

## ORDINANCE NO. 2018-035, AS AMENDED

AN ORDINANCE REPLACING CHAPTER 1138, ENTITLED DESIGN REVIEW REGULATIONS, AS WELL AS ENACTING NEW CHAPTER 1139 ENTITLED DESIGN REVIEW GUIDELINES, BOTH OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO.

SECTION 1: That existing Chapter 1138 be and the same is hereby adopted to read as follows:

### 1138.01 PURPOSE.

The purposes of this chapter are:

- A. To establish procedures whereby certain areas of the City are afforded protection from actions that would be detrimental to the business, residential and cultural resources in the community, and to pursue the following objectives:
  - 1. Maintain and enhance the distinctive aesthetic character of downtown;
  - 2. Encourage development of vacant properties in accordance with the character of the designated districts.
- B. To contribute to the economic and cultural development of downtown Findlay by:
  - 1. Protecting and enhancing the downtown attraction to prospective residents, businesses and visitors;
  - 2. Strengthen the economy of downtown by stabilizing and improving property values;
- C. To facilitate reinvestment in and revitalization of the central business district.

### 1138.02 DEFINITIONS.

The following definitions shall apply only to Chapter 1138 of these Codified Ordinances:

- A. "Alteration" means a change to an Architectural Feature, to a Structure, to Real Property or to any other external feature, including but not limited to any removal, construction or modification of any property, landscaping, sign or fence that lies within the Downtown Design Review District.
- B. "Applicant" means the property owner, lessee, occupant, or his or her authorized representative, who submits a request for any development, variance, alteration, review or other procedure as authorized in this ordinance.
- C. "Architectural Feature" means any exterior features that add to the characteristic or design aesthetic of a building on site

- D. "Complete Applicant" means the application for a Certificate of Appropriateness to be deposited with the Administrator, together with such plans, specifications and drawings needed to convey the scope of the proposed Alteration.
- E. "Downtown Design Review District" means any area within the City designated by Council to be subject to the provisions of this chapter.
- F. "Downtown Design Review Guidelines" means a written set of examples of good and bad design features. The review guidelines are meant to help convey the aesthetic character of the Downtown Design Review District.
- G. "Member" means any Member of the Downtown Design Review Board as established under this chapter.
- H. "Minor Alteration" means either: (1) an alteration for which there is no reasonable basis to object to the alteration based on the Downtown Design Review Guidelines; or (2) an alteration that will have little or no impact on the distinctive aesthetic character of the Downtown Design Review District. Based on these criteria, the Administrator has authority to determine whether a proposed alteration is a minor alteration.
- I. "Property owner" means the owner or owners of record, lessees or occupants, of real property.
- J. "Real Property" includes lands, tenements, structures and hereditaments.
- K. "Administrator of the Board" or "Administrator" shall be a staff member designated by the Downtown Design Review Board.
- L. "Structure" means anything constructed or erected, or placed on the land, the use of which requires a permanent location on the ground or attachment or something having a location on the ground. This includes but is not limited to buildings, walls, fences, advertising signs, and billboards.

#### 1138.03 DOWNTOWN DESIGN REVIEW BOARD ESTABLISHED.

##### A. Composition of the Board

There is hereby established a Downtown Design Review Board ("Board") which shall have the powers and duties set forth in this Chapter. The Board shall consist of seven members and two alternates, who shall be appointed by the Mayor, subject to confirmation by Council. The Members of the Board shall be appointed by the Mayor with due regard for the need for professional expertise and balance among the diverse interests within the Downtown Design Review District.

B. Alternates

Two alternates shall be appointed and are considered a member when acting on behalf of a member who is absent or must abstain from a vote. Alternates shall be asked to attend any meeting a regular member will be absent or has a conflict of interest. The alternates should fill any vacant seats to help ensure that seven voting members are present.

C. Terms

Members shall be appointed to serve three-year terms, except in the initial year when two members shall have a one-year term, two members shall have two-year terms, and three members shall have three-year terms.

D. Attendance

Any member of the Board that has been absent for two (2) consecutive meetings or more than 1/3 of the total number of regularly scheduled meetings during the previous twelve months, and having been properly advised as to the date, time and place of said meetings may be subject to removal. The Board will review each case individually to determine if removal is necessary.

1138.04 DESIGNATION

The Downtown Design Review District shall be confined to properties within the designated area. This will include all property located within the boundaries set forth on the map. Any changes to the Downtown Design Review District boundaries must be approved by Council.

