

## ORDINANCE NO. 2017-059

### AN ORDINANCE ENACTING NEW CHAPTER 1138 OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, ENTITLED DESIGN REVIEW REGULATIONS ORDINANCE FOR THE CITY OF FINDLAY, OHIO.

SECTION 1: That a new 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. Facilitating reinvestment in and revitalization of the central business district.

#### 1138.02 DEFINITIONS.

The following definitions shall apply only to the provisions of the Design Review Regulations of these Codified Ordinances:

- A. "Alter" or "Alteration" means any material Change in the external features of any property which lies within a Design Review District, including but not limited to removal, construction, New Construction, remodeling, exterior painting, or landscaping of real property.
- B. "Applicant" means the land owner or his authorized, who submits a request for any development, variance, Change, review or other procedure as authorized in this ordinance.  
means any owner, owners, person(s), association, partnership or corporation who applies for a Certificate of Appropriateness in order to undertake any Change on property subject to this chapter.

- C. "Architectural Feature" means any exterior features that add to the characteristic or design aesthetic of a building or site.
- D. "Change" means any Alteration, removal or construction involving any property subject to the provisions of this chapter, including signs.
- E. "Design Review District" means any area within the corporate limits of the City designated by Council to be subject to the provisions of this chapter.
- F. "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 Design Review District.
- G. "Member" means any Member of the Design Review Board as established under the provisions of this chapter.
- H. "New Construction" means any structures including buildings, signs and monuments; for which the start of construction commenced on or after the effective date of this ordinance.
- I. "Property owner" means the owner or owners of record.
- J. "Real Property" includes lands, tenements and hereditaments.
- K. "Administrator of the Board" shall be a staff member designated by the Design Review Board.

#### 1138.03 DESIGN REVIEW BOARD ESTABLISHED.

##### A. Composition of the Board

There is hereby established a Design Review Board which shall have the powers and duties as are hereinafter 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 from 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 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 Design Review 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 Design Review Board will review each case individually to determine if removal is necessary.

**1138.04 DESIGNATION**

The 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 Design Review District boundaries must be approved by City Council.

**1138.05 DESIGN REVIEW BOARD; POWERS AND DUTIES.****A. Powers**

Within the boundaries of any Design Review District established by Council, the Design Review Board shall review any proposed exterior alterations or Changes to property as herein defined. The Board's approval of such Alteration or Change shall be secured before any work may commence. The extent of the board's reviews and powers are limited to the exterior of the building and site design, the board shall have no oversight of any interior features or systems within a building. The Design Review Board shall also have the power to enforce a minimum set of aesthetic maintenance standards as outlined in 1138.07 of this chapter.

**B. Applicable Properties**

The Design Review Ordinance applies to the following property types:

1. Existing non-residential, mixed use structures, and existing residential with four or more units.
2. All new structures regardless of use.

**C. Review Guidelines**

The Design Review Board will maintain a written set of 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 district. The Design Review Board will review the guidelines annually or on an as needed basis. The Guidelines shall be adopted by City Council and any subsequent Changes shall be approved by City Council.

In reviewing proposed Alterations or Changes to property, the Board shall use the following criteria as part of their evaluation. These are covered in greater detail within the Downtown Design Review Board Guidebook:

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 or construction should be compatible with the style and character of surrounding structures in the district;
- c. Scale - The scale of the structure after Alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in the district;
- d. Landscaping - Landscaping should be compatible with the architectural character and appearance of the 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 district.
- c. Roof Shape - The design of the roof, and cornice should be compatible with the architectural style and character of the district;
- d. New Structures - New structures in the district shall be compatible with the character of the district.
- e. Color – Shall be compatible with the character of the district.

D. Meeting Schedule

- 1. The Design Review Board shall meet a minimum of bimonthly 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 authority to accept plans after the deadline at his or her discretion.
- 2. Special meetings may be called by the Design Review Board, outside their monthly meeting, 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 Design Review Board**

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

**G. Establishing Administrative Review**

The Design Review Board shall have the authority to give the Design Review Board Administrator the power of administrative review of small projects. The board will establish a set of criteria to determine what is eligible for administrative approval.

