

FINDLAY CITY COUNCIL AGENDA

REGULAR SESSION

April 3, 2018

COUNCIL CHAMBERS

ROLL CALL of 2018-2019 Councilmembers

ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:

Acceptance or changes to the March 20, 2018 Regular Session City Council meeting minutes.

ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA: – none.

PROCLAMATIONS: - none.

RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 008-2018 (*Becky Greeno retirement*)

first reading

A RESOLUTION COMMENDING REBECCA GREENO FOR THE EXCELLENCE OF HER SERVICES TO THE CITY OF FINDLAY, OHIO.

PETITIONS:

Zoning amendment request – 2131 Spruce Dr

Jacob Berg would like to change the zoning of 2131 Spruce Drive to R4 Duplex/Triplex, High Density Residential District. It currently is zoned R2 Single Family, Medium Density. Needs to be referred to City Planning Commission and Planning & Zoning Committee.

WRITTEN COMMUNICATIONS: - none.

ORAL COMMUNICATIONS: - none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Service Director/Acting City Engineer Brian Thomas – Rotary Refunds

At the end of 2017, the Engineering Department collected rotary fees for two (2) properties located on West Sandusky Street. The sewer in that area was installed by the County and the rotary should have been collected by Hancock County. Since the fiscal year has been closed, Engineering needs legislation to transfer the funds from the Sewer Fund before the money can be sent to Hancock County. Legislation to appropriate funds is requested. Ordinance No. 2018-027 was created.

FROM: Sewer Fund (sewer rotary restricted account)	\$ 10,641.64
TO: WPC #25061000-other	\$ 10,641.64

Service Director/Acting City Engineer Brian Thomas – R&M Buildings and Grounds for Recreation Functions

During discussions with the Auditor's Office, two (2) projects that were included in the Capital Improvements Plan that should have been included in the R&M Buildings and Grounds line item in the Recreation Functions Budget. Thirty thousand dollars (\$30,000) to replace the lobby furniture at the CUBE, and seven thousand (\$7,000) to replace the exterior arena doors at the CUBE. Legislation to appropriate funds to the Recreation Functions Budget is requested. Ordinance No. 2018-028 was created.

FROM: General Fund	\$ 37,000.00
TO: Recreation Functions #21044400-other	\$ 37,000.00

Service Director/Acting City Engineer Brian Thomas – GIS Software Replacement, Project No. 31984200

The project was included in the 2018 Capital Improvement Plan with an estimated cost of forty thousand dollars (\$40,000). Engineering was planning on upgrading the GIS software later in the year as a step towards making the GIS easier to use and more available to other City departments and the public. Last week, Engineering was part of a meeting for the upgrading of the Dispatch software. During the meeting, the software manufacturer listed the data that they need from the GIS. One of the requirements is that the data provided be in the format used by the upgraded GIS software. Legislation to appropriate and transfer funds is requested. Ordinance No. 2018-029 was created.

FROM: CIT Fund - Capital Improvements Restricted Account	\$ 40,000.00
TO: Replace GIS Software <i>Project No. 31984200</i>	\$ 40,000.00

Service Director/Acting City Engineer Brian Thomas – North Blanchard Street Storm Sewer Replacement, Project No. 35584300

The existing concrete storm sewer on North Blanchard Street, between Jacobs Avenue and Lesa Avenue, is separating at the joints in some areas. With the joints separating, the sewer is pulling soil into the sewer which is causing a dip in Blanchard Street. The sewer needs to be replaced before the dip in the street can be repaired. Legislation to appropriate funds and waive the formal bidding process so that Engineering can obtain a contractor to get the sewer replaced is requested. Until the sewer is replaced, the amount of damage to Blanchard Street will continue to grow. Ordinance No. 2018-030 was created.

FROM: Sewer Fund – Stormwater Restricted Account	\$ 260,000.00
TO: North Blanchard Street Storm Sewer Replacement <i>Project No. 35584300</i>	\$ 260,000.00

Service Director/Acting City Engineer Brian Thomas – 2017 Annual Sewer & Manhole Lining Program, Project No. 35674400

This project was included in the 2017 Capital Improvement Plan with an estimated \$550,000. Previously, \$442,000 has been appropriated for the sewer lining portion of the project. Legislation to appropriate the remaining funds so that the manhole lining portion of the project may begin. These funds will allow for manholes that are rapidly deteriorating to be lined so that their remaining life can be extended and it will be cheaper than replacing them. When this project was copied into the 2018 Capital Improvement Plan, the project estimate was inadvertently changed from the \$550,000 to the \$442,000. Legislation to appropriate funds is requested. Ordinance No. 2018-031 was created.

FROM: Sewer Fund \$ 108,000.00
TO: Annual Sewer & Manhole Lining Program, Project No. 35674400 \$ 108,000.00

Service Director/Acting City Engineer Brian Thomas – Blanchard Street/Sixth Street Intersection Upgrade, Project No. 32842500

This project was included in the 2014 Capital Improvement Plan. \$25,000 was already appropriated for project startup. A study has been completed to look at different options for improving traffic flow at the intersection and an option has been chosen that should improve the traffic flow while minimizing the amount of right-of-way that will need to be acquired. Legislation to appropriate and transfer an additional \$6,000 is requested to cover the cost for survey work, plan preparation, and right-of-way documents is requested. Ordinance No. 2018-032 was created.

FROM: CIT Fund - Capital Improvements Restricted Account \$ 6,000.00
TO: Blanchard Street/Sixth Street Intersection Upgrade Project No. 32842500 \$ 6,000.00

Service Director/Acting City Engineer Brian Thomas – Areas B-4 & B-6 Sewer Separation, Phase 1, Project No. 32556000

This project was included in the 2016 Capital Improvement Plan. Engineering is finishing up the plans for both Phase 1 and Phase 2 of this project and is hoping to bid the project in the next couple of weeks. Previously, \$20,000 had been appropriated to the project for the preparation of the plans. Legislation to appropriate and transfer funds for permit fees, legal advertisement, etc. is requested. Ordinance No. 2018-033 was created.

FROM: CIT Fund - Capital Improvements Restricted Account \$ 1,500.00
TO: Areas B-4 & B-6 Sewer Separation, Phase 1 Project No. 32556000 \$ 1,500.00

Service Director/Acting City Engineer Brian Thomas – Rubber Flooring for Arena Area, Project No. 31982900

This project was included in the 2018 Capital Improvement Plan with an estimated cost of \$62,000. This amount was based upon quotes received from multiple vendors. Legislation to appropriate and transfer funds so that the work at the CUBE can be scheduled and completed before the ice is put back down is requested. Ordinance No. 2018-034 was created.

FROM: CIT Fund - Capital Improvements Restricted Account \$ 62,000.00
TO: Rubber Flooring for Arena Area Project No. 31982900 \$ 62,000.00

Hancock Regional Planning Commission Director Matt Cordonnier – Design Review District documents

Mr. Cordonnier is submitting two (2) Design Review District documents for Council's consideration. They are revisions to the Design Review Ordinance and the Design Review District Design Guidelines. The adoption of these two (2) documents constitute the final step in activating the Design Review District. City Council adopted Ordinance No. 2017-059 on September 5, 2017 which created Chapter 1138 of the Findlay Zoning Code to create the Design Review District and the Design Review Board. City Council confirmed the appointment of nine (9) citizens to serve on the Board on October 17, 2017. The Design Review Ordinance No. 2017-059 states "The Design Review Board will maintain a written set of design guidelines that will assist in evaluating proposed projects. The guidelines shall be adopted by City Council." Creating the Design Guidelines has been the primary task of the Design Review Board since it was created. The Board has completed the Design Guidelines and are ready for consideration by City Council. Legislation to amend Chapter 1138 and adopt the Design Review Guidelines and place them in the newly created Chapter 1139 of the Findlay Zoning Code is requested. Ordinance No. 2018-035 was created.

Hancock Regional Planning Commission Director Matt Cordonnier – CHIP program

The Ohio Office of Community Development offers counties and cities the opportunity to compete for funding to provide certain housing services to low and moderate income residents through the Community Housing Improvement Program or CHIP.

The State of Ohio encourages partnerships between political entities who are applying for competitive CHIP Grants. If Hancock County and the City of Findlay partner for a CHIP application, the grant amount that can be received is increased from \$350,000 to \$750,000. CHIP funds may be used for several different residential activities such as owner rehab, rental rehab, tenant based rental assistance, emergency home repair, down payment assistance, and Habitat for Humanity builds.

In 2014, Hancock County received a \$400,000 CHIP grant and in 2016, Hancock County and the City of Findlay received a \$850,000 CHIP grant.

WSOS and HRPC are working together to submit an application for 2018 CHIP funds for the City of Findlay and Hancock County. Legislation authorizing the Mayor to enter into a partnership agreement with Hancock County to apply for a combined CHIP grant application is requested. Ordinance No. 2018-036 was created.

City Planning Commission agenda – April 12, 2018; minutes – March 8, 2018.

COMMITTEE REPORTS: - none.

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 008-2018

See page 1 (**RECOGNITION/RETIREMENT RESOLUTIONS** section).

ORDINANCES

ORDINANCE NO. 2018-024 (*2350 Keith Pkwy rezone*) **requires three (3) readings** **second reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 2350 KEITH PARKWAY REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "I-1 LIGHT INDUSTRIAL".

ORDINANCE NO. 2018-025 (*South St rezone*) **requires three (3) readings** **second reading**
AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS SOUTH STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

ORDINANCE NO. 2018-026 (*2017 Ordinances & Resolution changes*) **requires three (3) readings** **second reading**
AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2018-027 (*rotary refunds*) **requires three (3) readings** **first reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2018-028 (*R&M bldgs. & grounds for recreation functions*) **requires three (3) readings** **first reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2018-029 (*GIS software replacement*) **requires three (3) readings** **first reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2018-030 (*N Blanchard St storm sewer replacement*) **requires three (3) readings** **first reading**
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO WAIVE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT OR CONTRACTS FOR THE REPLACEMENT OF STORM SEWER ON NORTH BLANCHARD STREET, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING A REAL AND PRESENT EMERGENCY.

ORDINANCE NO. 2018-031 (*2017 annual sewer & manhole lining program*) **requires three (3) readings** **first reading**
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2018-032 (*Blanchard St/Sixth St intersection upgrade*) **requires three (3) readings** **first reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2018-033 (*areas B-4 & B-6 sewer separation Phase 1*) **requires three (3) readings** **first reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2018-034 (*rubber flooring for CUBE arena*) **requires three (3) readings** **first reading**
AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2018-035 (*Design Review District changes*) **requires three (3) readings** **first reading**
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.

ORDINANCE NO. 2018-036 (*CHIP agreement renewal*) **requires three (3) readings** **first reading**
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO PARTNER WITH HANCOCK COUNTY BY ENTERING INTO A PARTNERSHIP AGREEMENT FOR THE ADMINISTRATION OF THE COMMUNITY HOUSING IMPACT AND PRESERVATION (HEREINAFTER REFERRED TO AS "CHIP") PROGRAM FOR THE PURPOSE OF ADDRESSING LOCAL HOUSING NEEDS WITHIN HANCOCK COUNTY, OHIO, AND DECLARING AN EMERGENCY.

UNFINISHED BUSINESS:

OLD BUSINESS
NEW BUSINESS

March 20, 2018

To: The Council of the City of Findlay

Letter of Intent: Rezone lot on Spruce Dr.

To Whom It May Concern:

Parcel 630000084980 is a 20,766 square foot vacant lot and is behind Michael Eller Jewelers. My intent is to build a duplex or triplex on the vacant lot.

The duplex/triplex will be able to house two or three families. I have not selected an exact duplex/triplex but I plan to build in 2018 or 2019. The drive will have to be connected to the easement of Davidsons/Myers property to the East, unless the City of Findlay grants me to have a direct drive to Spruce Drive which is what I'd like to see happen.

If you have any further questions please contact myself at 419-788-4862 or Jacob_1_mail@yahoo.com.

Sincerely,



Jacob Berg



**PETITION FOR ZONING AMENDMENT
CITY OF FINDLAY**

(Revised May 2017)

TO THE COUNCIL OF THE CITY OF FINDLAY, STATE OF OHIO:

We, the undersigned owner(s) of the following legally described property, hereby request consideration of a change in zoning district classification as specified below:

ADDRESS: ²¹³¹ Spruce Dr. Findlay, OH 45840

SUBDIVISION:

LOT No.(s): 630000084980

If a rezoning request involves more than one parcel, City Code requires that the petition be signed by the owners of at least fifty percent (50%) of the frontage of the lots under consideration. If applicable, owners must fill in the following section:

SIGNATURE	SUBDIVISION	LOT NO.	STREET FRONTAGE

IF NOT LOCATED IN A RECORDED SUBDIVISION, ATTACH LEGAL DESCRIPTION

EXISTING USE Grass

PRESENT ZONING DISTRICT R2 Single Family, medium Density

PROPOSED ZONING DISTRICT R4 Duplex/Triplex, High Density Residential District

ATTACH:

- a. Vicinity map showing property lines, streets, and existing and proposed zoning.
- b. List of all property owners within, contiguous to, and directly across the street from the proposed rezoning.

NOTE: COMPLIANCE WITH ABOVE REQUIREMENT IS EXTREMELY IMPORTANT. FAILURE TO NOTIFY ANY PROPERTY OWNER FALLING WITHIN THIS CRITERIA WILL POSSIBLY INVALIDATE THE REZONING ORDINANCE PASSED AS A RESULT OF THIS PETITION.

- c. A written statement of the reason for the request and justification for the change.
- d. If the area to be rezoned is a portion of a parcel, a survey must be done for the portion to be changed and it must be recorded as a new parcel at the County Recorder's Office.

Name of Owner Jacob Berg

Name of Contact Person if other than owner _____
(a letter granting person to act on owner's behalf must accompany application if not signed by owner)

Mailing Address 2110 W Sandusky St. Findlay, OH 45840

Phone No. (Home) (419) 788-4862 (Business) () -

Email: jacob_1_mail@yahoo.com

3 / 20 / 2018
Date


Signature of contact person

OFFICE USE ONLY

\$250.00 fee paid Cash 3/20/18 \$100 fee paid PUD approval _____

Applicable Advertising and Filing Fees Paid _____

Date Petition Submitted to City Council _____

Referral to Planning Commission _____ Referral to Planning & Zoning _____

Planning Commission _____ Disposition _____

Planning & Zoning _____ Disposition _____

Public Hearing Date Set by Council _____

Date of Newspaper Notice _____
(must be mailed at least 30 days prior to hearing)

Date of Notice to Abutting Property Owners _____
(must be mailed at least 20 days prior to hearing)

Referred for Legislation: _____

Date of Readings by Council:
First / / Second / / Third / /

Action by Council: _____ Ordinance No. _____

SPRUCE DR LOT

The following are properties within, contiguous to, and directly across the street from the proposed rezoning:

To the North:

Michael Eller
Touhalisky Properties LLC
Pridelands of Findlay LLC

To the South & East:

Thad A Davidson, Heather D Davidson, Becky K Myers




To the West:

Steven C Brokamp, Erika A Dietch-Brokamp

Untitled Map

Write a description for your map.

Legend

-  Michael Eller Jewelers
-  Noakes-Rooney & Associates Realty
-  Spruce Dr



Office of the Mayor

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Paul E. Schmelzer, P.E., P.S.
Safety Director

Brian A. Thomas, P.E., P.S.
Service Director

March 28, 2018

Honorable City Council
Findlay, OH 45840

RE: Rotary Refunds

Dear Council Members:

At the end of 2017, the Engineering Department collected rotary fees for two (2) properties located on West Sandusky Street. The sewer in that area was installed by the County and the rotary should have been collected by Hancock County. Since the fiscal year has been closed, engineering needs legislation to transfer the funds from the sewer fund before the money can be sent to Hancock County.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate funds as follows:

FROM:	Sewer Fund (sewer rotary restricted account)	\$10,641.64
TO:	WPC (25061000-Other)	\$10,641.64

If you have any questions, please feel free to contact me.

