis, physical and/or social rehabilitation services and room and board and meets O.R.C. 3750 (F) (1).

**OFF-SITE IMPROVEMENT:** An improvement required to be made off-site as a result of an application for development and including but not limited to, road widening and upgrading, stormwater facilities, and traffic improvements.

**OFF-STREET PARKING LOT:** A facility providing parking spaces for more than three (3) vehicles along with adequate ingress/egress drives and maneuvering aisles.

**OFFICE:** A building, structure, or part thereof, including any rooms therein, in which the business of an industrial corporation or government bureau, or of a professional nature is carried out.

**OHIO REVISED CODE: (O.R.C. or R.C.)** contains the laws of Ohio, which the legislature enacts.

**OPEN SPACE:** An area that is intended to provide light and air. Open space may include, but is not limited to, meadows, wooded areas, and water bodies.

**OPEN SPACE, RESTRICTED:** Open space within a conservation development that is of sufficient size and shape to meet the minimum zoning requirements and that is restricted from further development according to the provisions of this zoning ordinance.

**OTHER ANIMAL FOOD MANUFACTURING:** See MANUFACTURING, OTHER ANIMAL FOOD

**OUTDOOR DISPLAYS:** The display and sale of products and services outside of a building or structure, including but not limited to garden supplies, flowers, shrubs, mulch, fertilizer, and other plant materials; gas, tires, windshield wiper solution, and motor oil; food and beverages; firewood; grilling supplies, including charcoal, propane gas tanks, vehicles, and ice machines.

**OUTDOOR STORAGE:** The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period of time.

**OUTPARCEL, SHOPPING CENTER:** An area of no less than 10,500 square feet and a minimum width of 100 feet at the property line located within a shopping center as defined in this code that shares a common parking lot with the other buildings and establishments within said shopping center but which is separated from the principal building and establishment by a parking area of at least 75 feet.

**OVERLAY DISTRICT:** An additional zoning classification that is applicable to an existing area with an underlying zoning classification. Overlay districts add and establish regulations, flexibility, uses of land, buildings or structures (example, the Riparian Overlay District), or zoning elements that otherwise are typically excluded from a particular district.

**PARKING SPACE:** An area of definite length and width, fully accessible for the parking of permitted vehicles, said area shall be exclusive of drives, aisles or entrances giving access thereto.

**PERMITTED USE:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSON:** An individual, corporation, governmental agency, business trust, estate, trust, partnership, associations, two or more persons having a joint or common interest, or any other legal entity.

**PERSONAL SERVICES:** Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, dry cleaning service, watch repairing, barber shop, beauty parlors and similar activities.

**PICKUP WINDOW:** A window where a patron picks up a pre-ordered product or conducts banking services.

**PLACE OF WORSHIP:** A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

**PLANNED SHOPPING CENTER:** A single use or mixed use of three or more retail, restaurant, and other allowed business uses on a lot or lots that share parking, or access, or allow the movement from one entity to another without the use of a public right-of-way.

**PLANNED RESIDENTIAL DEVELOPMENT (PRD):** The Planned Residential Development (PRD) is a voluntary procedure that provides an overlay district that is intended to encourage innovative design, conservation of significant natural features, consolidation of open space, and a mixture of residential uses with an integrated design in Residential zoning districts. The PRD allows greater design flexibility so that natural features and open space may be preserved and enhanced through site development in a coordinated and efficient manner.

**PLANNED MIXED USE DEVELOPMENT (PMUD):** The Planned Mixed Use Development Overlay (PMUD) is a voluntary procedure that provides an overlay district that is intended to encourage innovative design, conservation of significant natural features, consolidation of open space, and a mixture of residential, commercial, and industrial uses with an integrated design. The PMUD allows greater design flexibility so that natural features and open space may be preserved and enhanced through the location and configuration of development while an array of uses may be integrated in a coordinated, efficient and compatible manner.

**PLANNING COMMISSION STAFF:** The Findlay City Planning Commission exists without a department and staff of its own. Instead, the "staff" consists of several public entities to assist with the review and procedures set forth on its behalf in this zoning ordinance. The entities include the Findlay Engineering Department, Findlay Fire Department, and the Hancock Regional Planning Commission.

**PORCH:** A roofed entryway, enclosed or unenclosed, that is not used as living space.

**PRINCIPAL USE:** The main use to which the premises are devoted and the principal purpose for which the premises exist.

**PROFESSIONAL SERVICES:** Establishments primarily engaged in providing assistance, as opposed to products, from licensed professionals such as doctors, dentists, lawyers, architects, engineers, realtors, and others of like category.