1138.05 DOWNTOWN DESIGN REVIEW BOARD; POWERS AND DUTIES.

A. Powers

The Board shall have the authority to review any proposed alterations within the boundaries or the Downtown Design Review District. Except as provided in Section 1138.05(G), the Administrators or the Board's approval of any alteration, respectively, shall be secured before any work may commerce. The Board's regulatory authority is limited to external alternations. The Board shall have no regulatory authority regarding any interior features or systems within a building. The Board shall also have the power to enforce a minimum set of aesthetic maintenance standards as outlined in Section 1138.07.

B. Applicable Properties

This Chapter applies only to the following property types:

1. Non-residential properties, mixed-use properties, and residential properties with four or more units.
2. New structures regardless of use.

### C. Downtown Review District Guidelines

Council will enact, and the Board will maintain, Downtown Review District Guidelines ("Guidelines") that will assist in evaluating proposed Alterations. These guidelines will act as a resource to help developers and property owners make alterations that fit into the aesthetic character of the Downtown Design Review District. The Board will review the guidelines annually or on an as needed basis. Any amendments to the Guidelines shall be adopted by City Council and any subsequent Changes shall be approved by Council.

In reviewing proposed alterations, the Administration and the Board shall use the following general criteria as part of their evaluation. These criteria are covered in greater detail in the Downtown District Review Guidelines:

#### 1. Site Design

- a. Relationship of Building Masses and Spaces - The relationship of a structure within the district to the open space between it and adjoining structures should be compatible.
- b. Height - the height of any proposed alteration should be compatible with the style and character of surrounding structures in the Downtown Design Review District;
- c. Scale - The scale of the structure after iteration, should be compatible with its architectural style and character with surrounding structures;
- d. Landscaping - Landscaping should be compatible with the architectural character and appearance of the Downtown Design Review District.

#### 2. Building Design

- a. Proportions of windows and doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the district;
- b. Materials - Building materials shall be complementary to the character of the Downtown Design Review District.
- c. Roof Shape - The design of the roof, and cornice should be compatible with the architectural style and character of the Downtown Design Review District;
- d. New Structures - New structures shall be compatible with the character of the Downtown Design Review District.
- e. Color - Shall be compatible with the character of the Downtown Design Review District.

D. Meeting Schedule

1. The Board shall meet a minimum six times per year, i.e. every other month, or as needed. Meetings shall be scheduled in the same week as City Planning Commission to expedite review. The deadline to submit an application for a Certificate of Appropriateness is seven days prior to the meeting. The administrator will have the discretion to accept plans after the deadline.
2. Special meetings may be called by the Board to review projects. The purpose of these special meetings is to expedite the review process.

E. Voting

A majority of the membership of the Board, not including alternates, shall constitute a quorum, and any action or decision of the Board shall have the support of the majority of the quorum present. Alternate Members will be invited any time a regular Member cannot be present or has a conflict of interest that prevents them from voting.

F. Establishing the Administrator of the Downtown Design Review Board

A staff member shall be appointed to act as the Administrator, whose duties include scheduling meetings, preparing meeting packets, issuing permits, maintaining files, and communicating information between the Board and Applicant.

G. Establishing Administrative Review

The Administrator may review a prospective project to determine:

1. The project is a Minor Alteration requiring only Administrator review;  
or
2. The project is an alteration requiring Board review and approval. The Board may establish a set of criteria for these Administrator determinations.

H. Effective Date

Nothing contained herein shall authorize the Board to require any site design or building design alterations that were completed prior to the effective date of this ordinance. However, nothing in this section shall be construed to prohibit the Board from enforcing aesthetic maintenance items as authorized by 1138.08 Minimum Maintenance Requirement.

## 1138.06 CERTIFICATE OF APPROPRIATENESS

### A. Process and Timing

1. Before commencing any alteration, the Property Owner shall contact the Administrator.
2. The Administrator shall determine if the project is an alteration or a minor alteration. If it is determined to be a minor alteration, the Administrator shall issue a Certificate of Appropriateness. If it is determined to be an alteration, the applicant shall submit a complete application to the Administrator to apply for and secure a Certificate of Appropriateness from the Board. The application for a certificate shall be deposited with the Administrator, together with such plans, specifications and drawings needed to convey the scope of the project. The Administrator shall transmit the application to the Board members.
3. Within forty-five days of filing, the Board shall consider the application, and approve, deny, or approve the application with conditions or modifications.
4. If the Board fails to meet and consider an application within forty-five days of filing, the application shall be deemed approved. Once the Board meets to consider the application the forty-five day period is satisfied and no specific timeline is applied to the application. The Board may table an application for no longer than a forty-five day period for further discussion or fact finding purposes.
5. The Board may require any person applying for a Certificate of Appropriateness to supply additional information with the Board prior to any hearing or determination to properly review the application.
6. If the proposed alteration is determined to have no adverse effect on the Downtown Design Review District, and does not violate the spirit and purpose of these regulations, then the Administrator shall issue the Certificate of Appropriateness.
7. If the Board determines that the proposed alteration will have an adverse effect on the Downtown Design Review District, or violates the spirit and purposes of these regulations, then the Board shall deny issuance of the Certificate of Appropriateness. The Board shall state in its records the reason for denial and transmit to the applicant via proof of mailing the reasons for denial.