Sincerely,



Brian Thomas
Service Director/Acting City Engineer

pc: Don Rasmussen, Law Director
Jim Staschiak II, Auditor

Office of the Mayor

Lydia L. Mihalik

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Paul E. Schmelzer, P.E., P.S.
Safety Director

Brian A. Thomas, P.E., P.S.
Service Director

March 28, 2018

Honorable City Council
Findlay, OH 45840

RE: R&M Buildings and Grounds for Recreation Functions

Dear Council Members:

While having discussions with the Auditor's office, it was pointed out that there are two (2) projects that were included in the Capital Improvements Plan that should have been included in the R&M Buildings and Grounds line item in the Recreation Functions Budget. These projects are replacing the lobby furniture at the Cube (\$30,000) and replacing the exterior arena doors at the Cube (\$7,000).

At this time, I am requesting that the funds be appropriate to the Recreation Functions Budget as requested by the Auditor's office.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate funds as follows:

FROM:	General Fund	\$37,000.00
TO:	Recreation Functions (21044400-Other)	\$37,000.00

If you have any questions, please feel free to contact me.

Sincerely,



Brian Thomas
Service Director/Acting City Engineer

pc: Don Rasmussen, Law Director
Jim Staschiak II, Auditor

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RE: GIS Software Replacement, Project No. 31984200

Dear Council Members:

The above-mentioned project was included in the 2018 Capital Improvement Plan with an estimated cost of \$40,000.

Engineering was planning on upgrading the GIS software later in the year as a step towards making the GIS easier to use and more available to other City Departments and the Public. Last week, engineering was part of a meeting for the upgrading of the dispatch software. During the meeting, the software manufacturer listed the data that they need from the GIS. One of the requirements is that the data provided be in the format used by the upgraded GIS software. At this time, I am requesting that the funds be appropriated so that the upgraded GIS software can be purchased.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate and transfer funds as follows:

FROM:	CIT Fund - Capital Improvements Restricted Account	\$40,000.00
TO:	Replace GIS Software Project No. 31984200	\$40,000.00

If you have any questions, please feel free to contact me.

Sincerely,



Brian Thomas
Service Director/Acting City Engineer

pc: Don Rasmussen, Law Director
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March 28, 2018

Honorable City Council
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RE: North Blanchard Street Storm Sewer Replacement, Project No. 35584300

Dear Council Members:

The existing concrete storm sewer on North Blanchard Street (between Jacobs Avenue and Lesa Avenue) is separating at the joints in some areas. With the joints separating, the sewer is pulling soil into the sewer which is causing a dip in Blanchard Street. The sewer needs to be replaced before the dip in the street can be repaired.

At this time, I am requesting \$260,000 be appropriated and the formal bidding process be waived so that Engineering can get a Contactor under contract to get the sewer replaced. Until the sewer is replaced, the amount of damage to Blanchard Street will continue to grow.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to waive the formal bidding process and appropriate funds as follows:

FROM:	Sewer Fund – Stormwater Restricted Account	\$260,000.00
TO:	North Blanchard Street Storm Sewer Replacement Project No. 35584300	\$260,000.00

If you have any questions, please feel free to contact me.

Sincerely,



Brian Thomas
Service Director/Acting City Engineer

pc: Don Rasmussen, Law Director
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March 28, 2018

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Findlay, OH 45840

RE: 2017 Annual Sewer & Manhole Lining Program, Project No. 35674400

Dear Council Members:

The above-mentioned project was included in the 2017 Capital Improvement Plan with an estimated cost of \$550,000. Previously an amount of \$442,000 has been appropriated for the sewer lining portion of the project.

At this time, I am requesting that the remaining funds be appropriated so that the manhole lining portion of the project can be started. These funds will allow for manholes that are rapidly being deteriorated to be lined so that the remaining life can be extended at a cost that is less than replacing them.

I do want to point out that when this project was copied into the 2018 Capital Improvement Plan, the project estimate was inadvertently changed from \$550,000 to \$442,000. I just wanted to make sure that everyone was aware of the typographical error.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate funds as follows:

FROM:	Sewer Fund	\$108,000.00
TO:	Annual Sewer & Manhole Lining Program Project No. 35674400	\$108,000.00

If you have any questions, please feel free to contact me.

Sincerely,



Brian Thomas
Service Director/Acting City Engineer

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March 28, 2018

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RE: Blanchard Street/Sixth Street Intersection Upgrade, Project No. 32842500

Dear Council Members:

The above-mentioned project was included in the 2014 Capital Improvement Plan. Previously, \$25,000 was appropriated to the project for startup money. A study has been completed to look at different options for improving traffic flow at the intersection and an option has been chosen that should improve the traffic flow while minimizing the amount of right-of-way that will need to be acquired.

At this time, I am requesting an additional \$6,000 be appropriated to cover the cost for survey work, plan preparation and right-of-way documents.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate and transfer funds as follows:

FROM:	CIT Fund - Capital Improvements Restricted Account	\$6,000.00
TO:	Blanchard Street/Sixth Street Intersection Upgrade Project No. 32842500	\$6,000.00

If you have any questions, please feel free to contact me.

Sincerely,



Brian Thomas
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March 28, 2018

Honorable City Council
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RE: Areas B-4 & B-6 Sewer Separation, Phase 1, Project No. 32556000

Dear Council Members:

The above-mentioned project was included in the 2016 Capital Improvement Plan. Engineering is finishing up the plans for both Phase 1 and Phase 2 of this project and is hoping to bid the project in the next couple of weeks.

Previously \$20,000 had been appropriated to the project for the preparation of the plans. At this time, I am requesting an additional \$1,500 be appropriated for permit fees, legal advertisement, etc..

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate and transfer funds as follows:

FROM:	CIT Fund - Capital Improvements Restricted Account	\$1,500.00
TO:	Areas B-4 & B-6 Sewer Separation, Phase 1 Project No. 32556000	\$1,500.00

If you have any questions, please feel free to contact me.

Sincerely,



Brian Thomas
Service Director/Acting City Engineer

pc: Don Rasmussen, Law Director
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March 28, 2018

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RE: Rubber Flooring for Arena Area, Project No. 31982900

Dear Council Members:

The above-mentioned project was included in the 2018 Capital Improvement Plan with an estimated cost of \$62,000. This amount was based upon quotes received from multiple vendors.

At this time, I am requesting that the funds be appropriated so the work can get scheduled to be completed at the Cube before the ice is put back down.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to appropriate and transfer funds as follows:

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TO:	Rubber Flooring for Arena Area, Project No. 31982900	\$62,000.00

If you have any questions, please feel free to contact me.

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Brian Thomas
Service Director/Acting City Engineer

pc: Don Rasmussen, Law Director
Jim Staschiak II, Auditor



March 28, 2018

Findlay City Council
318 Dorney Plaza
Findlay, Ohio 45840

Findlay City Council Members,

I am presenting for your consideration two documents pertaining to the Design Review District. The documents included in this packet are revisions to the Design Review Ordinance and the Design Review District Design Guidelines.

The adoption of these two documents constitute the final step in activating the Design Review District. September 5th, 2017 City Council adopted Ordinance 2017-059 which created section 1138 of the Findlay Zoning Code. This section created the Design Review District and the Design Review Board. On October 17th City Council confirmed the appointment of 9 citizens to serve on the Board.

The Design Review Ordinance 2017-059 states, "The Design Review Board will maintain a written set of design guidelines that will assist in evaluating proposed projects. The Guidelines shall be adopted by City Council." Creating the Design Guidelines has been the primary task of the Design Review Board since it was created. The board has completed the Design Guidelines and are ready for consideration by City Council.

I respectfully request City Council amend Chapter 1138 with the attached changes. Additionally I request that City Council adopt the Design Review Guidelines and place them in a newly created Chapter 1139 of the Findlay Zoning Code.

If you have any question please feel free to contact me anytime.

Sincerely,

Matt Cordonnier

Director, HRPC

CHAPTER 1138
Design Review Regulations

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~~ Facilitating reinvestment in and revitalization of the central business district.

1138.02 DEFINITIONS.

The following definitions shall apply only to Chapter 1138 the provisions of the Design Review Regulations of these Codified Ordinances:

- ~~A. "Alter" means to effect, and an or "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. "Change" does not include de minimis, in the reasonable discretion of the Board, changes or modifications ("De Minimis Changes").~~
- ~~D. is, both in the Design Review Board's reasonable discretion, a material Change means any material Change in the external features of any property which lies within the Downtown a Design Review District, including but not limited to removal, construction, New Construction, remodeling, exterior painting, or landscaping of real property.~~
- ~~E. "Applicant" means the property land owner, lessee, occupant, or his or her authorized representative, who submits a request for any development, variance, Alteration, Change, review or other procedure as authorized in this ordinance.~~
- ~~B. 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.~~
- ~~"Architectural Feature" means any exterior features that add to the characteristic or design aesthetic of a building or site.~~
- ~~C. "Change" 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. "Change" does not include de minimis, in the~~

Commented [MC1]: Reworded the definition of Alteration for clarification.

Commented [MC2]: Reworded the definition for Applicant to include lessee, occupant or authorized representative. Changed land owner to property owner.

Commented [MC3]: Removed "Change" from the definitions as part of the clarification of the document.

~~reasonable discretion of the Board, changes or modifications, ("De Minimis Changes").~~

~~F.~~

G.D. "Complete Application" means the application for a Certificated of Appropriateness to be deposited with the Administrator, together with such plans, specifications and drawings needed to convey the scope of the proposed Alteration. Change "Change" means any Alteration, removal or construction involving any property subject to the provisions of this chapter, including signs.

Commented [MC4]: Added "Complete Application" to the definition section

H.E. "Downtown 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.

Commented [MC5]: Added the descriptor Downtown to the Design Review District

I.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 Design Review Board as established under the provisions of this chapter.

J.H. "Minor Alteration" means either: (1) an Alteration for which there is no reasonable basis to object to the Alteration based on the 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.

Commented [MC6]: Added the definition of "Minor Alteration" This helps to clarify how very small alterations are considered by the board and gives authority to the administrator to review administratively

K. "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.

Commented [MC7]: Determined that the definition for new construction is not needed

L.I. "Property Owner" means the owner or owners of record, lessees or occupants, of real property.

M.J. "Real Property" includes lands, tenements, Structures and hereditaments.

Commented [MC8]: Added structure to the definition of Real Property

K. "Administrator of the Board" or "Administrator" shall be a staff member designated by the Design Review Board.

N.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.

Commented [MC9]: Added the definition of Structure

1138.03 DESIGN REVIEW BOARD ESTABLISHED.

A. Composition of the Board

There is hereby established a Design Review Board ("Board") which shall have the powers and duties as are hereinafter set forth in this eChapter. The Board shall consist of seven Mmembers and two alternates, who shall be appointed by the Mayor, subject to confirmation by ~~from~~ Council. The Mmembers 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. ~~district~~

B. Alternates

Two alternates shall be appointed and are considered a **M**ember when acting on behalf of a **M**ember 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 **M**embers are present.

C. Terms

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

D. Attendance

Any **M**ember of the **Design Review Board** who 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 **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 **City Council**.

1138.05 DESIGN REVIEW BOARD; POWERS AND DUTIES.

A. Powers

The Board shall have the authority to review any proposed **Alteration project** within the boundaries of the **Downtown Design Review District** ~~that is not a De Minimis Change that is a proposed Change or Alteration.~~ Except as provided in Section 1138.05(G), the **Administrator's** or the **Board's** approval of any **Change or Alteration**, respectively, shall be secured before any work may commence. The **Board's** regulatory authority is limited to external **Changes or Alterations**. 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.

~~Within the boundaries of the Downtown any Design Review District, established by Council, the Design Review Board shall review any proposed exterior Alterations or Changes to property, as herein defined. Except as provided in Section 1138.05(G), The Board's approval of any such Alteration or Change shall be secured before any work may commence. The Board's regulatory authority is 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 regulatory authority regarding 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 Section 1138.07, of this chapter.~~

Commented [MC10]: Powers section rewritten to add clarification and a cleaner definition.

B. Applicable Properties

This ~~Chapter~~ ~~e-Design Review Ordinance~~ applies only to the following property types:

Commented [MC11]: Clarification of the properties that are subject to the ordinance.

1. ~~Existing n~~Non-residential structures properties, mixed-use~~mixed-use properties~~structures, and existing residential structures with properties with four or more units.
2. ~~All n~~New s~~Structures~~ regardless of use.
2. —

C. ~~Downtown Review District Guidelines~~ Review Guidelines

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

In reviewing proposed ~~Changes or Alterations, or Changes to property, the Administrator and the Board shall use the following general criteria as part of their its their evaluation. These criteria are covered in greater detail in the Downtown District Review Guidelines: 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 ~~s~~structures should be compatible
 - b. Height - the height of any proposed ~~Change or Alteration or construction~~ should be compatible with the style and character of surrounding ~~s~~structures in the ~~Downtown Design Review District, district;~~
 - c. Scale - The scale of the structure after ~~the Change or A~~lteration, ~~construction, or partial demolition s~~should be compatible with its architectural style and character and with surrounding ~~s~~Structures, ~~in the district;~~
 - d. Landscaping - Landscaping should be compatible with the architectural character and appearance of the ~~Downtown Design Review District, 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, 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. ~~district;~~
- d. New Structures - New structures ~~in the district~~ shall be compatible with the character of the Downtown Design Review District. ~~district.~~
- e. Color - Shall be compatible with the character of the Downtown Design Review District. ~~district.~~

D. Meeting Schedule

- 1. The ~~Design Review~~ Board shall meet a minimum six times per year, i.e. every other month, or 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 ~~a~~Administrator will have the discretion 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 Administrator, whose Board Administrator. ~~The Design Review Board Administrator~~ duties include scheduling meetings, preparing meeting packets, issuing permits, maintaining files, and communicating information between the ~~b~~Board and Applicant.

G. Establishing Administrative Review

~~The Administrator~~ ~~The Design Review Board may~~ shall have the authority to give the ~~Design Review Board Administrator~~ the power of administrative review a prospective project to determine:

- 1. ~~The project is a Minor Alteration De Minimis Change requiring no further only Administrator or Board review; or~~
~~The project is an immaterial Change within the Administrator's delegated authority to issue a Certificate of Appropriateness; or~~
- 2. The project is an Alteration requiring Board review and approval. The Board may establish a set of criteria for these Administrator determinations.

~~of small projects or Alterations without involvement of the Board. The bBoard will establish a set of criteria to determine what is eligible for administrative approval.~~

H. Effective Date

Commented [MC12]: Changes made to clarify Administrative Review The Administrator has the ability to determine the level of review

Nothing contained herein shall authorize the ~~Design Review~~ Board to require any site design or building design ~~Alterations that 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 1138.078, Minimum Maintenance Requirement.

1138.06 CERTIFICATE OF APPROPRIATENESS

A. Process and Timing

1. ~~Before commencing any Alteration Change or Alteration, the Applicant~~ Property Owner shall contact the Administrator.
2. ~~The Administrator shall determine if the requested project is an Alteration or a Minor Alteration. Change or an Alteration. If it is determined to be a Minor Alteration, Change, the Administrator shall issue a Certificate of Appropriateness. If it is determined to be an Alteration, the Administrator~~ 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, specification and drawings needed to convey the scope of the project. ~~The Administrator shall~~ transmit the application to the ~~Design Review Board~~ Members.
3. Within forty-five days of filing, the Board shall consider the application, ~~s, plans and specifications; and approve, deny, or approve the application with conditions or modifications. table the application.~~
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 ~~bB~~ board meets to consider the application the forty- five day ~~time frame period~~ is satisfied and no specific timeline is applied to the application. The ~~bB~~ 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. request.~~
6. If the proposed ~~construction, reconstruction, 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 Board Administrator~~ shall issue the Certificate of Appropriateness.
7. If the ~~Design Review~~ Board determines that the proposed ~~Alteration construction, reconstruction, 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 ~~bB~~ Board shall state in its records the reason for denial and transmit to the Applicant via proof of mailing the reasons for denial.

Commented [MC13]: Changes to the process, clarifying the role of administrative review

Commented [MC14]: Added a time frame so an item could not be tabled indefinitely

B. Appeal Process

Whenever the ~~Board~~ Design Review Board shall, in a final decision, ~~disapproves~~ 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 Planning and Zoning Code.