**PROSECUTOR, CITY:** The Prosecutor of the City of Findlay.

**PUBLIC NUISANCE:** A nuisance that interferes with a communal right and that may lead to civil injunction or criminal prosecution.

**PUBLIC USES:** Uses which provide or maintain public services. These include, but are not limited to: public parks; schools; administrative, cultural and service buildings; libraries; hospitals; and museums.

**QUASI-PUBLIC USES:** Uses which provide or maintain public services and are open to the public without a commercial use. These include, but are not limited to: public parks; schools; administrative, cultural and service buildings; churches; libraries; hospitals; museums; fraternal organizations; private clubs; lodge halls; and other similar uses servicing the needs of the region and Central Business District users.

**PUBLIC UTILITY:** Any person, firm, corporation, local department, or board duly authorized to provide services to the public under state or local regulations: electricity, gas, communication, transportation, water, and other similar services. For purposes of this Ordinance and in the application of O.R.C. § 519.211.1 to the communication provisions herein, the following considerations shall be applied:

1. Municipality and state agency use of township land for utility purposes shall be considered use by a public utility;
2. An individual person or corporation may qualify as a public utility based on three factors: the provision of a good or service to the general public is provided in a reasonable and indiscriminate manner; the utility rates and methods of operation are a matter of public concern requiring a license from the PUCO; and, although a lesser factor due to deregulation, there is lack of competition in the local marketplace;
3. A private utility operating pursuant to a state contract and lease in furtherance of state purposes shall be considered a public utility.

**QUARRYING:** The process of removing or extracting stone, rock, or similar materials from an open excavation for financial gain.

**RADIO TOWER:** Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure and is not owned or principally used by a public utility.

**RECREATIONAL FACILITIES:**

1. **Non-Commercial Recreational Facilities:** Private and semi-private recreational facilities which are not operated for commercial gain, including private country clubs, riding stables, golf courses, game preserves, and other private non-commercial recreational areas and facilities or recreational centers including private community swimming pools, and marinas.

2. **Commercial Recreational Facilities:** Recreational facilities established and operated for profit such as commercial golf courses, swimming pools, race tracks, amusement parks, carnivals, and similar commercial enterprises.

**RECREATIONAL VEHICLE:** Any vehicle or a vehicular portable structure designed and constructed to be primarily used for recreational or camping purposes or for the purpose of a temporary dwelling used for travel, recreation or vacation. Recreational vehicles shall include, but are not limited to travel trailers, pickup campers, motorized homes, folding tent trailers, boat and boat trailers, wave runners and trailers, jet skis and trailers, other personal watercraft, and any other related camping and recreational equipment.

**RECYCLING CENTER:** A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

**REHABILITATION:** To restore to condition for constructive activity in keeping with the style of architecture of the structure. Interior or exterior remodeling of a structure, other than ordinary repair.

**RESTAURANT:** A building, structure, or part thereof, where refreshments, snacks, or meals are provided to the public for compensation primarily on the premises; not drive-ins or not for carry-out.

**RETAIL BUSINESS:** A business devoted exclusively to the sale of goods, generally in small quantities, to the public and ultimate consumer, as distinguished from wholesale businesses, defined herein.

**RETENTION POND:** A pond, pool, or basin used for the permanent storage of water runoff. Retention ponds differ from Detention Ponds in that the latter are temporary storage areas. Retention ponds have the potential for water recreation and water oriented landscaping since the water remains. Both types of basins provide for the controlled release of the stored water, and they may permit ground water recharge. Retention ponds are usually not considered an impervious surface unless the bottom has a plastic or other impervious membrane.

**RIGHT-OF-WAY LINE:** A dividing line between a lot, tract or parcel of land and contiguous street.

**ROOM:** A room is a living room, dining room, or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in the kitchen, sanitary facilities, utility, provisions, corridors, hallways and storage.

**SANITARY LANDFILL:** An operation where refuse is compacted thoroughly and then covered with earth.

**SCHOOL:** A place or institution for teaching and learning, whether public or private, that is accredited by the Ohio Department of Education.

**SCREENING:** The provision of a physical barrier intended to obscure view from one property to another. The screening typically runs parallel to a property line(s) and consists of opaque materials, both natural and manufactured. Natural landscaping involves using tall bushes such as arborvitae, hedges, or fir trees and other coniferous vegetation. It may also involve the use of mounding and shorter growth vegetation. Manufactured screening is typically in the form of fencing, wood or vinyl, or in walls made of stone or brick. Screening height typically measures six feet (6') but may be as high as eight feet (8') depending on the uses adjacent to the site subject to the review. The screening may be combined with buffering to offset different uses and their affects.