**H. Effective Date**

Nothing contained herein shall authorize the Design Review Board to require any site design or building design Changes which were completed prior to the effective date of this ordinance. However, nothing in this section shall be construed to prohibit the Design Review Board from enforcing aesthetic maintenance items as authorized by 1138.07 Minimum Maintenance Requirement.

**1138.06 CERTIFICATE OF APPROPRIATENESS****A. Process and Timing**

1. When the property owner or occupant/tenant intends to construct, reconstruct, or alter any portion of a structure within the District, they shall first apply for and secure a Certificate of Appropriateness from the Design Review Board. The application for a certificate shall be deposited with the Design Review Board Administrator, together with such plans, specifications and drawings needed to convey the scope of the project. The Administrator shall transmit the application to the Design Review Board Members. .
2. Within forty-five days of filing, the Board shall consider the applications, plans and specifications, and approve, deny, or table the application.
3. 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 time frame is satisfied and no specific timeline is applied to the application. The board may table an application for further discussion or fact finding purposes.

4. 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 request.
5. If the proposed construction, reconstruction, Alteration is determined to have no adverse effect on the Design Review District, and does not violate the spirit and purpose of these regulations, then the Board Administrator shall issue the Certificate of Appropriateness.
6. If the Design Review Board determines that the proposed construction, reconstruction, Alteration will have an adverse effect on the 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 Design Review Board shall, in a final decision, disapprove an application for a Certificate of Appropriateness, the Applicant for such Certificate shall have the right to appeal the board's decision to the Board of Zoning Appeals, in accordance with Chapter 1115 of the Zoning Code.

**1138.07 LIMITATIONS ON ISSUANCE OF CERTIFICATES AND PERMITS.**

**A. Issuance of Certificate**

No construction, reconstruction, Alteration of any structure or Applicant thereof in any designated Design Review District shall be undertaken prior to obtaining a Certificate of Appropriateness from the Design Review Board. The Zoning Department shall not issue any additional required permits until a Certificate of Appropriateness has been approved by the Design Review Board. Any projects requiring site plan review may submit to the Design Review 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. The Design Review District does not apply to any existing single family, duplex or triplex homes located within its boundaries. Additionally the conversion of any single family unit to a duplex or triplex will not be subject to the design review standards.

**1138.08 MINIMUM MAINTENANCE REQUIREMENT.**

**A. The Design Review 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.
  8. Any other exterior feature not listed above that is in disrepair.
- B. The Design Review Board shall execute the following procedures when a property maintenance issue may be present.
1. Complaints shall be filed with the Design Review Board Administrator. The Administrator will gather information to present at the next scheduled Design Review Board meeting.
  2. Upon receipt of a complaint, the Design Review 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 Design Review 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 Design Review Board meeting to discuss the potential violation. Prior to the conclusion of the meeting, the Design Review 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 Design Review 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 Design Review Board meeting to discuss the potential violation, the Design Review 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 Zoning Code.

1138.97 STOP WORK ORDER

- A. The Zoning Administrator or other 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.

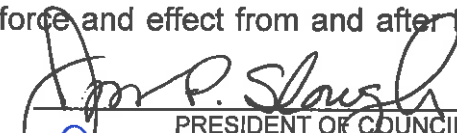
1138.99 PENALTY.

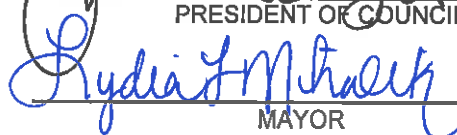
A. Fines

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

SECTION 2: That Chapter 1373 be and the same is hereby repealed.

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

  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

  
 \_\_\_\_\_  
 MAYOR

PASSED September 5, 2017

ATTEST   
 \_\_\_\_\_  
 CLERK OF COUNCIL

APPROVED September 5, 2017