1138.07 LIMITATIONS ON ISSUANCE OF CERTIFICATES AND PERMITS.

A. Issuance of Certificate

No ~~Change or construction, reconstruction, Alteration of any structure or Applicant thereof in the Downtown~~ any designated Design Review District shall be undertaken prior to obtaining a Certificate of Appropriateness from the Administrator or the Design Review 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 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. Any Minor Alteration. Any De Minimus Change.

~~The regulations of this Chapter do not. The Design Review District does not apply to any existing single family, duplex or triplex homes within the Downtown Design Review District, located within its boundaries.~~

2. ~~Additionally, the conversion of any single family unit to a duplex or triplex will not be subject to regulation under this Chapter. the design review standards.~~

Commented [MC15]: These statements were redundant.

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 following Design Review Board shall execute the following procedures apply 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 ~~bBoard~~ 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 ~~bBoard~~'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 eCity, 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 aApplicant 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.

DRAFT

CHAPTER 1138
Design Review Regulations

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 or site.
- D. "Complete Application" 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 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 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 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 DESIGN REVIEW BOARD ESTABLISHED.

A. Composition of the Board

There is hereby established a 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 who 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 DESIGN REVIEW BOARD; POWERS AND DUTIES.

A. Powers

The Board shall have the authority to review any proposed Alteration within the boundaries of the Downtown Design Review District. Except as provided in Section 1138.05(G), the Administrator's or the Board's approval of any Alteration,

respectively, shall be secured before any work may commence. The Board's regulatory authority is limited to external Alterations. 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 approved by Council.

In reviewing proposed Alterations, the Administrator 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 and 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 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, specification 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.
8. 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.

Design Review District Review Guidelines

Findlay, Ohio

Final Draft 2/27/2018

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Section I: Introduction

The City of Findlay has adopted the following design guidelines for the Design Review District. This booklet is designed to give property owners and developers a sense of the criteria utilized in reviewing projects for appropriateness. The guide is not a set of regulations set-in-stone but rather a tool to help visualize and convey the design goals and character of the Design Review District.

The Design Review District, as adopted by the City of Findlay, encompasses the geographic area highlighted on the zoning map.

1.01 - Role

The Design Guidelines comprise the minimum design criteria and range of performance guidelines suggested for the overlay district, which exemplify the design direction that the City of Findlay recommends as appropriate. Additionally, the Design Review Board will encourage property owners to preserve the historic character of their building. The role of the Design Guidelines is different from the more precise regulations found in the zoning code. The Design Guidelines:

- Do not dictate specific limits, nor does strict adherence to them necessarily assure approval of an application;
- Are not rigid sets of rules, but rather a guide on how to make improvements in the overlay district which are compatible with its character;
- Give building owners advice on how to undertake work in the district, and they give the Design Review Board a way to determine whether the proposed work is appropriate; and
- Set broad parameters within which changes should occur in order to achieve business and economic development, while maintaining many opportunities for design creativity and individual choices and tastes.

1.02 - Purpose

The purpose of the Design Guidelines is to help owners to make improvements consistent with the scale, form and character of the downtown. This, in turn, will help to promote economic development, business expansion, and residential opportunities in the area. These guidelines are also in place to protect the significant public and private investment that has occurred downtown.

1.03 –Design Review Process

As stated in the City of Findlay Design Review District Ordinance, the Design Review Board shall review all exterior façade alterations, additions, and new construction within the Design Review District. Repairs and alterations or other modifications not visible from the street or alley shall not be reviewed.

How does the process begin?

The recommended first step in the Design Review process is a pre-application meeting between the applicant and the Design Review Board Administrator. After a preliminary review of the applicant’s proposal, the Administrator will determine if the project can be approved administratively or if it should go before the Design Review Board.

How is a decision made to approve or deny an application?

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 application must contain the following:
 - a. Completed Application Form
 - b. Application fee of \$25
 - c. Photographs of existing conditions
 - d. Colored drawings of proposed project showing all exposed façades of the building
 - e. List of materials to be used in the project including proposed colors.
2. The Administrator shall transmit the application to the Design Review Board Members.
3. Within forty-five days of filing, the Board shall consider the application package and approve, deny, or table the application. Review of the application shall be based on Design Review Guidelines contained in this document.
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 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 request.
6. 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.
7. 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 guidelines, 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.

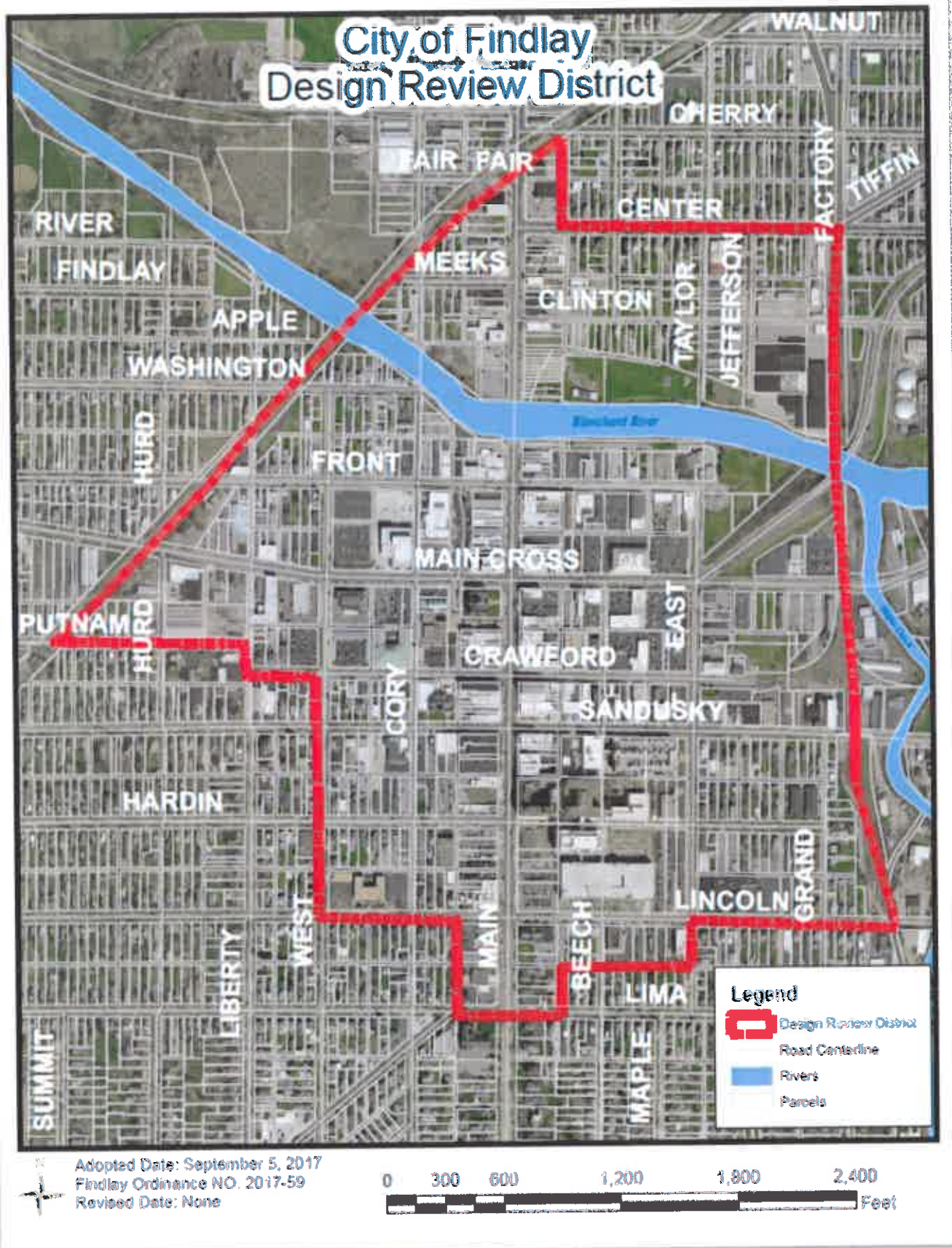


Figure 1.01 District Boundary Map: The Design Review Board Guidelines apply to the buildings within the outlined Design Review District overlay.

Section II: Design Guidelines

These design guidelines help convey the desired architectural quality and design for the Design Review District. These guidelines are used by the Design Review Board to help guide the decision-making process.

2.00 - General Building Design

The purpose of the Design Review Guidelines is not to define a specific style or period of architecture. Instead, the Design Review Guidelines are intended to encourage alterations, renovations and new construction which are distinctive in character, aesthetically pleasing and built of lasting quality.

In general, buildings in the Design Review District should:

- Have a singular architectural style.
- Use durable, high quality materials.
- Preserve historic buildings or details when feasible.
- Use neutral color schemes.
- Be pedestrian friendly.
- Create or maintain a unified street wall.
- Incorporate landscaping and greenspace when possible.
- Give equal emphasis to all exposed façades.
- Have a compatible or complimentary architectural design to its neighbors.
- Utilize signage designed for pedestrians.
- Hide mechanical equipment from view.

Buildings should not:

- Mix several architectural styles.
- Use bright, florescent, shiny, reflective paint or materials.
- Lack architectural features
- Use cheap, low quality materials.
- Have one-sided architecture.

The Design Review Board will review each applicant based upon their compliance with the following design objectives:

- 1.01 Building Massing
- 1.02 Building Materials
- 1.03 Building Façade
 - 1.03.1 Windows
 - 1.03.2 Entrances
 - 1.03.3 Awnings
 - 1.03.4 Signage
 - 1.03.5 Lighting
 - 1.03.6 Colors
- 1.04 Site Improvements
 - 1.04.1 Fencing
 - 1.04.2 Parking Lots
 - 1.04.3 Landscaping
 - 1.04.4 Mechanical Systems

Applicants should ensure that the Design Guidelines have been considered in their application. Failure to consider all aspects of the Design Guidelines may result in a denial of the application.

2.01 - Building Massing

The physical qualities of massing, scale, and form help to determine whether buildings are sensible to their context. Traditional Main Street commercial buildings have demonstrated physical qualities that make them proportionate to the street space and appropriate to the pedestrian scale. Generally, buildings are two to five stories tall, and built to the lot line and form a continuous frontage on Main Street. Overall, these buildings demonstrate proportions, rhythm, and details that are traditional in character. In addition, the overall building design is important to create a sense of place, enclosure, and activity. The following guidelines are offered:

- Building massing, height, and lot coverage should be proportionate to adjacent buildings. Appropriate massing will assist in creating a sense of enclosure.
- Primary façades should be located near the right-of-way line. Buildings located at the street edge enhance both the urban quality of the street and the pedestrian experience. Conversely, buildings set back away from the right-of-way detract from the urban experience and should be avoided.
- Buildings should extend and establish a continual street wall.
- Plazas and outdoor cafes are encouraged as they continue street wall whereas parking lots are discouraged as they eliminate the street wall.
- Single-story buildings should be avoided along the major corridors. The size, spacing, and location of neighboring buildings may allow for single-story buildings in some cases.

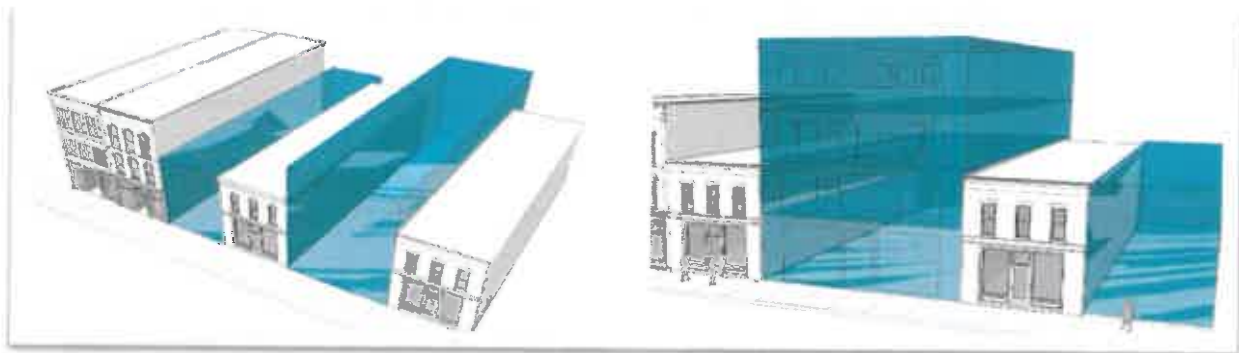


Figure 2.01: Appropriate building massing - subtle variation in building height positively contributes to the urban experience. Notice this example has a continual street wall with no gaps between buildings.

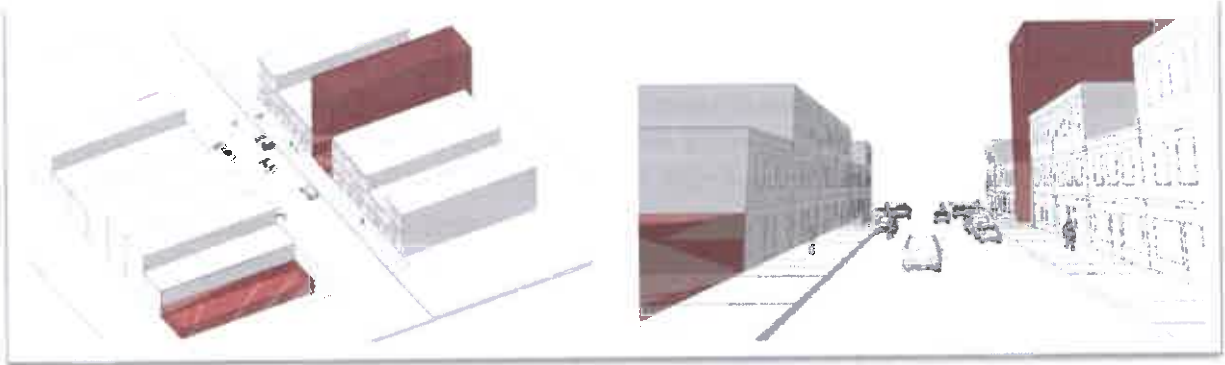


Figure 2.02: Inappropriate building massing - too much variation in height does not present uniform street front. Of most concern is the single-story building which deteriorates the sense of enclosure.



Figure 2.03 Building height, street width ratio: This illustrates a good design criterion that is the street width to building height ratio (1:3 Building heights to street width). Maintaining this ratio helps create the urban sense of enclosure.

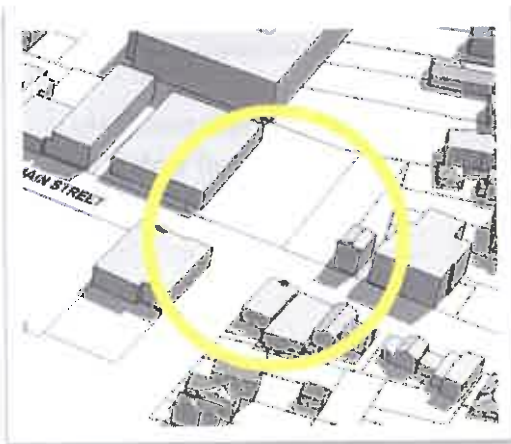


Figure 2.04 Street Gaps: Avoid major gaps in street wall

Figure 2.05 Street Wall: Example of a strong street wall

2.02 - Building Materials

Building façade materials are essential elements that tie the building to its surroundings and visually impact the surrounding environment. In addition to other design features, traditional façade materials allow buildings to appear suitable and harmonious to their context while other materials can appear distracting.

- Base materials should be consistent and new materials should complement the existing.
- Repair and restoration of original features and materials such as brick, stone, wood siding, etc. is highly encouraged. Covering original features and materials, however, is discouraged.
- Building materials such as utility brick, concrete masonry units, and Exterior Insulating Finishing Systems (EIFS) as a primary façade material are discouraged but may be used as accent materials.
- Building materials such as brick, stone, manufactured stone, terra cotta accents, metal accents, and wood are encouraged as they provide visual interest and assist in creating a pedestrian friendly corridor.
- A horizontal expression should establish the ground level of the building from the rest of the building. The expression should complement adjacent buildings and reinforce the street as a pedestrian friendly space.
- Materials should be used to differentiate between the importance of building features and provide visual separations between material functions.



Figure 2.06 Appropriate Building Materials: Good use of brick, stone, and canvas awnings.