**SECURITY FENCING:** Fencing with barbed wire. The wire is included in the height measurement restrictions.

**SEMITRAILER:** Any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.

**SERVICE-SAFETY DIRECTOR:** Shall be the person or persons holding the position of Service Director, Safety Director, or the combination thereof, appointed by the Mayor and having the responsibility for overseeing the Zoning Department.

**SETBACK (REQUIRED YARD):** For the purpose of this Ordinance, the distance required to obtain conformity with the yard open-space requirements hereof shall be measured from property lines. The following setback types are utilized in this code: (add current code definitions)

2. **Front Yard Setback:** means an open space extending the full width of the lot, the depth of which is the minimum required horizontal distance between the front lot line and the nearest point of the main building or structure.
3. **Rear Yard Setback:** means the minimum required horizontal distance between the extreme rear line of a building or structure and the rear lot line.
4. **Side Yard Setback:** means the minimum required distance between a main building and the side lot line, extending from the front yard setback line to the rear lot line.

**SEWAGE DISPOSAL SYSTEM, GROUP:** A package system approved by the governmental authorities having jurisdiction which provides for the collection and disposal of sewage from a group of dwellings or buildings or a public utility sewage disposal system.

**SHED:** An accessory structure or building used primarily for storage purposes for items such as lawn equipment, tools and firewood. Sheds are not intended to provide access and storage of motorized vehicles.

**SHOPPING CENTER:** See Large-scale retail project.

**SHORT TERM:** 180 days.



**SIDEWALK:** A leveled, paved, linear surface area separated from but usually running parallel to the traveled way and used as a pedestrian walkway.

**SIGN:** A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, or organization or business.

**SIGN, ACCESSORY:** A sign which is related to the principal use of the premises upon which it is located.

**SIGN AREA:** "Sign area" means the entire display area host to the advertising. This includes text and images. The area calculation is set forth in the definition of each sign type or as provided in each zoning district.

**SIGN, COMMERCIAL ART:** An artistic representation of a company such as a mascot or logo typically via statuary. (i.e. Ronald McDonald, Frisch's Big Boy, etc.). Such signs shall not exceed ten feet (10') in height and a five feet (5') diameter. The signs do not require a permit nor contribute to the allowable sign area.

**SIGN EMBELLISHMENT:** Any portion of a sign structure intended to improve the physical appearance of a sign, including roofs, moldings, railroad ties, lattice, or other decorative features.

**SIGN, INFLATABLE:** Inflatable advertising such as "Fly Guys" and inflated images that are operated by a fan, air pump, etc. which may appear to move around with the wind or may be affixed to the ground with rope and stakes (i.e. beer bottle at a festival).

**SIGN, INTERSTATE HIGH RISE:** A sign that exceeds forty feet (40') but no greater than ninety feet (90') in height, and is located within one thousand five hundred feet (1,500') of the right-of-way of I-75 or State Route 15 and is located in a commercially zoned district. This sign shall not exceed three hundred square feet (300 sq. ft.) in area and shall not have more than four additional panels exceeding seventy-five square feet (75 sq. ft.) in area. The setback from all lot lines shall be one half the height of the sign.

**SIGN, PORTABLE:** Any sign designed and manufactured, or constructed to be self-supporting, or self-contained, or transported, and not permanently attached to the ground or other permanent structure, including signs designed to be transported, but not limited to, signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; balloons used as signs.

**SIGN, LOW PROFILE:** Low profile sign means a sign that does not exceed eight feet (8') in height and does not exceed the allowable sign area.

**SIGN, NON-ACCESSORY:** A sign which is not related to the principal use of the premises upon which it is located.

**SIGN, PYLON:** An accessory sign greater than 8 feet in height but does not exceed 40 feet.

**SIGN, ROOF:** As regulated by this Ordinance, any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal means of support on the roof structure.

**SIGN, SAIL:** Banners using a horizontal arm to create a large graphic area for maximum visibility and that can have the ability to rotate with the wind to ensure the graphic will be visible from any direction.

**SIGN, SUBDIVISION IDENTIFICATION:** A sign at an entry to a platted subdivision which identifies the name of the subdivision.

**SIGN, SUPPORTING STRUCTURE OF:** The wall, post, column, cabinet, framework, ropes, chains, wires or similar devices that maintain the sign location.