### B. Appeal Process

Whenever the Board disapproves an application for a Certificate of Appropriateness, the Applicant shall have the right to appeal the Board's decision to the Board of Zoning Appeals, in accordance with Chapter 1115 of the Planning and Zoning Code.

1138.07 LIMITATIONS ON ISSUANCE OF CERTIFICATES AND PERMITS.

A. Issuance of Certificate

No alteration in the Downtown Design Review District shall be undertaken prior to obtaining a Certificate of Appropriateness from the Administrator or the Board, respectively. The Zoning Department shall not issue any additional required permits until a Certificate of Appropriateness has been approved by the Administrator or the Board. Any projects requiring site plan review may submit to the Board and Planning Commission simultaneously.

B. Exemptions

1. In instances where building conditions are creating a threat to public health or safety, immediate action to remedy the hazard may occur without a Certificate of Appropriateness.
2. Any minor alteration.

1138.08 MINIMUM MAINTENANCE REQUIREMENT.

A. The Board has the authority to review properties and require remedies for aesthetic maintenance. This includes:

1. Paint: chipped or faded
2. Awnings: torn, faded, structural failures
3. Windows: cracked, broken, missing.
4. Signs: broken, chipped paint, structural failure
5. Exterior walls and finishes: chipped, cracked, structural failure, or safety concern
6. Landscaping and accessory features: must be maintained and cleared of debris.
7. Vacant lots: must be level at grade, maintained, and cleared of debris. The Board may require fencing to secure the site and to maintain aesthetic character.
8. Graffiti or other types property defacement.
9. Any other exterior feature not listed above that is in disrepair.

B. The following procedures apply when a property maintenance issue may be present.

1. Complaints shall be filed with the Administrator. The Administrator will gather information to present at the next scheduled Board meeting.

2. Upon receipt of a complaint, the Board shall review and determine if the complaint shall be investigated further. A majority vote of the membership present shall determine if the complaint shall be dismissed or warrants a hearing with the property owner present. Holding a hearing does not necessarily mean that a violation has occurred.
3. The Board shall notify the property owner or authorized representative of a potential maintenance violation via proof of mailing. The property owner will be asked to attend the next Board meeting to discuss the potential violation. Prior to the conclusion of the meeting, the Board shall vote to determine if a maintenance violation has occurred and outline steps for remediation. A majority vote of the quorum present is needed to determine if there is a maintenance issue and to outline steps for remediation.
4. If it is determined that a violation exists, the property owner shall have thirty (30) days to fix the violation. The Board may state a period longer than thirty (30) days when appropriate.
5. If the property owner or representative fails to respond or attend the next Board meeting to discuss the potential violation, the Board will proceed without the owners input and prescribe actions for remediation. The Board will make reasonable efforts to schedule a meeting with the property owner if they are unable to attend the regularly scheduled monthly meeting.

C. Maintenance Appeal Process

To seek relief from a maintenance violation property owners shall have the right to appeal the Board's decision to the Board of Zoning Appeals, in accordance with Chapter 1115 of the Planning and Zoning Code.

1138.97 STOP WORK ORDER

- A. The Zoning Administrator, Administrator or other designated enforcement official of the City, upon learning or discovering a violation of this design review ordinance may immediately issue a stop work order which shall be posted on the job site and mailed to the applicant or property owner. All work on the property must cease immediately unless otherwise stated on the stop work order.
- B. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.
- C. When an owner fails to comply with the stop work order, the owner may be prosecuted and is subject to the penalty provided in Chapter 1199.



D. Failure to cease work after receipt of an order to stop work is hereby declared a public nuisance.

1138.99 PENALTY.

A. Fines

1. Failure to remedy the violation as outlined by the Board within the designated timeframe will result in a violation and will be subject to Penalty Section 1199.

SECTION 2: That new Chapter 1139 be and the same is hereby adopted and incorporated within the current zoning code.

SECTION 3: This Ordinance shall be in full force and effect from and after the earliest period provided by law.

*Jim C Russell*  
 PRESIDENT OF COUNCIL Pro-Tem  
*R. Ronald Monday*  
 Acting MAYOR

PASSED May 1, 2018

ATTEST *Dennis DeVere*  
CLERK OF COUNCIL

APPROVED May 1, 2018