Figure 2.07 Discouraged Materials: Discouraged – vinyl and aluminum siding, and EIFS as a primary material.



Figure 2.08 Discouraged Materials: Discouraged – utility masonry

2.03 - Building Façade

Features that extend out from the building façade can contribute to the character, scale, and visual interest of the street.

- Consider entire blocks as a single façade – use similar or complementary materials, colors, elements to create a unified appearance.
- Façades should reflect proportionate shapes and patterns. Unarticulated walls create poor visual appearance, and do not relate to the base or the roof.
- Façades should be visually appealing through detailing, openings, and materials.
- Corner buildings are buildings exposed on two streets. Corners of these buildings should be articulated and elaborated to reflect this importance.
- There should be a clearly defined top, middle, and base seen on the outside.



Figure 2.09: Encouraged Building Façade - These figures exemplify use of similar and complementary materials, proportionate well-spaced windows, appealing building details, and well-defined top, middle, and base.



Figure 2.10 Discouraged Façade: These figures illustrate poor design through lack of detail, poorly spaced windows and doors, no sense of top, middle, and base, and minimal variation in materials and brick color.



Figure 2.11 Encouraged Façade: Another example of encouraged façade design styles. Again, we see complementary materials, well-patterned building openings, and a variety of architectural details.

2.03.1 - Windows

- Ground floor windows should be designed to encourage retail uses. Generally, the majority of the first floor should be windows as they enliven the streets and provide both interest and activity at the street level.
- Knee walls are encouraged to provide a strong base. They should be between 12 – 30 inches tall.
- Windows should be transparent, not opaque.
- Blocked in windows should be opened up and restored to the original appearance.
- Avoid altering the shape of the original openings.
- If window replacements are necessary, the new windows should convey the same visual appearance as the originals.
 - Replacement windows should fill the entire historic window opening. If historic window openings require closing, the opening should be a different material or texture to maintain the rhythm of the wall.
- Painting aluminum window (and door) frames can help to blend them with the building.
- Upper story windows should be in rhythm with the base level.
- Sills, lintels, divided lights, and style can create visual interest. Double-hung windows provide more visual interest than casement windows.



Figure 2.12: Encouraged Windows – replacement windows that fill the entire window opening



Figure 2.13: Discouraged Windows– Windows that are both not to scale with the façade or the traditional window openings.

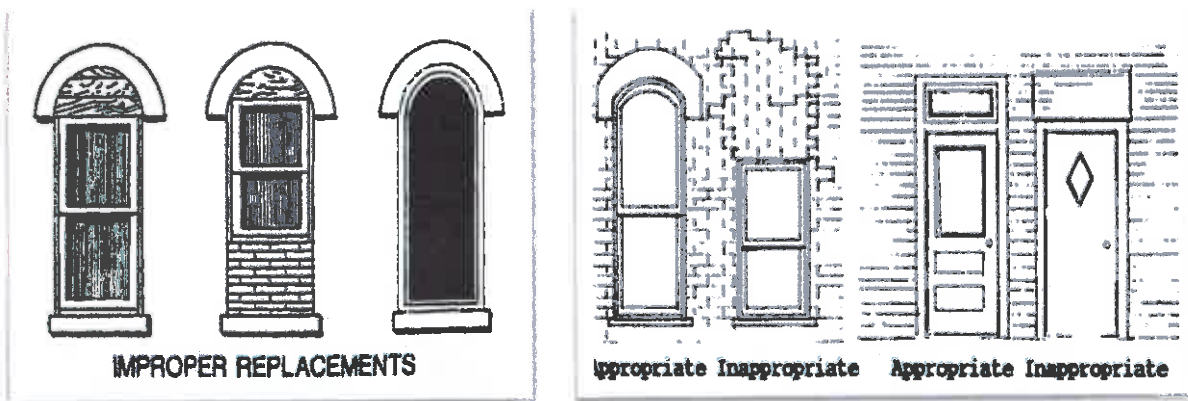


Figure 2.14 Window & Door Replacements: The photos above demonstrate both appropriate and inappropriate window and door replacements.



Figure 2.15: Discouraged Storefront – Storefronts without a knee wall or base.



Figure 2.16: Encouraged Storefront– Knee walls and windows making up the majority of the storefront demonstrate a strong base.

2.03.2 - Entrances

A building entrance serves both building tenants and customers. In addition, it can enliven the building's context. A city block with buildings with entrances directly accessible from the public sidewalk encourages pedestrian traffic and increases possibilities for more activities – shopping and social interactions.

- Entries should be prominent features of the base. They should be different from the standard building bay through articulation, elaboration, and materials.
- Entrances should be easily recognizable to the pedestrian.
- If possible, commercial buildings should not use residential doors.
- There are a variety of ways to enunciate the entryway to a building:
 - Arched entries
 - Recessed entries – two feet from surrounding façade
 - Projecting entries
 - Decorative molding above doorways
 - Columns
 - Signage
 - Planters with ornamental landscaping
 - Oversized doors



Figure 2.17: Encouraged Entryways– Articulated design, and materials help to enunciate the entryway to these buildings.



Figure 2.18: Discouraged Entryway – Opaque windows, and windows that do not make up the majority of the storefront give the appearance of a residential entryway rather than an entryway of a commercial building.

2.03.3 - Awnings

Awnings, canopies and marquees serve many functions, and enhance building façades and sidewalks. They provide store entrances and sidewalks with a sun-screening element, and a shelter from the rain. They unify the building appearance, articulate the storefront and entryways, and provide a surface to place a business name. Careful design and integration with the building façade design are important considerations to prevent clutter and façade distractions.

- Awnings create visual interest while shielding pedestrians from weather. They should be compatible in both material and style with adjacent properties. Awnings may have advertise goods and provide visual cues to the location of the entrance.
- Awnings should not obscure the architectural features of the building and should reinforce the frame of the storefront.
- Awnings should be in proper scale with the building.
- Awning material should be compatible with building materials and style.
- Canvas or metal are generally suitable materials for awnings
- Plastic, backlit awnings, and shiny or bubble awnings should be avoided.
- Scale of signage on awnings should be minimal.
- Simple, flat-sloped awnings are encouraged.



Figure 2.19: Encouraged Awnings— Awnings that do not obscure structural details, are simple in design, and are compatible with the building materials.



Figure 2.20: Encouraged Awnings– Awnings that are to scale with the windows and entry of the building.



Figure 2.21: Discouraged Backlit Awning – Plastic backlit awnings are not appropriate.

2.03.04 - Signage

Signs and communication are necessary but sometimes unattractive components of business operations. It is important to reach a visual balance between drawing pedestrian attention, and creating an attractive area free of visual clutter by integrating signage into the overall design of the building/storefront.

- Projecting signs create visual interest and can assist businesses in advertising.
- Signs should fit existing features of the façade and not cover major architectural elements.
- Signs should be mounted somewhere above the display windows and below the second story windows.
- It is recommended that window signs do not exceed 30% of the total glass area of the window.
- Remove unused/outdated signs and repair any holes resulting from the removal of the sign(s).
- Signage should be scaled to pedestrian use within district.
- Signage should complement the building character.
- Back-lit box signs should be avoided.
- Freestanding signs should be temporary and used only for special events. Permission from the Zoning Officer may have to be obtained before using freestanding signs.

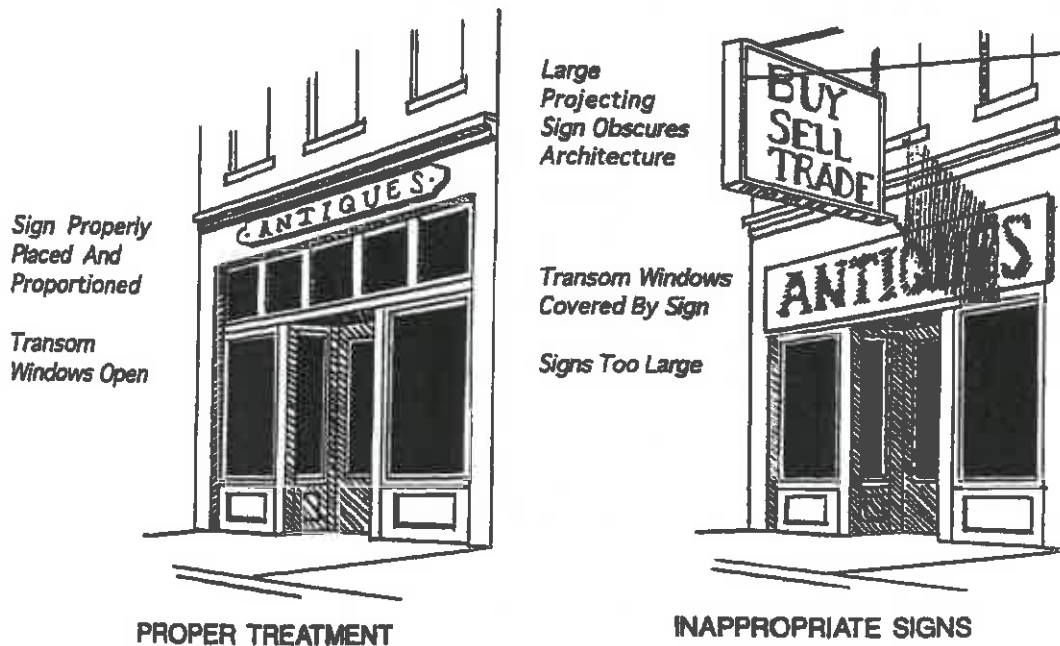


Figure 2.22 Signs: Appropriate vs. inappropriate signage

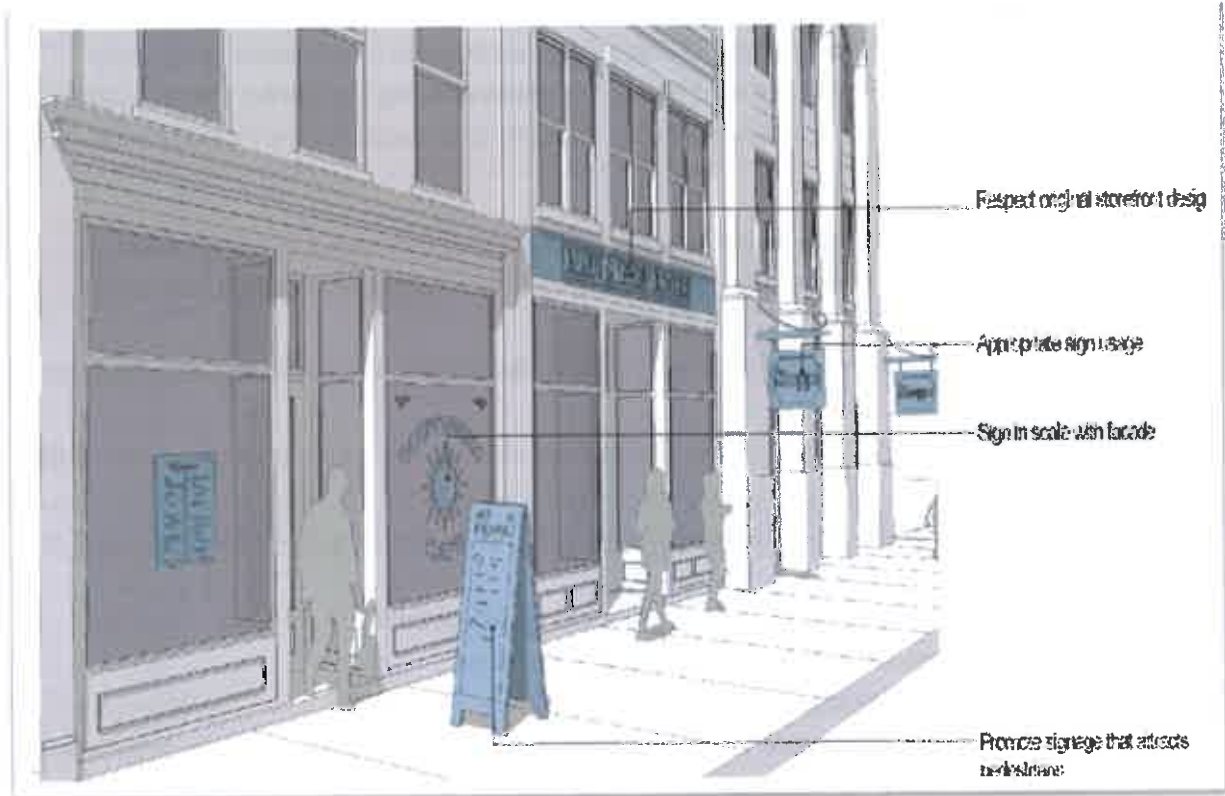


Figure 2.23: Encouraged Signs – Signs that are to scale with building elements help to appropriately advertise for business and reduce visual clutter.



Figure 2.24: Encouraged Projecting Sign – Projecting signs help to create visual interest.

2.03.5 - Lighting

- Protruding light fixtures also add visual interest while highlighting building details.
- Any lighting should minimize glaring and light trespassing. Lighting near mixed-use buildings should not have a direct impact on upper story residential windows.
- Lighting shall complement retail display and nighttime activities.
- Signs with opaque backgrounds should be lit from the exterior by wall-mounted, focused, directional lights. The lighting exposure should be limited as to illuminate the sign content.
- Neon lighting should be minimal and restricted to “Open” signage visible through the street level windows only. Strobe lighting is not permitted.



Figure 2.25: Encouraged Projecting lights – Projecting lights

2.03.6 - Color

Within traditional main streets, neutral and subtle colors are considered more contextual or pleasing than high intensity, metallic or fluorescent colors. Colors and finishes that enhance the collective image of traditional main streets are contextual, which reflect tasteful and responsible artistic expressions.

The City does not have a required color palate for the Design Review District but the color selection process should fit the character of the downtown.

- Bright fluorescent colors should be avoided.
- Brighter and darker hues should be used sparingly for smaller accent features or to draw attention to details, such as a door.
- Colors should accentuate architectural details of the building.
- Color schemes should be simple, using the minimum number of colors necessary to achieve a desired look.
- The color selection should complement the predominate hues of the adjoining buildings.
- If masonry must be painted, select colors that are similar to the natural range of the brick.
- Stripes, polka dots, checkerboard patterns and other distracting paint combinations are discouraged.
- Neutrals, earth tones, and natural materials of both low reflectance and subdued shades are encouraged.
- Building colors should be consistent on all sides.
- Appropriate color palettes are noted in the Appendix.

2.04 Site Improvements

2.04.1 - Fencing

Fencing around a building or site can serve many functions. It can mark boundaries, provide screening, control entry and exit, and to provide a form of security. Security fencing around a commercial establishment can portray defensiveness toward the pedestrian and negatively impact neighboring properties. Although there are not many fences within the downtown, there are cases in which they are appropriate. Special consideration should be given to the type of fencing used.