**SIGN, TEMPORARY:** A sign or object that advertises land or buildings for sale, rent or lease, garage sales, banners, streamers, balloon or similar devices that are used to advertise a function, event or assist in gaining attention to the site for the specified period of time. Temporary signs may not exceed twelve (12) square feet in area.

**SIGN, WALL (SUBDIVISION IDENTIFICATION):** Letters on a landscaping wall that are done for identification of a subdivision, office park, etc. The primary purpose of the wall is to provide an aesthetic feature to the site, wherein the sign area does not constitute more than fifteen percent (15%) of the wall area on which the text and images are affixed. The sign area shall be measured by calculating the area of the smallest single rectangle which would completely enclose all of the text and images.

**SIGN, WALL BUILDING:** A sign affixed to the wall of a building that is parallel to the lot line.

**SITE:** Parcel or group of parcels combined together for the purpose of containing a business or businesses, such as a strip commercial center, or entity or multiple entities such as a consortium of doctors' offices, but sharing common elements such as parking, vehicular access and or circulation ways, roofing, HVAC systems, addresses, loading bays, etc. Site may or may not have been reviewed and approved by the city planning commission but operates as a common land mass wherein there is a relationship involving one or more of the aforementioned elements.

**SLAUGHTERHOUSE:** A facility for the slaughtering and processing of animals and the refining of their byproducts.

**SPECIALIZED NON-CUSTOMARY ANIMAL RAISING AND CARE:** The use of land and buildings for the non-agricultural care or raising of animals such as mink, horses, dogs, cats, birds or fish. The maintenance of animal kennels and similar activities.

**SPORTS AND RECREATIONAL FACILITY:** Typically a multi-use facility that can offer a range of indoor and outdoor space, or just one or the other, but is designed to accommodate numerous programmed sports activities. Larger facilities can accommodate several programs simultaneously, while smaller facilities may only facilitate a single venue at a time. Indoor facilities typically have high

ceilings (35'-45').

**STOCK YARD:** A large yard with pens, or stables where cattle, sheep, pigs, or similar animals are kept ready for shipping or sale, same may include such buildings and related equipment.

**STORY:** That portion of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor above it, or if there is no floor above, then the space between such floor and ceiling next above. A basement shall not be counted as a story.

**STREET: (See roadway classifications)** A public right-of-way, which provides a public means of access to abutting property. It shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term, excluding an alley.

**STREET SIDE YARD:** Where a rear yard abuts another rear yard, the street side yard is the distance between the right-of-way and the setback line.

**STRUCTURE:** Anything constructed or erected, or placed on the land, the use of which requires a permanent location on the ground or attachment to something having location on the ground. This includes but is not limited to buildings, walls, fences, advertising signs and billboards.

**SUBDIVISION RULES & REGULATIONS:** Regulations adopted by the City of Findlay and Hancock County pursuant to Ohio Revised Code Chapter 711. The regulations set forth requirements and procedures for creating new lots, parcels, etc. such as requiring frontage on a public roadway, lot dimensions, ratio of frontage to depth, etc.

**SUBSTANTIAL IMPROVEMENT:** See Flood Damage Reduction Ordinance, Chapter 1351.

**SURGERY CENTER:** A health care facility that specializes in providing surgery, including certain pain management and diagnostic services in an outpatient setting.

**SWIMMING POOL:** Any structure, portable or permanent, containing a body of water twenty-four inches (24") or more in depth and exceeds fourteen feet (14') in diameter or length, whichever applies to the appropriate shape, or encompasses more than one hundred fifty square feet (150 sq. ft.) of water surface area, intended for recreational purposes, including a wading pool, in-ground pool, above-ground pools, swimming pools, hot tubs and spas. This does not include an ornamental reflecting pool or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.

**TEMPORARY USE OF BUILDING OR LAND:** A use of a building or land permitted by the Board of Appeals to exist during a specified period of time with the intent to discontinue such use upon the expiration of the time period. Temporary uses do not involve the construction or alteration of any permanent building or structure.

**THOROUGHFARE PLAN:** (See "Hancock County Thoroughfare Plan")

**THROUGH LOT:** Lot with frontage on two streets that are parallel or nearly parallel.

**TRANSITIONAL HOUSING:** A facility in which individuals live for a short period while receiving physical, emotional, social, or psychological therapy and counseling to assist them in overcoming physical, social or emotional problems, addiction, or mental illness.

**TREATMENT FACILITY:** A place where those with active addictions or mental illness, can receive professional interactive treatments for either outpatient or inpatient treatment.