The following types of fencing are discouraged:

- Chain link
- Wood privacy
- Vinyl fencing
- Split rail fencing

The following is encouraged:

- Metal wrought iron fencing
- Masonry walls
- Combination of masonry wall and metal wrought iron fencing

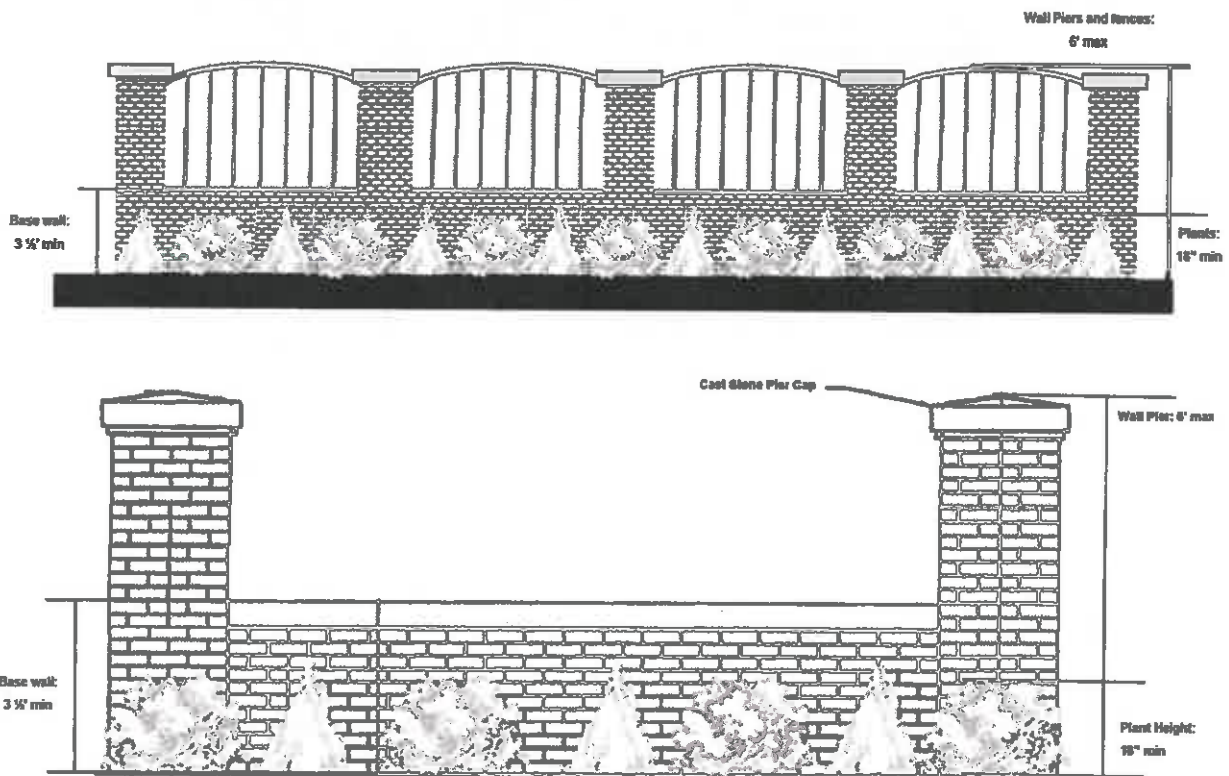


Figure 2.26: Appropriate Fencing - fencing material can create a more inviting appearance.

2.04.2 - Parking Lots

Parking lots consume vital land, separate buildings from public sidewalks, break up continuity of the street wall and can be visually intrusive if not screened and landscaped appropriately. Consideration for physical qualities like appropriate building sitting, building site relationship, landscaping and screening elements not only reduces the negative visual impact of parking lots, but also improves the walkability, livability and safety of the main streets.

- Parking lots should be set back from the street lot line or the back or the sidewalk.
- Locate parking lots behind buildings as close as possible to rear entrances.
- Large, paved areas for off-street parking should be screened with walls, fencing, or plants.
- Concrete curbs are the appropriate edges for the parking lot. Avoid blocks or bumpers.



Figure 2.27: Appropriate Parking Lots – Good example of parking lot

2.04.3 - Landscaping

Landscaping can provide visual appeal and environmental comfort. It improves both the appearance and property value while instilling confidence and pride in the area. Landscape design works with a variety of elements that include water, screening, fencing, lighting, as well as hard (non-living elements.) and soft surfaces (living elements). Trees, when appropriately located, provide shade and windbreak, and help to create a pedestrian-friendly environment.

- Landscaping can create pedestrian friendly sidewalks by separating vehicles from pedestrians. Benches adjacent to landscape areas assist in creating pedestrian friendly spaces.
- Dead or dying plant material should be removed and replaced as needed.
- Avoid plastic or artificial plant material.
- Trees can serve as a buffer between pedestrians and the road as well as help with screening sun and wind exposure.
- Trees should be in scale with their surroundings and planted so as not to impede with pedestrian traffic flow.
- Trees should be deep rooted to avoid upheaval of the sidewalks.
- Tree should be selected to fit the climate, soil type, and environment for which they are planted.
- Façades can be enlivened by the addition of hanging plants. Hanging plants, however, must not impede pedestrian traffic.
- Window planters are also recommended to enhance the greenery of the streetscape.
- Landscaping can be used to soften fencing as noted in Section 2.04.1 above.

Figure 2.28: Appropriate Landscaping – Good example of parking lot

2.04.4 - Mechanical Systems

- AC units distended from windows are not allowed.

- New mechanical systems/additional mechanical services should be placed out of the line of sight when possible.
- Special precautions should be taken when installing new mechanical systems in older buildings to ensure that both the interior/exterior of the building is preserved.
- Rooftop units visible from the street shall be screened from pedestrian view with a material in keeping with the architecture of the building.

Section III – Secretary of the Interior Standards

The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, which are included in this document, are intended to provide technical advice about archeological and historic preservation activities and methods. These standards, however, are not regulatory and do not set or interpret agency policy. These are encouraged activities and practices, but may not be suitable or practical for all projects within the design district.

Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Section IV - Appendix

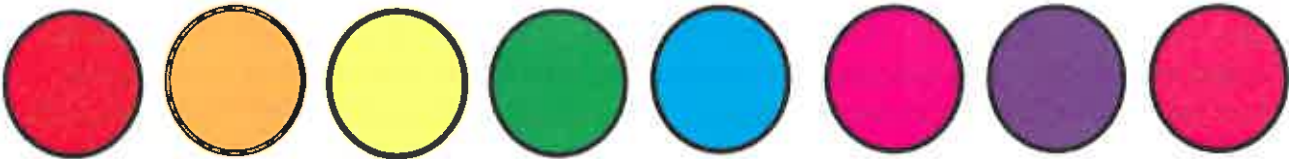


Figure 2.29 Discouraged Colors: Colors like these can be used as accents, but should not be used as the predominant color of the building.



Figure 2.30 Appropriate Colors in Moderation: These are colors to use in moderation, and would work well for accentuating architectural details.



Figure 2.31: Encouraged Colors – these colors are more neutral and fit the traditional color palette of the downtown.



March 29, 2018

Findlay City Council
318 Dorney Plaza
Findlay, Ohio 45840

Honorable Members of Council:

The Ohio Office of Community Development offers counties and cities the opportunity to compete for funding to provide certain housing services to low and moderate income residents through the Community Housing Improvement Program or CHIP.

The State of Ohio encourages partnerships between political entities who are applying for competitive CHIP Grants. If Hancock County and the City of Findlay partner for a CHIP application the grant amount that can be received is increased from \$350,000 to \$750,000. The CHIP funds may be used for several different residential activities such as owner rehab, rental rehab, tenant based rental assistance, emergency home repair, down payment assistance, and Habitat for Humanity builds.

In 2014 Hancock County received a \$400,000 CHIP grant and in 2016 Hancock County and the City of Findlay received a \$850,000 CHIP Grant.

WSOS and HRPC are working together to submit an application for 2018 CHIP funds for the City of Findlay and Hancock County.

I respectfully request that City Council authorize Mayor Mihalik to enter into a partnership agreement with Hancock County to apply for a combined CHIP Grant Application.

Sincerely,

Matt Cordonnier

Director, HRPC

CHIP Partnership Agreement
between
Hancock County and the City of Findlay
(The "Partners")

WHEREAS, the Partners wish to address various housing needs of low and moderate income residents of the county and city; and

WHEREAS, the State of Ohio, Development Services Agency, Office of Community Development (OCD) provides financial assistance to local governments under its Program Year 2018 Community Housing Impact & Preservation (CHIP) program for the purpose of addressing local housing needs; and

WHEREAS, both Partners are eligible to apply for CHIP funds from the State of Ohio and OCD encourages local CHIP eligible communities to request funds as partners in one application; and

WHEREAS, the Partners desire to file a combined application under the CHIP Program to receive financial assistance to address needs as prioritized by the local Housing Advisory Committee;

NOW, THEREFORE, the Partners hereby agree to the following terms of this Agreement:

1. Hancock County has agreed to serve as the single applicant for funds and subsequent Grantee responsible for administering the CHIP grant, if funded;
2. Hancock County is responsible for submitting the CHIP grant application in cooperation with the City of Findlay, including procuring an administrator(s) who shall also conduct the detailed tasks of the planning process.
3. Hancock County agrees to implement the PY'2018 CHIP, if funded, in compliance with Community Development Block Grant, HOME and Ohio Housing Trust Fund requirements, the State of Ohio Consolidated Plan, the CHIP program guidelines, and this Agreement.
4. This Agreement applies to any funds awarded from the State of Ohio PY'2018 CHIP program. This Agreement remains in effect until the CHIP funds are expended and the funded activities completed and closed out. The Partners cannot terminate or withdraw from this Agreement while it remains in effect.
5. The Partners have a mutual understanding that they are in compliance with Office of Community Development Programs Program Policy Notices: OCD 15-01, Responsibility for Grant Administration; 15-02, Procurement of Grant Administration Services; 15-03, Finance Mechanisms; 15-04, Program Income Policy; 15-05, National Objective Guidance; 15-06, Grant Operations & Financial Management Policy; and 15-07, Resolving a Potential Conflict of Interest; 16-02 - Use of Force Account Labor in Community and Economic Development Programs; 17-01 - Grant Operations and Financial Management

Policy; 17-02 - Qualifying Community Development and Residential Public Infrastructure Projects using Community Development Block Grant National Objectives; 17-03 - Environmental Review Procedures for Multi-Year Activities and Supplemental Assistance or any updated versions of these memos instituted by ODSA/OCD during the period of this agreement.

6. The Partners acknowledge that the total request for \$750,000 of CHIP funds is based on maximum budget contributions as follows:
 - Hancock County: \$400,000
 - The City of Findlay: \$350,000
7. The Partners understand that funds may be awarded to either or both jurisdictions that are less than the maximum.
8. The partners will arrive at a decision prior to submission of the 2018 CHIP application on commitments of program income or other resources as leveraged funds to the request.
9. The Partners expect that the grantee will direct the administrator to commit activity funds, as much as is practical, proportional to the jurisdictional totals in # 6 # 8 above, adjusted proportional to the relative shares of any grant award.
10. This Cooperating Agreement does not contain a provision for veto or other restriction that would allow any party to obstruct the implementation of the CHIP Program during the PY'2018 CHIP grant period.
11. Information will be provided to the grantee by the Partners as necessary for reporting purposes.
12. All program and financial records will be retained by the grantee after financial closeout.
13. The partners agree to adopt the Hancock County CHIP Policy and Procedures Manual and shall apply these policies to any activities conducted under the 2018 CHIP.
14. Any mortgages expected to generate program income will be prepared by the County and administrator and the County shall be the lien-holder for any property assisted. The County shall receive subsequent program Income and reporting and expenditure of any such Program Income shall become the responsibility of the county.
15. The County will commit program income funds to future eligible outcomes, as much as is practical, proportional to jurisdictional totals received.
16. The Partners agree to the following selection criteria, as applicable to funded activities:
 - Owner Home Repair applications will be first-come first-serve within each Partner's jurisdiction first and then, if funding remains on March 30, 2020, within the grant service area.
 - Private Owner Rehabilitation applications will be ranked according to Hancock County's Policy and Procedure Manual within each Partner's jurisdiction first and

then, if funds remain uncommitted on October 31, 2019, within the grant service area.

- New Construction Habitat participants will be those selected through the Habitat application process and who additionally satisfy all applicable CHIP program requirements, including those rules and regulations of HOME.
- TBRA applications will comply with the local housing authority selection process.

17. The Partners agree to elect to choose the following finance mechanism, as applicable, for funded activities:

- Owner-occupied Home Repair will be provided as a grant.
- Tenant-Based Rental Assistance will be provided as a grant.
- Private-Owner Rehabilitation will be provided as a five-year declining partially forgivable loan with twenty percent (20%) remaining due and owing whenever the home is sold, rented or transferred.
- New Construction Habitat will be provided as a ten-year fully forgivable loan.
- Rental Rehabilitation will be provided as a loan, 100% forgivable after 10 years, with private owners providing 50% match on "hard costs".
- Rental Repair will be provided as a loan, 50% forgivable each year for 2 years, with private owners providing 50% match on "hard costs".

18. The Partners agree that the following table represents the responsibilities for tasks to be undertaken by one or more partners directly, through cooperation, or by contract:

Task X=primary role Y=support/cooperate	Hancock County	City of Findlay	Administrator
Procure Administrator	X	Y	
Convene HAC	X	Y	X
Designate OCEAN Program roles	X		
Sign/authorize application submission	X		
Manage grant fund administration	X		X
Provide on-going oversight of administrator as detailed in administrative contract	X		
Receive and manage program income	X		Y
Pay contractors/vendors	X		Y
Prepare/file reports	X		X
Retain all grant records for auditing/ monitoring	X		Y

Legal Form and Sufficiency

This Cooperating Agreement has been reviewed by legal counsels of each Party, and it has been determined that the terms and conditions of said agreement are fully authorized under State and local law and that said agreement provides legal authority for Hancock County.

For Hancock County: _____ Date: _____

For the City of Findlay: _____ Date: _____

Approval by governing Bodies:

This agreement has been approved by the governing bodies as follows. Documentation is attached to demonstrate appropriate actions by:

Approved by Hancock County Commissioners: Resolution # _____ Date: _____

Approved by Findlay City Council: Resolution # _____ Date: _____

THE UNDERSIGNED REPRESENTATIVES OF THIS COOPERATING AGREEMENT HEREBY AGREE TO THE ABOVE STATED TERMS AND CONDITIONS ON THIS

_____ DAY OF _____, 2018.

**For Hancock County: _____
President, County Commissioners**

For the City of Findlay: _____

Name, Title

City of Findlay
City Planning Commission
City Council Chambers, 1st floor of Municipal Building
Thursday, April 12, 2018 - 9:00 AM

AGENDA

CALL TO ORDER

ROLL CALL

SWEARING IN

APPROVAL OF MINUTES

NEW ITEMS

1. **PETITION FOR ZONING AMENDMENT #ZA-02-2018** filed to rezone 113 Alexander Place from R-2 Single Family Medium Density to M-2 Multiple Family.
2. **PETITION FOR ZONING AMENDMENT #ZA-03-2018** filed to rezone parcel #630000084980 (2131 Spruce Drive) from R-2 Single Family Medium Density to R-4 Duplex/Triplex.
3. **APPLICATION FOR A HOME BUSINESS #CU-02-2018** filed by Elizabeth Corbitt, 1543 Logan Avenue, Findlay to operate a car detailing business in an existing building at 1505 Morriscal Blvd.
4. **APPLICATION FOR SITE PLAN REVIEW #SP-02-2018** filed by CFT NV Developments LLC, 1683 Walnut Grove Ave, Rosemead, CA for a 4,500 square foot multi-tenant retail building at 1843 Tiffin Avenue.
5. **APPLICATION FOR SITE PLAN REVIEW #SP-03-2018** filed by the University of Findlay, 1000 N. Main Street, Findlay for a parking lot at 1310 N. Main Street.
6. **APPLICATION FOR SITE PLAN REVIEW #SP-04-2018** filed by Mark Bassitt, storage area at 2311 Bank Street, Findlay.
7. **APPLICATION FOR SITE PLAN REVIEW #SP-05-2018** filed by Affordable Mike's LLC, 3640 Marathon Way, Findlay for an additional 35' x 150' storage unit building and related pavement.
8. **APPLICATION FOR SITE PLAN REVIEW #SP-06-2018** filed by Ohio Logistics, 1800 Production Drive, Findlay for a 150,000 square foot warehouse addition with truck docks at 1800 Production Drive.
9. **REVIEW PROPOSED ZONING CODE AMENDMENTS** filed by HRPC. The proposed amendments are for the Downtown Design Review District and the Downtown Design Guidelines, located in Chapter 1138 and 1139.

ADMINISTRATIVE APPROVALS

APPLICATION FOR SITE PLAN REVIEW #SP-07-2018 filed by Affordable Mike's LLC, 3640 Marathon Way, Findlay for a revision to phase 4 storage unit.

ADJOURNMENT

City of Findlay City Planning Commission

Thursday, March 8, 2018 - 9:00 AM

Minutes

(Staff Report Comments from the meeting are incorporated into the minutes in lighter text. Actual minutes begin with the DISCUSSION Section for each item)

MEMBERS PRESENT: Jackie Schroeder
Dan Clinger
Brian Thomas

STAFF ATTENDING: Judy Scrimshaw, Development Planner
Todd Richard, Zoning Inspector
Jeremy Kalb, Engineering Project Manager
Matt Cordonnier, HRPC Director
Don Rasmussen, Law Director

GUESTS: Dan Stone, Leah Wilson, Jodi Mathias, Erik Adkins,
Kristie Fox, Tony Scanlon, Tom Shindeldecker, David
Wright, Julie Wright, Roger Best, Marilyn Young, Bill
Moser, Scott Matthews

CALL TO ORDER

ROLL CALL

The following members were present:

Jackie Schroeder
Dan Clinger
Brian Thomas

SWEARING IN

All those planning to give testimony were sworn in by Judy Scrimshaw.

APPROVAL OF MINUTES

Dan Clinger made a motion to approve the minutes of February 8, 2018. Jackie Schroeder seconded. Motion carried 3-0-0.

ITEMS TABLED AT THE FEBRUARY 8, 2017 MEETING

APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling, 1329 Woodworth Drive, Findlay to operate a child care facility at 800 Canterbury Drive.

NEW ITEMS

1. ALLEY/STREET VACATION PETITION #AV-01-2018 filed to vacate an alley running south from South Street between 615 and 619 South Street, Findlay, OH.

General Information

This request is on the south side of South Street. The area is zoned R-3 Single Family Small Lot. It is located within the 100-year flood plain. The City of Findlay Land Use Map designates the area as Single Family High Density.

Parcel History

Exiting residential neighborhood.

Staff Analysis

The applicant is proposing to vacate the right-of-way of an alley between two (2) residences south to the first east/west alley.

Both applicants have access to their respective garages from this portion of alleyway. Both parties have signed the petition. Access for other properties in the vicinity is still possible via the east/west alley or the south half of this alley running north from E. Lincoln Street.

Staff Recommendation

HRPC Staff recommends **that FCPC recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-01-2018 filed to vacate an alley running south from South Street between 615 and 619 South Street, Findlay, OH.**

ENGINEERING

No Comment

FIRE PREVENTION

This alley appears to be well maintained and could be beneficial for vehicles during an emergency. If allowed to vacate, maintain access for emergency vehicles.

STAFF RECOMMENDATION

Staff recommends **that FCPC recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-01-2018 filed to vacate an alley running south from South Street between 615 and 619 South Street, Findlay, OH subject to:**

- **Maintaining access for emergency vehicles (FIRE)**

DISCUSSION

Dan Clinger mentioned that in past alley vacations, he thought alleys had to be blocked and asked if that was the case. Judy Scrimshaw said that was not the case.

Mr. Clinger said there is a major power line that runs along the alley and stated that if the city wanted to maintain access for emergency purposes, he doesn't see a benefit to approve this vacation. He also would not want to approve this vacation without an easement between the properties to maintain access. Jackie Schroeder said she agreed and felt it was necessary to put something in place to maintain access for the emergency vehicles. She said it was unusual for fire prevention to comment on alley vacations and wondered if they have had to make use of alleys in this neighborhood previously. Ms. Schroeder stated she was unsure of the property owner's intentions with this vacation, as to whether they would be closing it or putting up a fence.

Bill Moser, the property owner, stated that he went to the engineer's office and was told that if the alley is vacated, he would need to put up a rail to prevent access to that alley. He said if he did that, he doesn't understand why there would need to be access for emergency vehicles. Ms. Schroeder explained that two different departments were looking at this from different points of view. Mr. Moser stated he was looking for clarification on what he needed to do for the alley vacation. If he is required to block the end of the alley with a guardrail, there will be no access or egress to the alley. He said there would still be a driveway there and that access needs to be open for them to get in and out. Matt Cordonnier stated that there was likely some miscommunication and that there is no requirement to block off access to an alleyway with a vacation. Once vacated, traditionally the applicant decides then whether to block off access. Mr. Moser asked if he could block off the access. He said his main issue is the amount of traffic that comes in and out of there with Wilson, Morse, Lincoln, and South Street for access around the block. Any development put in by the city now do not have alleys right beside someone's house and the city has to maintain it and cover the cost of that. Mr. Moser stated if this vacation is approved, this would be his responsibility to maintain it and he doesn't see how this would affect fire prevention for his house. As far as the power lines, he said that the power company could still come in and work on the lines and would still be accessible for them. He said he ultimately just wants to cut down on the traffic. Mr. Cordonnier stated that traditionally when an alley is vacated, it becomes the applicant's property and they have the right to block it off if desired. He stated that the fire department has commented on issues like this before and has stated that they would still like to maintain access but at the same time he does acknowledge that alleys are not built on modern subdivisions and would still have the same level of access as any new subdivision would. Ms. Schroeder pointed out that new developments also do not have garages in the rear that need fire protection.

Mr. Clinger asked if the intention was to block off the alley. Mr. Moser stated he wanted to block off the south end. There is an alley running from Morse Street to Wilson and from Lincoln Street at the back of the lot, he wants to put up a guardrail to prevent people from driving in and post a private drive sign up the street.

Mr. Clinger asked if there was a power pole at the front and rear of the alley. Mr. Moser stated that there was one beside his neighbor's house and one in the back corner of the lot. He said he was not going to block that part of the alley off as they still need access and egress to their garages. He stated that when work needs to be done on those poles, they use the east and west alley to access them. Mr. Clinger asked if they were intending to remove the asphalt toward the back of the lot. Mr. Moser said they wanted to, but said that if that's a deal breaker, he would not remove it but he doesn't see a reason to keep it. Mr. Clinger asked if there was a legal easement for the power or if it would need to be put into place. Don Rasmussen said that it was statutory and was put in all agreements.

MOTION

Jackie Schroeder made a motion to **recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-01-2018 filed to vacate an alley running south from South Street between 615 and 619 South Street, Findlay, OH subject to the following conditions:**

- **There is a legal agreement between property owners that there is shared access there.**

2nd: Dan Clinger

VOTE: Yay (3) Nay (0) Abstain (0)

2. ALLEY/STREET VACATION PETITION #AV-02-2018 filed to vacate 7.5' off the south side of Elm Street along Lot 1377 of Barnd's First Addition also known as 916 S. Main Street.

HRPC

General Information

This request is located off the south side of S. Main Street. The area is zoned R-1 Single Family Low Density. It is not located within the 100-year flood plain. The City of Findlay Land Use Map designates the area as Single Family High Density.

Parcel History

Existing residential neighborhood.

Staff Analysis

The applicant is requesting to vacate 7.5' of road right-of-way of Elm Street. They indicated that the existing chimney on the north side of their home currently encroaches into that right-of-way.

There is an existing fence and hedgerow on this side also. They would like to replace that fence and because of its location, they would have to move it south to keep it out of the right-of-way.

Todd Richard stated that he doesn't know how long the fence and hedgerow have been encroaching into the right-of-way. It could be well before zoning.

Staff Recommendation

HRPC Staff recommends that Findlay City Planning Commission recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-02-2018 filed to vacate 7.5' off the south side of Elm Street along Lot 1377 of Barnd's First Addition also known as 916 S. Main Street.

ENGINEERING

Two (2) feet behind the sidewalk will need to remain in the right-of-way for any future resurfacing projects.

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends that Findlay City Planning Commission recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-02-2018 filed to vacate a portion off the south side of Elm Street along Lot 1377 of Barnd's First Addition also known as 916 S. Main Street subject to the following:

- A minimum of two (2) feet must remain in the right of way behind the sidewalk (ENG)

DISCUSSION

Mr. Clinger asked engineering if the two feet for the right of way reduces the seven feet the applicant is requesting. Jeremy Kalb said he wasn't sure yet if it would reduce it but the last time they went in to do resurfacing; they needed at least one and a half to two feet to get in behind the sidewalk. That way, there is no issue to access to the property or getting permission to do the work. Ms. Scrimshaw suggested a survey may need to be done to show where this actually would be. Mr. Clinger asked if the right of way would typically be about a foot behind the sidewalk. Mr. Kalb said he was correct. Ms. Scrimshaw stated the sidewalk is right up against the curb.

David Wright, one of the property owners, pointed out where the hedgerow is and stated the fence that is being replaced is inside the hedgerow. He said there should be enough clearance for engineering to do work when necessary. He mentioned that the sidewalk is fairly new and is right up against the curb right up to the hedgerow. He said it should not infringe upon any kind of maintenance. Mr. Wright stated that he would maintain the hedgerow in the seven feet in request that is currently designated on the city side. Mr. Clinger stated that they have issues like this before and doesn't see why they should give up street right of way for a fence and doesn't see any value gained by the city by doing so. He asked if the fireplace on the house was an addition. Mr. Wright said that it was not and had been there since 1903. He also stated that the current fence was likely there prior to zoning so it would be replacing an existing situation and is not infringing on the street at all. Mr. Clinger asked if they intended to keep the hedgerow in place. Mr. Wright said currently, yes. Mr. Clinger asked if the fence would go inside the hedgerow. Mr. Wright said yes. Mr. Clinger asked if there was much of a fence left there now. Mr. Wright said there is, but it's dilapidated and needs replaced.

Julie Wright, the other property owner, stated that they would be replacing a fence that had been there for quite some time outside of their property lines. Mr. Clinger asked if that could be done without going into a right-of-way release. Todd Richard stated that they could not because fences are not allowed in the right-of-way and mentioned he has no clue as to how long that fence has been there. Mr. Clinger asked if the fence would have been grandfathered in. Mr. Richard said no because it wasn't legal to begin with. He stated he does not know the circumstances of how the fence came to be and there wasn't any history on that available in the files.

Ms. Schroeder asked Engineering if the utilities that go down Elm Street are located within the pavement – storm, sewer, and water. Mr. Kalb said they were. Ms. Schroeder asked where those utilities would need to go if replaced and if they were certain that they wouldn't need additional right-of-way. She stated that the right-of-way is there for a reason. She said that it could be confusing for construction if the right-of-way is bouncing around and the contractors have to keep track of that and the utilities do get affected as far as their layout when being replaced. Mr. Kalb said if they did get into that situation, it would create a chokepoint on that side. For example, if the sanitary is on the north side and a water line has to go in on the south side that would create a chokepoint. Mr. Kalb said he wasn't sure exactly when those utilities would need replacing. He said the sewers had been camera-d in the past few years and it didn't appear they needed replaced. With many of the sewers, they are using cured-in place lining to avoid excavating. Mr. Kalb said the biggest issue with this would be if a water line would need to be replaced and he couldn't reach the north side, he would have to go to the south side. He said he isn't sure when this would need to be done, if ever. Ms. Schroeder said she understood and said if the right-of-way is vacated, that option is gone forever unless they were to buy it back.

Ms. Schroeder asked if there were any other legal ways to allow the chimney to remain there and the fence to be replaced. Mr. Rasmussen stated they had discussed a right-of-way encroachment agreement permit, similar to that of the hotel downtown and Marathon's way finding signs. The right-of-way there was not vacated but instead had a permit to be in the right-of-way. That way, the right-of-way is maintained if it is needed but you allow them to encroach into it. Mr. Rasmussen said, in their case, if the fence is encroaching into the right-of-way, it can be moved temporarily to work on the utilities. Ms. Schroeder said she was nervous about setting the precedent of vacating the right-of-way on a road not an alley for something like this. She said she is interested in the right-of-way encroachment permit idea versus a permanent vacation.

Mr. Clinger stated he appreciated the applicants' concerns in what they want to do but didn't see a good reason to give up the right-of-way for a fence that may eventually interfere with utilities. **He stated he would make a motion to deny the request. Ms. Schroeder seconded the motion.**

Mr. Wright said they would be willing to entertain the idea of a permit. The way it is currently marked, they would lose a part of the property and currently, it belongs to the city and that's why they are here. That would create a compact area and would infringe on the beautification what they are trying to do. Mr. and Ms. Wright both stated they were willing to go forward with a permit to allow them to replace the fence. Ms. Wright said her main concern was just how bad the fence looked and that she wants to protect her animals from the traffic on South Main St. She said she would entertain any idea that would allow her to put up a wrought iron fence there. Mr. Wright said the fence would not be a privacy fence.

Mr. Clinger asked Mr. Rasmussen if they would go through him to receive a permit for the fence. He said for Marathon, they just went through his office and the administration handled it. It's a short, one-page outline of the property and what's allowed to be in there. Mr. Clinger stated he felt that this seems like a more reasonable solution to this issue. Mr. Rasmussen said it just allows the encroachment. Mr. Richard stated it would also be revocable. Mr. Wright asked if it was just a permit. Mr. Rasmussen said yes, and it's just an agreement signed with the property owner. He stated that this would appease both parties and if it was necessary to work with the utilities, they could remove the fence, do the work, and then put it back. Mr. Wright stated his main priority is making sure utilities are maintained for the area and wouldn't limit the city coming in to maintain them. Ms. Wright stated they were told the only way to do this is through a vacation and if that's not the case, they are willing to consider this option.

MOTION

Dan Clinger made a motion to **recommend to City council to deny ALLEY/STREET VACATION PETITION #AV-02-2018 filed to vacate 7.5' off the south side of Elm Street along Lot 1377 of Barnd's First Addition also known as 916 S. Main Street.**

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (0) Abstain (0)

3. PETITION FOR ZONING AMENDMENT #ZA-01-2018 filed to rezone Lot 7 in the East Melrose Business Park on Keith Parkway from C-2 General Commercial to I-1 Light Industrial.

HRPC

General Information

This request is located at the end of a cul-de-sac on Keith Parkway. It is zoned C-2 General Commercial. Land to the south is also zoned C-2. To the east is zoned I-1 Light Industrial and C-2. To the north is I-1 Light Industrial in the City of Findlay and to the west is M-1 Restricted Industrial in Marion Township. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Regional Commercial.

Parcel History

This is currently a vacant lot.

Staff Analysis

The applicant is requesting to change a 5.299 acre lot from C-2 General Commercial to I-1 Light Industrial. It is located at the end of the cul-de-sac on Keith Parkway. Much of the surrounding area is already zoned I-1.

Staff Recommendation

HRPC Staff recommends that **FCPC recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-01-2018 filed to rezone Lot 7 in the East Melrose Business Park on Keith Parkway from C-2 General Commercial to I-1 Light Industrial.**

ENGINEERING

No Comment

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-01-2018** filed to rezone Lot 7 in the East Melrose Business Park on Keith Parkway from C-2 General Commercial to I-1 Light Industrial.

DISCUSSION

Mr. Clinger asked if anyone was there to represent this item. Ms. Scrimshaw said there was not. Mr. Clinger said we don't know what the light industrial use is, but going to industrial use generally creates heavier truck traffic. He stated he would be in favor of rezoning this but would want to see the major access for trucking hit the new roadway that's being built past the Nissan Brake Facility. Mr. Clinger asked if that could be a stipulation for the rezoning. Brian Thomas said a stipulation cannot be put on a rezoning, and Ms. Scrimshaw agreed. Mr. Thomas said the site plan would have to come to the commission. Ms. Scrimshaw stated that she recently saw the plans for splitting land in the area. There were apartments approved to go in on E Melrose on the west half of one lot abutting Crystal Glen Apartments. The applicant is getting the deeds ready to take care of that and split the lot. The large lot to the north of this is industrial. There is a strip running north along the east side of that lot which actually is a part of the lot down on Melrose. The plan is to add that piece to the lot in the rezoning request.

Ms. Scrimshaw stated that her concern was using Romick Pkwy. as access since it was built as a commercial type lot. She said that there's no difference in the type of pavement even if it's an industrial park according to Mr. Kalb, so that concern is no longer an issue. Ms. Scrimshaw stated that Dan Stone still needed to file a dedication of right-of-way plat for the extension of Production Drive that will serve Auto-Liv. So she is not sure exactly where that will come in relation to this lot and having access to that road. Dan Stone replied that the latest plan will have that street accessible to this lot. He stated it will be a heavy duty public roadway.

Mr. Clinger asked Ms. Scrimshaw if the land owner was selling the 80 foot wide strip there to the property. Ms. Scrimshaw stated that he already owns it and was going to attach it to the property. Mr. Stone said the intent is to take that strip and attach it to the piece being rezoned so it can be a developable property because due to the width and setback performance, nothing can be built on it currently. Mr. Clinger asked if that would have to come back later for a rezoning. Mr. Stone said it was being annexed. Ms. Scrimshaw stated that it is in the process of being annexed. Mr. Stone said they would request rezoning when they return to have the land annexed. Ms. Scrimshaw stated that the strip is currently zoned industrial in the township.