**TRUCK STOP:** A facility intended to provide services to the trucking industry, including but not limited to the following activities: dispensing of fuel, repair shops, automated washes, restaurants, and motels; all as part of the facility

**URGENT OR EMERGENCY CARE FACILITY:** A facility dedicated to the delivery of care to patients who have an injury or illness that requires immediate care, outside of a hospital emergency department, usually on an unscheduled, walk-in basis.

**UTILITY TRAILER:** A structure standing on wheels, towed or hauled by another vehicle which carry materials, goods, tools, animals, or other objects, or as a temporary office.

**VARIANCE:** A modification of the strict terms of the relevant regulations of the Zoning Ordinance where such modification will not be contrary to the public interest if granted and when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

**WALL, OBSCURING:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**WAREHOUSE, MINI:** See Mini-Warehouse.

**WAREHOUSING:** The business operation, or institution of the storing of goods, or merchandise.

**WETLANDS:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Areas determined to be wetlands are subject to regulation by the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency. Three essential characteristics must be present for an area to be identified as a wetland: hydrophilic vegetation, hydric soils, and wetland hydrology.

**YARD:** The open space at grade between a building and adjoining lot line, on the same lot with a main building unoccupied and

unobstructed from the ground upward, except as otherwise provided in this Ordinance, and as defined herein: (Also see "Setback" and "Lots")

**ZONING PERMIT:** The document issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the provisions of this Ordinance.

**ZONING OFFICER:** The agent for the City who is responsible for the administration of the City Zoning Regulations and required inspections for zoning compliance per Ohio Revised Code Chapter 519.16. For the purposes of this Zoning Ordinance, the term Zoning Administrator is equivalent to Zoning Inspector.

**ZONING DISTRICT MAPS:** The Zoning District Map or Maps of the City of Findlay together with all amendments subsequently adopted.

## CHAPTER 1199 VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES

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### 1199.01 PROHIBITIONS

It shall be unlawful to locate, erect, construct, reconstruct, replace, enlarge, change, alter, move, maintain or use any building or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by City Council.

### 1199.02 VIOLATIONS

All buildings and land used, and all buildings and structures erected, converted, enlarged, reconstructed, moved or structurally altered, must comply with all applicable provisions of this Ordinance. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine as set forth in Sec. 1199.07.

### 1199.03 EACH DAY A SEPARATE VIOLATION

A separate violation may be deemed committed upon each day during or when a violation occurs or continues.

### 1199.04 WHO MAY ENFORCE

It is the responsibility of the Zoning Administrator to enforce this Ordinance. The Zoning Administrator, the City Council, special counsel employed by the City or any adjacent or neighboring property owner who would be specially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

### 1199.05 CORRECTIONS

Any person, firm or corporation who is convicted of a violation of this Ordinance shall abate or correct the violation within thirty (30) days of such conviction.

### 1199.06 PUBLIC NUISANCE PER SE

Any building or structure which is erected, altered, moved or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent

jurisdiction.

### **1199.07 FINES**

The owner and/or user of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and, upon conviction thereof, shall be fined for each offense as follows:

- A. For each and every violation or instance of noncompliance, violators may be deemed guilty of a misdemeanor of the fourth degree, as defined by City of Findlay Municipal Code Part 5 General Offenses, Sec. 501.99, and each day that the violation exists will constitute a separate offense.
- B. A subsequent violation of this Ordinance involving the same property, the same violator, and occurring within two years of the last prior conviction for the same violation, constitutes a misdemeanor of the third degree, as defined in the City of Findlay Municipal Code Part 5 General Offenses Code, Sec. 501.99. This fine is not in lieu of any other fee or fees to obtain a zoning permit as set forth in Chapter 1169.

### **1199.08 DAMAGE TO CITY INFRASTRUCTURE**

Any individual, group, company, or other entity that causes damage to city infrastructure shall be held liable for damages and prosecuted accordingly. This includes damage to rights-of-way elements such as streets, sidewalks, curbing, waterlines, sewer lines, etc. The violator shall reimburse the City for any expense, loss or damage caused by such violations. The City shall bill the user for the costs incurred by the City for any cleaning, repair or replacement work caused by the violation. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of Findlay Municipal Code Sec. 925.10.

### **1199.09 FALSE STATEMENTS, REPRESENTATIONS OR CERTIFICATIONS**

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Zoning Ordinance, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be punished by the imposition of a civil penalty of not more than one thousand dollars (\$1,000).

### **1199.10 RIGHTS AND REMEDIES, CUMULATIVE**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

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