Mr. Cordonnier stated that due to the size of the lot, he doesn't expect there to be heavy semi-traffic coming through daily. Ms. Scrimshaw stated that there was maybe six acres when complete. Mr. Clinger mentioned that the traffic on Melrose gets pretty congested at times and the traffic would come out at a light onto Bright Road if they use Production Drive.

MOTION

Dan Clinger made a motion to **recommend approval to Findlay City council of PETITION FOR ZONING AMENDMENT #ZA-01-2018 filed to rezone Lot 7 in the East Melrose Business Park on Keith Parkway from C-2 General Commercial to I-1 Light Industrial.**

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (0) Abstain (0)

4. REQUEST TO RE-ESTABLISH A NON-CONFORMING USE NCU-01-2018 at 1205 E. Sandusky Street, Findlay, OH. The applicant wishes to conduct wholesale sales of heating/air conditioning/cooling equipment to contractors out of the existing buildings.

HRPC

General Information

This request is located on the south side of E. Sandusky Street just east of Williams Road. It is zoned R-2 Single Family Medium Density. Land to the west is also zoned R-2. To the east is zoned O-1 Institutions and Offices. To the north and south is R-1 Single Family Low Density. The very southwest corner is within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Office.

Parcel History

The only recent use of the property that we are aware of is a dental lab that was approved in 2006.

Staff Analysis

We attached a copy of the property history as traced by zoning records on file for the commission.

The potential buyer wishes to operate a wholesale business for heating/air conditioning/cooling equipment on the site. The property had been used for such a business many years ago.

It appears that this land was annexed into the City as an Agricultural business (Hancock Hybrids) in 1947. It was zoned B Residential when zoning was adopted in 1955. This created the original non-conforming use. The surrounding areas to the south and east were all rural at the time. The property has been zoned some form of residential for as long as it has been in the City. Therefore, all the uses since the 50's have been non-conforming.

The applicant is requesting to re-establish a use for the property that has not existed since the year 2000. This type of use is normally only permitted in an Industrial zoned area. A property loses its non-conforming status after 2 years of being dormant and the only way to get that status back is to appeal to Findlay City Council.

The site is in poor condition from years of neglect. Drive and parking surfaces are technically paved with asphalt but are generally deteriorated. The buildings as well are run down.

There is an odd situation related to a home directly west of the site (1201 E Sandusky). It appears that the house only has access through 1205 E. Sandusky to get to their garage. If this situation is to remain the same, we hope there is a valid easement of access recorded for the continuation with a new owner. Courthouse records show that the current owner of 1205 E Sandusky, Addison Acquisitions Enterprises, LLC recently sold 1201 E Sandusky to its current owner.

If Council would grant this request, staff would recommend that restoration of the buildings and grounds be a condition of approval. Screening should also be put in place around most of the site. There are new homes under construction directly south of the site in the Hunter's Creek subdivision. There are some trees along that property line but they do not go all the way to the west. Screening should also be placed around the home at 1201 E Sandusky Street. We realize that the situation has existed for many years in the current state, but feel that this request gives the City an opportunity to correct the situation to bring it up to today's standards.

Staff Recommendation

HRPC Staff recommends that **FCPC recommend approval to Findlay City Council of REQUEST TO RE-ESTABLISH A NON-CONFORMING USE NCU-01-2018 at 1205 E. Sandusky Street, Findlay for wholesale sales of heating/air conditioning/cooling equipment subject to the following:**

- **Proof of recorded easement of access between 1205 and 1201 E Sandusky Street (HRPC)**
- **Screening plan be approved by HRPC. (HRPC)**
- **General clean up, maintenance/repair of the site conditions.**

ENGINEERING

No Comment

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends that **FCPC recommend approval to Findlay City Council of REQUEST TO RE-ESTABLISH A NON-CONFORMING USE NCU-01-2018 at 1205 E. Sandusky Street, Findlay for wholesale sales of heating/air conditioning/cooling equipment subject to the following:**

- **Proof of recorded easement of access between 1205 and 1201 E Sandusky Street (HRPC)**
- **Screening plan be approved by HRPC. (HRPC)**
- **General clean up, maintenance/repair of the site conditions.**

DISCUSSION

Mr. Clinger asked the applicant what the existing facility is being used for, what the intent is for applicant's use, and if all buildings are being utilized. Scott Matthews stated that one of the buildings is currently being used as a dental lab, but isn't sure about the use of the rest of the buildings. He stated that they intend on using one building as a store for HVAC, and the rest of the buildings would be used for storage. Mr. Clinger asked if he was referring to the building on the east side of the property. The applicant said yes. Mr. Clinger asked if that is the dental lab. The applicant stated that it is. He said that he intends to remodel that building and create a store. Mr. Clinger asked if the existing building is currently empty or if it's being used for storage. The applicant stated that there is currently some storage in there along with some vehicles. Mr. Clinger asked if the HVAC store would need to utilize more storage other than the one building. The applicant stated that they would be using some of the storage in the other buildings down the line as the business grows. Mr. Clinger asked if he had any plans for restoration of the site and facilities. The applicant said that they want to dress the front of the property up and paint the buildings and change the signs to make it look better from the street. There is no intention to do a total renovation on all the buildings right away. Mr. Clinger asked if he was just painting the east building. The applicant stated that he would be painting and putting signs up on the large building that says "Thermal Transmission" and everything in the front area. He also intends to put in parking space in front of the east building along with some shrubs to make it look nicer. But he does not intend to tear up the buildings and remodel immediately.

Mr. Thomas brought up the recommendations from Ms. Scrimshaw and stated that he didn't see a way to require anyone to give someone else an easement. If there's not an easement between the two lots, he doesn't see a way to force them to be accountable and make them give them an easement. Mr. Thomas mentioned that it's hard to enforce specific cleanup and repair standards as a city.

Mr. Clinger asked the applicant if he foresaw any outside storage. The applicant said the outdoor storage would be minimal and possibly none at all. He brought up that they own several properties in Findlay and always maintain them and keep them in good shape, and intend to do the same with this building. He mentioned that the buildings on this property are rundown with trees growing out of them and he intends to clean that up, but doesn't want to put up any fencing as there is none currently. He feels that anything done there now would be a great improvement. Mr. Clinger mentioned that there is required screening for the property. The applicant stated that if screening is required, that may be a deal-breaker. They want to put the money into their business and into the store and don't want to spend thousands of dollars screening the property.

Marilyn Young, a neighbor of the property living on Williams St., asked if they would be paving the drive behind the building on the east side since it is currently gravel. The applicant said that he was not planning to do so at the current time. Ms. Young mentioned that there is a semi-truck that parks there from time to time. She asked how the entrance and exit would work since people do drive through there. She stated that the pavement on Williams St. is 16 feet wide and two vehicles cannot pass with that width. She mentioned that she has had people driving into both her and her neighbor's yard along with the other side of the road. Ms. Young stated that her main concern is the traffic, how much truck traffic, how large the trucks would be, and how often they would be coming through since there is an issue there currently. The applicant said he was guessing that they would only have four or five semi deliveries a year. He said most of the traffic would be vans, pickup trucks and vehicles like that. He said while he isn't exactly sure which driveway they would use, he imagined most of the traffic would be coming in off of Sandusky St. He noted that Williams St. is a mess as far as the stones and he does intend on cleaning that area up and put in a good stone driveway and possibly consider paving it down the line.

Mr. Clinger asked the commission if rezoning the parcel would be a better option than a nonconforming use. Mr. Cordonnier said that it was discussed and their recommendation, if that were proposed, they would recommend denial. Because there is neighboring office and residential uses, it doesn't fit the area despite the lot being very small. If they want to do something else with light industrial use, they'd have to come back to the board. Mr. Clinger stated that he thought something in their use is more likely to fall in the C-2 General Commercial category than light industrial. Mr. Cordonnier and Ms. Scrimshaw both stated that it wouldn't be. I-1 fits what they are doing – wholesale warehousing. Ms. Scrimshaw said she thinks they tried to rezone to C-2 previously but the request was denied. Mr. Clinger asked if a nonconforming use was allowed here, would it be for perpetuity or just for this particular ownership. Mr. Cordonnier said it would have to go dormant for two years. It has been dormant for light industrial use since 2000, but has been used as a lab.

Mr. Thomas asked if the screening would be all the way around the property or just along the west side. Ms. Scrimshaw pointed out where the screening needed to be placed. The rear of the lot (south) has some trees but they need to be filled in to the west. There are new homes under construction now in Hunters Creek behind this. We also recommend along the house to the west. Mr. Clinger asked if the screening on the south side was put in by the development. Ms. Scrimshaw stated that she was unsure. Ms. Young said the trees have been there at least 19 years, since they moved to that property.

Mr. Thomas stated that he didn't see a way to force the easement or general cleanup. Mr. Thomas said his recommendation would be to **recommend approval with the condition of working out the screening plan with HRPC. Jackie Schroeder seconded.**

Mr. Clinger said that he was concerned not having an easement, since the property owner is changing at this time, for access to the residential property. Mr. Cordonnier suggested that it may be more of a civil issue. Mr. Thomas said he didn't see a way to force a property owner to give this property owner an easement. Mr. Rasmussen said that we couldn't force them but the residential unit would likely have some prescriptive rights, but we cannot force them to enter into an agreement. Separate access may be an option as well.

Kristie Fox, the realtor for the property, stated that she spoke with the owners and they knew the other property was for sale at the time and that in the past, there had been a driveway going to Williams St. They were made aware that depending on who bought the property, they might need to do something with their driveway and possibly just have that driveway going back to Williams St. Mr. Clinger asked if the new property owner of the residence is aware of that. Ms. Fox stated that they were. She said both properties were for sale at the same time. So, when the owners bought the home, they were aware that the other property was for sale and there was potential, depending on who purchased, for them to keep that driveway in place or to move it back to Williams St as it was in previous years.

Ms. Young stated that the couple that lives in that home would have to go to and from the property to get to their driveway. Ms. Fox said they could extend the driveway to Williams and then come onto Williams to access their driveway. Ms. Young stated that the property does go onto Williams St. She asked if this would be at the owner's expense to extend their driveway. Ms. Scrimshaw said it would be. Ms. Young stated she felt like that was penalizing the couple. Ms. Fox stated that the couple was aware when they purchased the property. She said she was not their realtor but had met with once and discussed that.

MOTION

Brian Thomas made a motion to **approve REQUEST TO RE-ESTABLISH A NON-CONFORMING USE NCU-01-2018 at 1205 E. Sandusky Street, Findlay, OH. The applicant wishes to conduct wholesale sales of heating/air conditioning/cooling equipment to contractors out of the existing buildings subject to the following conditions:**

- **Screening plan approved by HRPC**

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (0) Abstain (0)

5. PRELIMINARY PLAT APPLICATION #PP-02-2018 for Glenmar Subdivision 1st Addition.

HRPC

General Information

This request is located off the west side of CR 140 north of CR 95 in Liberty Township. It is zoned R-1 One Family Residential in the Township. Parcels to the south and east are also zoned R-1. To the west is zoned Agriculture in Liberty township. Parcels to the north are zoned Agriculture in Portage Township. It is not located within the 100-year flood plain. The City Land Use Plan designates the area as Single Family Large Lot.

Parcel History

The Glenmar Subdivision was originally started in 2006. The last Preliminary Plat was reviewed and approved in 2016. A Final Plat for Glenmar Subdivision Second Addition-Plat 1 was approved in April, 2016.

Staff Analysis

This plat is the same as the one approved in 2013 for the southern part with Andrew Jackson Lane and the 2016 version that covered the area west of the ditch at the north end.

The west half of Andrew Jackson Lane was final platted so this preliminary covers the east half. There appears to be the exact same layout as in the previous plat with 15 lots.

In the northwest corner, the 2016 Preliminary plat had a short cul-de-sac and a total of 10 lots. The new version has reduced the lots to 8 and the cul-de-sac has been replaced with an “eyebrow” configuration.

Staff Recommendation

HRPC Staff recommends **approval of PRELIMINARY PLAT APPLICATION #PP-02-2018 for Glenmar Subdivision 1st Addition.**

ENGINEERING

No Comment

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends **approval of PRELIMINARY PLAT APPLICATION #PP-02-2018 for Glenmar Subdivision 1st Addition.**

DISCUSSION

Mr. Clinger asked if they had seen this application previously. Ms. Scrimshaw said they had. Mr. Thomas asked if the reason the preliminary plat was being resubmitted was because it had been over a year. Ms. Scrimshaw said that was the case and they did make a change in one of the corners, and the old preliminary plat had expired so it needed to be resubmitted before moving onto the final plat.

MOTION

Brian Thomas made a motion to **approve PRELIMINARY PLAT APPLICATION #PP-02-2018 for Glenmar Subdivision 1st Addition.**

2nd: Dan Clinger

VOTE: Yay (3) Nay (0) Abstain (0)

6. FINAL PLAT APPLICATION #FP-03-2018 for Glenmar Subdivision 1st Addition Plat 2.

HRPC

General Information

This request is located off the west side of CR 140 north of CR 95 in Liberty Township. It is zoned R-1 One Family Residential in the Township. Parcels to the south and east are also zoned R-1. To the west is zoned Agriculture in Liberty township. Parcels to the north are zoned Agriculture in Portage Township. It is not located within the 100-year flood plain. The City Land Use Plan designates the area as Single Family Large Lot.

Parcel History

The preliminary plat for this subdivision was reviewed in the previous item.

Staff Analysis

This portion of the subdivision is a continuation of Andrew Jackson Lane to the east and curving north to eventually connect it with Glenmar Parkway.

The lots and common areas are the same as in a plat that was approved in 2013.

Staff Recommendation

HRPC Staff recommends **approval of FINAL PLAT APPLICATION #FP-03-2018 for Glenmar Subdivision 1st Addition Plat 2.**

ENGINEERING

Engineering has some minor comments on the construction drawings and will be working with the consultant to get those addressed

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends **approval of FINAL PLAT APPLICATION #FP-03-2018 for Glenmar Subdivision 1st Addition Plat 2 subject to the following:**

- **Modifications to the construction drawings to the satisfaction of the Engineering Department. (ENG)**

DISCUSSION

Mr. Clinger asked Mr. Kalb if when working with the applicant on the fire hydrants if they would need to meet the Liberty Township standards. Mr. Kalb said it would and engineering would just be giving suggestions of what they think but the township would still have to approve.

MOTION

Dan Clinger made a motion to **approve FINAL PLAT APPLICATION #FP-03-2018 for Glenmar Subdivision 1st Addition Plat 2.**

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (0) Abstain (0)

7. PRELIMINARY PLAT APPLICATION #PP-03-2018 filed for Best Liberty Addition.

HRPC

General Information

This subdivision is located south of SR 12 and east of CR 9 in Liberty Township. It is zoned R-2 One Family Residential in the Township. Parcels to the south and east are also zoned R-2. To the west and north is zoned A-1 Agriculture. It is not located within the 100-year flood plain. The City Land Use Plan designates the area as Single Family Large Lot.

Parcel History

This is currently farmland which was once proposed as a part of the Liberty Dold Subdivision. The last phase of that subdivision was done in 2001.

Staff Analysis

This plat will fill out the southern portion of the area that had been proposed to be a part of the Liberty Dold Subdivision.

The street layout appears to be the same as the original proposal for the area. There are 47 new residential lots and a lot for the detention area at the south end.

The Liberty Township zoning resolution requires 75' of frontage and 10,000 square feet in the R-2 district. Lot 220 on Shaffer Street is only 9,857 square feet. The developer will need to confirm with the Township if this will need a variance in order to be buildable.

The street names have been carried over from the prior subdivision, as most of them are continuations of prior streets. The name of the north/south street on the east side connecting Moulton Drive and Early Drive was changed to Eagles Edge Drive. The stub street going east from Eagles Edge Drive to the vacant land is labelled Eagle's Talon. These will have to be changed. We are trying to get away from repetitive forms of the same names as it often creates confusion particularly for emergency response. We currently have Eagle Street, Eagle Drive, Eagle Ridge Drive, Golden Eagle Drive and Eagle Hill Ct. in the County.

Staff Recommendation

HRPC Staff recommends **approval of PRELIMINARY PLAT APPLICATION #PP-03-2018 filed for Best Liberty Addition subject to:**

- **New unique names for Eagles Edge Drive and Eagle's Talon. (HRPC)**

ENGINEERING

No Comment

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends **approval of PRELIMINARY PLAT APPLICATION #PP-03-2018 filed for Best Liberty Addition subject to:**

- **New unique names for Eagles Edge Drive and Eagle's Talon. (HRPC)**

DISCUSSION

Mr. Clinger asked if the detention area to the south is for the entire corner development. Mr. Stone said it is for the entire Dold Subdivision, from County Road 88 over to CR 9 and has been redesigned a few times. Mr. Clinger asked if Gateway dumps into that. Mr. Stone said a portion of it does. He stated that they worked with the county and the homeowners association a few years ago and they doubled the size of the pond so that it would have plenty of capacity to meet the standards. He said the pond was designed with a zero-outlet to hold 100-year elevation without overtopping the pond. Mr. Stone said they looked at it several ways to make sure it works because of the previous history of the subdivision and the ditch backing up. He said it still needed to go back through the County for their review as well.

Mr. Clinger asked if the corner is developed near CR 12 and CR 9, would the pond be for that area as well. Mr. Stone said as long as it stays as single family residential and the impervious area doesn't increase too much, then yes it is. Mr. Clinger asked if development continues to the east if a new system would need to be installed. Mr. Stone said a separate system would need to be put in with a separate outlet.

Mr. Clinger stated he noticed the one lot was small with no way in. Mr. Stone said the only way to take care of that is by putting in an S curve and reverse curves in roadways. He said he already spoke with the township and zoning doesn't have an issue with it. He said they're just working with what's left and are going through the process of review and approval right now.

MOTION

Dan Clinger made a motion to **approve PRELIMINARY PLAT APPLICATION #PP-03-2018 filed for Best Liberty Addition subject to the following conditions:**

- **New unique names for Eagles Edge Drive and Eagle's Talon**

2nd: Brian Thomas

VOTE: Yay (3) Nay (0) Abstain (0)

8. FINAL PLAT APPLICATION #FP-04-2018 filed for Best Liberty Addition.

HRPC

General Information

This subdivision is located south of SR 12 and east of CR 9 in Liberty Township. It is zoned R-2 One Family Residential in the Township. Parcels to the south and east are also zoned R-2. To the west and north is zoned A-1 Agriculture. It is not located within the 100-year flood plain. The City Land Use Plan designates the area as Single Family Large Lot.

Parcel History

The preliminary plat for this subdivision was reviewed in the previous item.

Staff Analysis

This phase of the subdivision will extend Shaffer Street and Colonel Drive south to connect with the extension of Early Drive. It will create 24 new residential building lots and the detention lot at the south end.

The lots are laid out as shown in the Preliminary Plat.

Staff Recommendation

HRPC Staff recommends **approval of FINAL PLAT APPLICATION #FP-04-2018 for BEST LIBERTY ADDITION subject to:**

- **Submission of a revised Preliminary Plat (HRPC)**

ENGINEERING

Engineering has some minor comments on the construction drawings and will be working with the consultant to get those comment addressed

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends **approval of FINAL PLAT APPLICATION #FP-04-2018 for BEST LIBERTY ADDITION** subject to:

- **Submission of a revised Preliminary Plat (HRPC)**
- **Modifications to the construction drawings to the satisfaction of the Engineering Department. (ENG)**

DISCUSSION

None.

MOTION

Brian Thomas made a motion to **approve FINAL PLAT APPLICATION #FP-04-2018 filed for Best Liberty Addition** subject to the following conditions:

- **New unique names for Eagles Edge Drive and Eagle's Talon**
- **Construction drawings modified to the satisfaction of Engineering**

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (0) Abstain (0)

Brian Thomas made a motion to **lift APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling from the table.**

2nd: Dan Clinger

VOTE: Yay (3) Nay (0) Abstain (0)

Dan Stone requested that **APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling, 1329 Woodworth Drive, Findlay to operate a child care facility at 800 Canterbury Drive be removed from the table.**

Brian Thomas made a motion to remove Application #CU-01-2018 from the table. Seconded by Dan Clinger. Motion approved 3-0-0.

APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling, 1329 Woodworth Drive, Findlay to operate a child care facility at 800 Canterbury Drive.

HRPC

General Information

This request is located on the west side of Canterbury Drive just south of the intersection with Tiffin Avenue. It is zoned O-1 Institutions and Offices. Property to the north and west is also zoned O-1. To the south and east is zoned R-1 Single Family Low Density. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Office.

Parcel History

This is currently a vacant single family home.

Staff Analysis

The applicant has submitted drawings from Van Horn, Hoover with the driveway layout. There are also seven parking spaces shown on the site in the plan.

The privacy fence is shown in the back yard and the HVAC/trash area is enclosed.

A handicapped ramp will be constructed across the front of the building for access to the entry.

Staff feels that the applicant has addressed the concerns of the Commission with this submittal and recommends approval.

DISCUSSION

Mr. Stone said that they went out and located everything and came up with a parking and maneuverability plan. They will be putting in shrubs around the parking area to meet landscaping requirements. He said they wanted to make sure there was an ADA ramp because there is about eighteen inches of elevation difference from the first floor down to the grade. Therefore, the porch is going to be redone so it is flush with the ramp. Mr. Clinger said that the ramp might need to be a five feet wide ramp rather than just four feet wide. Mr. Stone said he understood and said that would still give them nineteen and a half feet for the driveway and fourteen feet is what is required for angled parking. He said that Ms. Poling has an architect working on the building modifications as well. Mr. Clinger said because more steps are being added to the north of the stoop, he suggests that more pavement be added to the north side of the parking area so that the cars can be shifted away from the steps another five feet. Mr. Stone said that they will work with the architect on reconfiguring the front so that it all works. He said there is enough room to work it all out for both steps and the ADA ramp.

Mr. Clinger stated that he felt this was a good solution to this property and asked if the two curb cuts would be an issue for the property. Ms. Scrimshaw said Mr. Thomas would have to approve. Mr. Thomas stated he wouldn't have to as long as it isn't fifty-one feet on the north entrance, and said he thinks it was mislabeled and should be forty-eight feet. He said with the traffic volume on that street and the one-way in and one-way out, there shouldn't be an issue.

MOTION

Dan Clinger made a motion to **approve APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling, 1329 Woodworth Drive, Findlay to operate a child care facility at 800 Canterbury Drive.**

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (0) Abstain (0)

ADJOURNMENT

Lydia L. Mihalik
Mayor

Brian Thomas, P.E., P.S.
Service Director

**FINDLAY CITY COUNCIL
CARRY-OVER LEGISLATION
April 3, 2018**

ORDINANCE NO. 2018-024 (*2350 Keith Pkwy rezone*) requires three (3) readings **second reading**
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 2350 KEITH PARKWAY REZONE) WHICH PREVIOUSLY WAS ZONED "C2 GENERAL COMMERCIAL" TO "I-1 LIGHT INDUSTRIAL".

ORDINANCE NO. 2018-025 (*South St vacation*) requires three (3) readings **second reading**
AN ORDINANCE VACATING A CERTAIN ALLEY (HEREINAFTER REFERED TO AS SOUTH STREET VACATION) IN THE CITY OF FINDLAY, OHIO.

ORDINANCE NO. 2018-026 (*2017 Ordinances & Resolution changes*) requires three (3) readings **second reading**
AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE FINDLAY CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

City of Findlay

Office of the Director of Law

318 Dorney Plaza, Room 310
Findlay, OH 45840
Telephone: 419-429-7338 • Fax: 419-424-7245

Donald J. Rasmussen
Director of Law

APRIL 3, 2018

THE FOLLOWING IS THE NEW LEGISLATION TO BE PRESENTED TO THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO, AT THE TUESDAY, APRIL 3, 2018 MEETING.

RESOLUTIONS

008-2018 A RESOLUTION COMMENDING REBECCA GREENO FOR THE EXCELLENCE OF HER SERVICES TO THE CITY OF FINDLAY, OHIO.

ORDINANCES

- 2018-027 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.
- 2018-028 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.
- 2018-029 AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.
- 2018-030 AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO WAIVE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT OR CONTRACTS FOR THE REPLACEMENT OF STORM SEWER ON NORTH BLANCHARD STREET, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING A REAL AND PRESENT EMERGENCY.
- 2018-031 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.
- 2018-032 AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.
- 2018-033 AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.
- 2018-034 AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.
- 2018-035 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.
- 2018-036 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO PARTNER WITH HANCOCK COUNTY BY ENTERING INTO A PARTNERSHIP AGREEMENT FOR THE ADMINISTRATION OF THE COMMUNITY HOUSING IMPACT AND PRESERVATION (HEREINAFTER REFERRED TO AS "CHIP") PROGRAM FOR THE PURPOSE OF ADDRESSING LOCAL HOUSING NEEDS WITHIN HANCOCK COUNTY, OHIO, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 008-2018

A RESOLUTION COMMENDING REBECCA GREENO FOR THE EXCELLENCE OF HER SERVICE TO THE CITY OF FINDLAY, OHIO.

WHEREAS, Rebecca Greeno who has served the City of Findlay, Ohio, for over thirty (30) years as a dedicated and loyal employee has retired effective March 31, 2018. Becky began her career with the City as a Clerk in the office of the Service-Safety Director on February 22, 1988. She was promoted to Secretary to the Director in 1990 and then transferred to the Mayor's Office to serve as the City Clerk on February 1, 1991. In January 1996, she began serving as the Secretary to the Service-Safety Director, was promoted to Secretary III in June of 2000, and to City Clerk again in August of 2002. Becky served as the City Clerk until the inception of the Neighborhood Enhancement and Abatement Team (N.E.A.T.) in May of 2004, a position she held until her retirement. NEAT began as a team of five (5) individuals to handle property complaints of all types throughout the City. Through attrition and retirement, NEAT has been an "Army of One" since December of 2009. In that time period from 2009 to present, Becky has single-handedly handled over 10,000 complaints throughout the City of Findlay, and;

WHEREAS, Becky has received several commendations during her tenure with the City. These include a commendation for her work with Make a Difference Ohio Day in 2004, for her work on the Y2K committee, for her work on the Fort Findlay Playground, her assistance with the Call Center during a severe snowstorm and the Historic flood of 2007, as well as a windstorm in 2012. She has served with the Call Center since its inception during times of crisis in the City, and;

WHEREAS, Becky has been involved with several work related groups throughout the community. She has served on the steering committee of the Backyard Mission Trip since its inception and is proud of its growth throughout Hancock County. Becky has served on Millstream Career Center Advisory Committees since 2006 and was the recipient of the Distinguished Alumni Award from Millstream Career Center in 2015. She was nominated for the Athena Award in 2012. One of her outstanding accomplishments during her thirty (30) years of service was the reuniting of two (2) sisters from France who were separated when one married a man from Findlay and returned to the United States with him, and;

WHEREAS, Becky has served the City of Findlay through five (5) Mayors as well as fourteen (14) Service and/or Safety Directors. Additionally, through NEAT she has served under the direction of five (5) different Police Chiefs. Becky has also developed and maintained an excellent working relationship with citizens and various entities throughout the community, and;

WHEREAS, during her thirty (30) years of service to the City of Findlay, Ohio, Becky has performed as an exemplary public servant with outstanding work ethic and in a loyal and dedicated manner to the citizens of the City of Findlay, Ohio through her responsibilities within the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Findlay, State of Ohio:

SECTION 1: That the said Rebecca Greeno be and she is hereby commended for her long and loyal service to her City, and that this Council extends its best wishes to Becky upon her retirement from the City of Findlay, Ohio.

SECTION 2: This Resolution shall take effect and be in force from and after the earliest period provided by law.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-027

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM: Sewer Fund (sewer rotary restricted account) \$ 10,641.64
TO: WPC #25061000-other \$ 10,641.64

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that funds paid to the City of Findlay may be transferred to the County for work they performed,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-028

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM:	General Fund	\$ 37,000.00
TO:	Recreation Functions #21044400-other	\$ 37,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that replacement projects at the CUBE may proceed,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-029

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated and transferred:

FROM: CIT Fund – Capital Improvements Restricted Account	\$ 40,000.00
TO: Replace GIS Software <i>Project No. 31984200</i>	\$ 40,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate and transfer funds so that upgraded GIS software may be purchased,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-030

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO TO WAIVE FORMAL ADVERTISING AND BIDDING REQUIREMENTS AND ENTER INTO A CONTRACT OR CONTRACTS FOR THE REPLACEMENT OF STORM SEWER ON NORTH BLANCHARD STREET, APPROPRIATING AND TRANSFERRING FUNDS THERETO, AND DECLARING A REAL AND PRESENT EMERGENCY.

WHEREAS, due to the serious disrepair of said storm sewers in the North Blanchard Street area, it is the desire of this Council to authorize the Service Director of the City of Findlay, Ohio to waive formal advertising and bidding requirements, hire a contractor or contractors to replace said storm sewers, and appropriate funds for said replacement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Service Director of the City of Findlay, Ohio be and he is hereby authorized to waive formal advertising and bidding requirements and enter into a contract or contracts for the replacement of said sewer.

SECTION 2: That the following sums be and the same are hereby appropriated and transferred:

FROM:	Sewer Fund – Stormwater Restricted Account	\$ 260,000.00
TO:	North Blanchard Street Storm Sewer Replacement <i>Project No. 35584300</i>	\$ 260,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate funds so that storm sewers for the above location may be replaced,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-031

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM:	Sewer Fund	\$ 108,000.00
TO:	Annual Sewer & Manhole Lining Program <i>Project No. 35674400</i>	\$ 108,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that the manhole lining portion of the aforementioned project can proceed,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-032

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated and transferred:

FROM: CIT Fund – Capital Improvements Restricted Account \$ 6,000.00
TO: Blanchard St/Sixth St Intersection Upgrade *Project No. 32842500* \$ 6,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate and transfer funds so that survey work, plan preparation and right-of-way work documentation may proceed for the aforementioned project,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-033

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated and transferred:

FROM: CIT Fund – Capital Improvements Restricted Account \$ 1,500.00
TO: Areas B-4 & B-6 Sewer Separation, Phase 1 *Project No. 32556000* \$ 1,500.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate and transfer funds so that permit fees and legal advertisements may be paid,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-034

AN ORDINANCE APPROPRIATING AND TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated and transferred:

FROM: CIT Fund – Capital Improvements Restricted Account	\$ 62,000.00
TO: Rubber Flooring for Arena Area <i>Project No. 31982900</i>	\$ 62,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate and transfer funds so that the aforementioned project may proceed,

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-035

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 Design Review District.
- G. "Member" means any Member of the 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 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 Administration 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 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 DESIGN REVIEW BOARD ESTABLISHED.

A. Composition of the Board

There is hereby established a 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 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 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 Administration or the Board's approval of any alteration, respectively, shall be secured before any work may commence. 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 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.
8. 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.

PRESIDENT OF COUNCIL

MAYOR

PASSED _____

ATTEST _____
CLERK OF COUNCIL

APPROVED _____

ORDINANCE NO. 2018-036

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF FINDLAY, OHIO, TO PARTNER WITH HANCOCK COUNTY BY ENTERING INTO A PARTNERSHIP AGREEMENT FOR THE ADMINISTRATION OF THE COMMUNITY HOUSING IMPACT AND PRESERVATION (HEREINAFTER REFERRED TO AS "CHIP") PROGRAM FOR THE PURPOSE OF ADDRESSING LOCAL HOUSING NEEDS WITHIN HANCOCK COUNTY, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Council and the Administration have reviewed such proposal and do desire to ratify and adopt said agreement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Mayor be and she hereby is authorized to partner with Hancock County by entering into a Partnership Agreement for the administration of the Community Housing Impact and Preservation Program, a copy of said agreement is attached hereto and made a part hereof as though fully rewritten herein, marked "Exhibit A".

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to enter into said partnership with Hancock County, and also enter into said agreement with CHIP, so that various housing needs of low to moderate income residents of Hancock County may be addressed,

WHEREFORE, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PRESIDENT OF COUNCIL

MAYOR

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____